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Health Services Amendment (Mandatory Vaccination of Healthcare Workers) Bill 2020

A Bill for an Act to amend the Health Services Act 1988 and the Ambulance Services Act 1986 to provide for directions relating to the vaccination of persons employed or engaged by certain hospitals, health service establishments and ambulance services and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

(a) to amend the Health Services Act 1988—

(i) to enable the Secretary of the Department of Health and Human Services to direct public hospitals,
denominational hospitals and health service establishments to require the persons they employ or engage to be vaccinated against specified diseases; and

(ii) to enhance the protection of the health and safety of patients and employees of public hospitals, denominational hospitals and health service establishments; and

(b) to amend the **Ambulance Services Act 1986**—

(i) to enable the Secretary of the Department of Health and Human Services to direct ambulance services to require persons they employ or engage to be vaccinated against specified diseases; and

(ii) to enhance the protection of the health and safety of patients and employees of ambulance services.

2 **Commencement**

This Act comes into operation on the day after the day on which this Act receives the Royal Assent.
Part 2—Amendment of Health Services Act 1988

3 Definitions—Health Services Act 1988

In the definition of *Department* in section 3(1) of the *Health Services Act 1988*, after "Health" insert "and Human Services".

4 Hospital must comply with directions of Secretary

(1) After section 42(1)(c) of the *Health Services Act 1988* insert—

"(ca) the requirements for specified persons, or a specified class of persons, employed or engaged by the hospital to be vaccinated against or prove immunity to specified diseases, including the consequences of non-compliance for those persons as employees or persons engaged by the hospital;".

(2) After section 42(2A) of the *Health Services Act 1988* insert—

"(2B) A direction under subsection (1)(ca), or compliance by a hospital or a person with that direction, does not constitute discrimination on the basis of political belief or activity or religious belief or activity for the purposes of the *Equal Opportunity Act 2010*.".
Part 2—Amendment of Health Services Act 1988

5 Suspension of registration of health service establishment in relation to provision of specified prescribed health service

After section 100(1)(d) of the Health Services Act 1988 insert—

"(da) the proprietor of the health service establishment has failed to comply with a direction of the Secretary under section 105A; or".

6 Suspension of registration of health service establishment

After section 101(1)(d) of the Health Services Act 1988 insert—

"(da) the proprietor of the health service establishment has failed to comply with a direction of the Secretary under section 105A; or".

7 Revocation of registration of health service establishment

After section 102(1)(c) of the Health Services Act 1988 insert—

"(ca) has failed to comply with a direction of the Secretary under section 105A; or".

8 New section 105A inserted

After section 105 of the Health Services Act 1988 insert—

"105A Directions of Secretary regarding vaccinations or immunity

(1) The Secretary, for the purpose of protecting the health and safety of patients, may in writing direct the proprietor of a health service establishment to require persons employed or engaged by the health service
establishment to be vaccinated against, or prove immunity to, a disease.

(2) A direction under subsection (1) may be given generally or in relation to a specified health service establishment or class of health service establishment.

(3) A direction under subsection (1) must specify—

(a) the persons or class of persons to whom the requirement is to apply; and

(b) the disease in relation to which the persons or class of persons are to be vaccinated or prove immunity.".
Part 3—Amendment of Ambulance Services Act 1986

9 Definitions—Ambulance Services Act 1986

In the definition of Secretary in section 3(1) of the Ambulance Services Act 1986, after "Health" insert "and Human Services".

10 General powers of the Secretary

(1) After section 10(4)(c) of the Ambulance Services Act 1986 insert—

"(ca) requirements for specified persons, or a specified class of persons, employed or engaged by the ambulance service to be vaccinated against or prove immunity to specified diseases, including the consequences of non-compliance for those persons as employees or persons engaged by the service; and".

(2) After section 10(4) of the Ambulance Services Act 1986 insert—

"(4A) A direction under subsection (4)(ca), or compliance by an ambulance service or a person with that direction, does not constitute discrimination on the basis of political belief or activity or religious belief or activity for the purposes of the Equal Opportunity Act 2010.".
Part 4—Repeal of this Act

11 Repeal of this Act

This Act is repealed on the anniversary of the day on which this Act receives the Royal Assent.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
Endnotes

1 General information