



Queensland

# Health Sector Immunity Youth Act 2022

**Youth Act No. 54 of 2022**

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**An Act to impose a blanket vaccine mandate for particular purposes of ensuring herd immunity**

**[Assented to 20 October 2022]**





Queensland

# Health Sector Immunity Youth Act 2022

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**The Youth Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Health Sector Immunity Youth Act 2022*.

### **2 Commencement**

This Youth Act commences on a day to be fixed by proclamation.

### **3 Purposes of Act**

The purposes of this Youth Act are—

- (a) to ensure the safety of those who are susceptible to diseases or illnesses that can be avoided via necessary vaccination of health sector staff and visitors; and
- (b) to alleviate pressures on the healthcare system; and
- (c) to contain and prevent the spread of outbreaks.

### **4 Youth Act binds all persons**

This Youth Act binds all persons including the State and to the extent the legislative power of the Parliament permits, the Commonwealth and other States and Territories.

## Part 2 Principles

### 5 Principles

The principles that underpin this Youth Act are that—

- (a) human life and health are of fundamental importance; and
- (b) the government has a duty to protect the population from high-risk factors through countermeasures that have been proven to be safe and effective; and
- (c) a person's freedom of thought, conscience, religion and belief and enjoyment of their culture should be respected; and
- (d) the personal freedom of a choice may never be overridden, regardless of circumstance.

## Part 3 Interpretation

### 6 Definitions

*eligible person* means a Queensland resident who has lived in the state of Queensland for 6 months or greater and is of the recommended age and health status required for vaccine administration as outlined in the Australian Immunisation Handbook.

*funeral costs* means reasonable expenses in connection with the funeral, and burial or cremation of a vaccine recipient who died from a prescribed vaccine up to the value of \$15,000.00.

*immunisation provider* means a person deemed appropriately qualified to administer a prescribed vaccine by the Australian Technical Advisory Group on Immunisation.

*the Minister* means the Minister for Health.

*vaccine indemnity scheme* means the scheme established in section 16 of this Act.

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## **7 Meaning of *prescribed vaccine***

- (1) A *prescribed vaccine* is a vaccine included in the Therapeutic Goods Administration (TGA) that is indicated for active immunisation to prevent the following—
  - (a) COVID-19;
  - (b) Meningococcal (ACWY)
  - (c) Influenza;
  - (d) Hepatitis A;
  - (e) Tuberculosis (BCG vaccine).
- (2) The Youth Governor in Council may, on the advice of the Chief Health Officer, make regulations to vary the prescribed vaccines in subsection (1).

## **8 Meaning of *out of pocket expenses***

*Out of pocket expenses* means amounts paid by or on behalf of the vaccine recipient for treatment most likely required as a result of the harm, including—

- (a) consultations with treatment providers;
  - (b) medication;
  - (c) medical aids;
  - (d) medical appliances;
  - (e) reasonable travel; and
  - (f) accommodation expenses
- incurred in connection with receiving treatment.

## **9 Meaning of *care service***

A *care service* means a—

- (a) service of a domestic nature; or
- (b) service relating to nursing; or

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- (c) service that aims to alleviate the consequences of a severe adverse reaction which—
  - (i) has been or is to be provided to the vaccine recipient;
  - (ii) is most likely required as a result of the severe adverse reaction.

## 10 Meaning of *lost earnings*

- (1) *Lost earnings* means the amount of income, calculated on a gross or pre-tax basis, which has not been, or will not be, received by the vaccine recipient most likely as a result of the harm.
- (2) Lost earnings do not include—
  - (a) any paid sick leave entitlements;
  - (b) any income-related government social security payments or benefits paid or payable to the vaccine recipient, during the period in which the severe adverse reaction is suffered except to the extent that such payments or benefits were most likely reduced as a result of the severe adverse reaction;
  - (c) any loss of business profits or adverse impacts on business operations, except to the extent that the vaccine recipient's individual income was reduced as a result of the severe adverse reaction.

## 11 Meaning of *mild adverse reaction*

*Mild adverse reaction* means—

- (a) headache; or
- (b) fatigue; or
- (c) injection site reaction; or
- (d) muscle or joint pain; or
- (e) dizziness; or



- (f) diarrhoea; or
- (g) pain in extremity; or
- (h) fever; or
- (i) insomnia; or
- (j) nausea; or
- (k) vomiting; or
- (l) lethargy; or
- (m) hyperhidrosis; or
- (n) chills; or
- (o) decreased appetite; or
- (p) lymphadenopathy; or
- (q) abdominal pain; or
- (r) pruritus; or
- (s) urticaria; or
- (t) rash; or
- (u) influenza-like illness; or
- (v) angioedema; or
- (w) anxiety-related reactions such as hyperventilation and fainting.

## **12 Meaning of *severe adverse reaction***

*Severe adverse reaction* means—

- (a) anaphylactic reaction; or
- (b) thrombosis and thrombocytopenia syndrome; or
- (c) myocarditis; or
- (d) pericarditis; or
- (e) capillary leak syndrome; or

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- (f) demyelinating disorders including Guillain Barre Syndrome (GBS); or
- (g) thrombocytopenia, including immune thrombocytopenia, identified as a final diagnosis; or
- (h) death.

### **13 Meaning of *listed place***

*Listed place* means a—

- (a) public hospital; or
- (b) private hospital; or
- (c) residential aged care facility; or
- (d) disability accommodation service; or
- (e) retirement accommodation; or
- (f) medical centre; or
- (g) general practitioner office; or
- (h) pharmacy; or
- (i) optometrist; or
- (j) audiologist; or
- (k) specialist medical service office; or
- (l) dental surgery; or
- (m) community health clinic; or
- (n) blood collection centre; or
- (o) rehabilitation facility; or
- (p) respite facility; or
- (q) hospice facility; or
- (r) ambulatory surgical centre; or
- (s) ambulance station; or

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## Part 4 Provisions

### 14 Minister to provide free prescribed vaccinations

The Minister must take all appropriate steps to—

- (a) vaccinate all eligible health sector workers; and
- (b) select and purchase safe and effective prescribed vaccines approved by the Therapeutic Goods Administration (TGA); and
- (c) provide sites where vaccinations can safely take place at reasonable distances from communities; and
- (d) employ appropriately qualified immunisation providers and a trained workforce for vaccines delivered at Government run vaccination sites; and
- (e) arrange the safe transportation of vaccine doses from suppliers to storage and administration sites; and
- (f) ensure all eligible persons receive prescribed vaccines with eligibility determined by the Australian Technical Advisory Group on Immunisation (ATAGI); and
- (g) prioritise at-risk population groups for immunisation, as advised by ATAGI; and
- (h) ensure immunisation providers remain compliant with their safety, ethical and reporting obligations under the *Public Health Act 2005* (Qld); and
- (i) ensure that appropriate data collection and monitoring systems are in place via the use of the Australian Immunisation Register; and
- (j) provide vaccinated persons with an electronic and paper certification of the vaccines received.

### 15 Vaccine indemnity scheme established

- (1) A vaccine indemnity scheme for persons who suffer an adverse reaction from a prescribed vaccination is established.

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- (2) The scheme does not cover mild adverse reactions unless a medical practitioner believes that the person has such a combination of symptoms from a prescribed vaccination that they are unable to work for a period of time.
- (3) The vaccine indemnity scheme is to cover, where appropriate—
  - (a) out of pocket expenses; and
  - (b) care services; and
  - (c) lost earnings; and
  - (d) funeral coststo people who suffer a severe adverse reaction.
- (4) The Minister may make regulations as appropriate for the management of the scheme.

## **16 Exemptions to section 15**

- (1) The Minister may excuse an otherwise eligible person from being vaccinated for a specific disease under section 17, if the person obtains a medical certificate from a medical practitioner stating that that person has a legitimate reason to not be vaccinated for that specific disease.
- (2) For the purpose of subsection (1), a legitimate reason is that—
  - (a) the person is at serious risk of having a severe adverse reaction to a prescribed vaccine; or
  - (b) there is evidence that the person will not acquire immunity from the disease despite having a vaccination; or
  - (c) the person has already been infected with that disease and cannot catch it again or spread it further; or
  - (d) the person's religious beliefs or motives do not align with administering the prescribed vaccines; or
  - (e) the person is opposed to the prescribed vaccines due to exceptional circumstances as prescribed by regulation.

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## **Part 5                      Enforcement**

### **17      Entry requirements**

- (1) A health sector worker who is unvaccinated and not otherwise exempt under section 19, may only enter and remain at a listed place where the person who owns, controls or occupies the listed place has displayed signage notifying persons wishing to enter the listed place that unvaccinated persons are allowed to enter.
- (2) A health sector worker who is not up to date with their prescribed vaccinations and not otherwise exempt who wants to enter a listed place must only do so if they are—
  - (a) following an exemption to entry requirements under section 22; or
  - (b) a person who owns, controls or occupies the listed place displays signage under subsection 1.

### **18      Listed places to comply with entry requirements**

- (1) A person who owns, controls or operates a listed place may—
  - (a) comply with the entry requirements under section 18; and
  - (b) take reasonable steps to ensure that staff comply with the entry requirements; and
  - (c) clearly display the requirement for staff to be fully vaccinated or otherwise exempt.
- (2) Where a listed place is co-located with a non-listed place, only the part of the venue where the listed place is will be subject to subsection 1, unless there is no way to distinguish the two places in which case the whole venue will be subject to subsection 1.

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## **19 Exemptions to entry requirements**

A person who owns, controls or occupies a listed place must not enforce entry requirements upon a person entering a listed place if they are—

- (a) doing so for the purposes of obtaining a prescribed vaccination or prescribed vaccinations and only remain for those purposes; or
- (b) responding to a safety risk, emergency or to provide an emergency service or providing any other emergency repair work; or
- (c) undertaking a function under this Act or any other Act or regulation, where delay in carrying out the function would pose a safety risk; or
- (d) undertaking official union duties in response to an emergent need; or
- (e) experiencing a critical workforce shortage under section 24 and are allowing workers to enter to resolve that shortage.

## **20 Failure to comply with entry requirements**

- (1) A person who attempts to enter a listed place who is not vaccinated or otherwise exempt or otherwise allowed in a listed place under this Youth Act must be refused entry to the listed place.
- (2) A person who is refused entry under subsection 1 commits an offence if the person fails to comply with a valid refusal of entry without a reasonable excuse.

Maximum penalty—2 penalty units.

- (3) A person who owns, controls or occupies a listed place commits an offence if the person fails to display signage notifying persons entering the listed place that the owner or occupier of the listed place allows non-vaccinated persons to enter the listed place.

## **21 Critical workforce shortages**

- (1) A person who owns, controls or occupies a listed place and is experiencing critical workforce shortages may, for a period of seven days, allow unvaccinated workers to enter the place to work in or provide services so long as the person who owns, controls or occupies the listed place has mitigated the risk.
- (2) For the purposes of subsection 1, a critical workforce shortage occurs if—
  - (a) the place has no other available workers; and
  - (b) the position must be filled in the interim period before another worker is available.
- (3) For the purposes of subsection 1, the risk is mitigated if—
  - (a) the person who owns, controls or occupies the listed place has assessed the risks; and
  - (b) created a plan to minimise the risk of the worker spreading a disease which includes the worker wearing Personal Protective Equipment.