For Employers

For information, please read the Public and Environmental Health Act and the CHO directions themselves. There has been a lot of misinformation spread in press conferences and in the media on this issue;

- To be valid, CHO directions need to be made in accordance with the law. Direction No 55 (the mandatory vaccination direction) is most likely unlawful. Not only does it go beyond the powers specifically given to the CHO in the Public and Environmental Health Act, the Commonwealth Privacy Act prohibits the collecting of information in this manner, and many other Acts and other laws are in apparent conflict with the directions.

- The Schedule to direction No 55 can be disregarded. The Public Environmental Health Act does not give the CHO power to make Schedules to directions.

- The notes to Direction No 55 state that an infringement notice may be issued. The Public and Environmental Health Act doesn’t give the power for the issuing of infringement notices under CHO directions. The Act provides only there is an 'offence' with a maximum penalty (see section 56). The only power to order a fine and determine a fine amount lies with a court, not with the government or police by way of infringement notice.

- The issuing of this direction has put employers in a very difficult situation. As it is in apparent conflict with other laws, an attempt to comply with the directions in an unlawful manner may put you in breach of those other laws.

- Laws which might be in conflict with Direction No 55 include the Fair Work Act, Privacy Act, Information Act, Work Health and Safety (National Uniform Legislation) Act, Anti-Discrimination Act, and the Australian Human Rights Commission Act. All of these Acts are valid and there may be penalties or damages that employers need to pay if they unlawfully breach these acts. Potential problems include;

  o Liability under the Work Health and Safety (National Uniform Legislation) Act for any adverse event arising from vaccination undertaken as a requirement of employment.

  o Liability under the Anti-discrimination Act for unlawful discrimination or failure to make reasonable adjustments.

  o Liability under the Fair Work Act for unfair dismissal or non-payment of wages.

  o Liability under the Privacy Act for xxx or being careless with employee medical information.

  o Liability under civil law.
What you can do:

Political action;
Contact Michael Gunner to revoke the directions
Contact Hugh Heggie to revoke the directions
Contact Natasha Fyles to not extend the Emergency declaration

Legal Action;

Public Action;
Show a sign on your business door to say you do not discriminate.
Contact the NT News to express your opposition to these directions.

Keep in touch;