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COVID-19 vaccine mandates 'unlawful' for emergency services, court finds

Story by Rex Martinich • 7h



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COVID-19 vaccine mandates for Queensland police and ambulance service workers were made unlawfully, the state's Supreme Court has found.

The court on Tuesday delivered its judgments in three lawsuits brought by 86 parties against Queensland Police Service and Queensland Ambulance Service for their directions to workers issued in 2021 and 2022.

The judgments did not make a ruling or attempt to make a decision about the transmissibility of a particular variant of COVID-19 or the efficacy of a particular vaccine.

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The prior directions required emergency service workers to receive COVID-19 vaccines and booster shots or face potential disciplinary action up to and including termination of employment.

The court found Police Commissioner Katarina Carroll failed to give proper consideration to human rights relevant to the decision to issue the vaccine mandate.

Former Department of Health director-general Dr John Wakefield was unable to prove he issued the vaccine mandate under an implied term of the employment agreements for ambulance service workers.

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As a result, both vaccine mandates were found by the court to be "unlawful" and to have no effect.

The court also found the directions limited the human rights of workers because they were required to undergo a medical procedure without full consent but it was reasonable in all the circumstances.

Senior Judge Administrator Glenn Martin said the police and ambulance services were trying to prevent their employees from suffering infection, serious illness and life-changing health consequences.

"The balance between the importance of the purpose of the limitation, and the importance of preserving the human right... is complicated by the fact that these directions were given in what was, by any measure, an emergency," he said.

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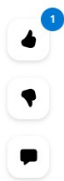
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Florida's measles outbreak continues to grow rapidly

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Two more children in south Florida have been diagnosed with measles as the state's outbreak continues to grow. The Florida Department of Health announced Sunday that two children were infected with the disease in Broward County, which includes Fort Lauderdale and is just north of Miami. Officials said that one child was between five and nine years old, and the other was under five. It's unclear if they were vaccinated.

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Mandating COVID-19 vaccines for some Queensland frontline workers found to be unlawful, judge rules

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Queensland police were required to have two shots of a COVID-19 vaccine by January 2022. (ABC News: Chris Gillette)
© Provided by ABC Health

A judge has ruled that mandating COVID-19 vaccines for some Queensland frontline workers was unlawful based on human rights grounds.

Dozens of Queensland Police Service (QPS) and Queensland Ambulance Service (QAS) staff challenged their workplace mandates in the Supreme Court in 2022, after they refused to comply with the directives.

The two groups were testing the legality of the directions on several grounds of the Judicial Review Act (JRA) and the Human Rights Act (HRA).

On Tuesday, Justice Glenn Martin found the applicants "had not established any ground under the JRA of unreasonableness".

However, he did find the directives breached section 58 of the HRA, which states that all public service employees must give proper consideration to human rights before making a decision, and that they must act and make decisions that are compatible with human rights.

In a written decision, Justice Martin determined the commissioner of police failed to comply with this section of the act — despite being provided human rights compatibility assessments — and based on this, declared that the QPS directions were unlawful.

Justice Martin also found the director-general of the Department of Health was not able to prove he had the power to make the directions under the HRA on the part of the QAS

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