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Today at 01:20 ·

Any law that purports to make it mandatory for a person to submit to a COVID-19 vaccination is invalid. In 1945, the then Chief Justice Latham held that quarantine laws "may be regarded in most, if not all, of its aspects as a form of public health legislation".

The Commonwealth has the power under section 51(ix) of the Constitution to make laws with respect to 'quarantine'. This is a power granted to the Commonwealth. Not the States.

At [257] of the decision, Latham CJ held that the Commonwealth "could not pass a law requiring citizens of the States... to submit to vaccination or immunization".

So there are several important things that flow from this High Court decision.

1. Vaccinations and immunizations are matters that fall within the category of 'quarantine'.
2. Only the Commonwealth has the power to make laws with respect to 'quarantine' under section 51(ix) of the Constitution.
3. The Commonwealth is prohibited from passing laws requiring citizens to submit to vaccination or immunization (which are quarantine matters).
4. The States have no power to make laws with respect to quarantine, including matters dealing with vaccinations and immunizations (as Latham CJ held that these things are 'quarantine' matters).
5. The States are unable to do something that the Commonwealth is prohibited from doing under the exercise of the quarantine power.
6. Therefore the States cannot pass any law that requires citizens to submit to vaccination or immunization.
7. Part 3B of the Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) (NSW) 2021 is invalid.

All workers who have been identified under the 'NSW Airport and Quarantine Workers' Vaccination Program' should consider the above before making any decision as to whether to have a COVID-19 vaccination.

