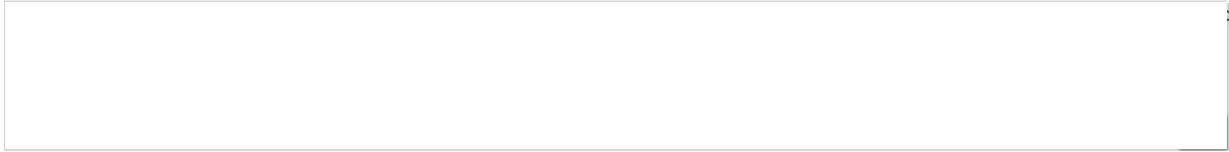


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# Bid to overrule families' refusal to consent to COVID jab fails

The NT Public Guardian has failed in a bid to overrule the families of two elderly Territorians who refused to consent to them having the coronavirus jab

Jason Walls [Follow](#)

 @jas\_walls  2 min read March 10, 2021 - 12:30AM

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With several strains of the virus already circulating, will the current vaccines still be effective?

THE NT Public Guardian has failed in a bid to overrule the families of two elderly Territorians who refused to consent to them having the coronavirus jab.

As the vaccine rollout began in February, the Public Guardian applied to NTCAT for an urgent order giving it sole authority to consent to the jab on behalf of the two people after their joint private guardians said no.

In five other cases, aged care home residents' private guardians could not be reached in time for the phase 1A rollout and an order was sought allowing for consent to be given on their behalf as well.

In rejecting the application, tribunal president Richard Bruxner said his reasoning would also be of value to "those involved in the care and guardianship of adults for whom vaccination may be proposed in the near future".

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Mr Bruxner emphasised that the tribunal's decision to knock back the applications related only to the urgency of the orders sought and not "the desirability of the affected adults receiving the COVID-19 vaccination" in general.

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"The critical question is not whether it is important that the adult receives a COVID-19 vaccination," he said.

"That question — about which the position of the federal and NT governments and the many highly qualified experts advising them, appears very clear — may ultimately require the tribunal's attention in matters where it is asked to give consent on an adult's behalf.

"The more relevant question is whether there are circumstances making it practically essential — as opposed to merely convenient — that the adult is vaccinated in the context of the program currently being rolled out (that being the plain intended outcome of the urgent applications)."

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Mr Bruxner said the tribunal's key consideration was how long the residents would need to wait if they weren't able to be vaccinated immediately.

"No one at the directions hearing was able to say that they had any information that an adult who is not vaccinated in the next few days will be deprived of the opportunity to receive the vaccine in a timely manner (let alone at all)," he said.

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Mr Bruxner said while the tribunal may have to consider the question of the merit of receiving the vaccine itself if the private guardians continued to refuse to consent, further efforts at negotiation should be made.

"For the two matters where the private guardian is refusing to provide consent to the vaccination, the private guardian and the Public Guardian should discuss their respective positions in order to see whether some common ground can be found," he said.

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