



COVID-19 Vaccine Claims Scheme

Last updated: 19 December 2023.

The answers to the Frequently Asked Questions (FAQs) below are provided for general information only and should not be relied on as professional or legal advice. As general information, the answers may omit detail that could be significant in a particular context, or to particular persons. It is a matter for each person reading this information to determine how it applies to their circumstances and whether to obtain any appropriate independent professional or legal advice. Further information concerning the COVID-19 Vaccine Claims Scheme (the Scheme) is available on the websites of the [Department of Health and Aged Care](#) and [Services Australia](#).

Please note: This FAQ document is current as of the last updated date shown above.

Scheme End Date

1. How long does the Scheme run for?

As part of the 2023/24 Mid-Year Economic and Fiscal Outlook, the Australian Government agreed to extend the COVID-19 Vaccine Claims Scheme until 30 September 2024.

2. Why has the Scheme been extended?

The Scheme end date has been extended to enable a longer period for those individuals who have suffered a recognised serious vaccine-related adverse effect to lodge a claim under the Scheme.

Changes to Eligible Clinical Conditions

3. What new clinical conditions were added to the Scheme on 3 April 2023?

The changes are summarised in the tables below. The changes apply retrospectively in that claims can be made in respect of the new conditions and applicable vaccines for vaccines administered from the start of the COVID-19 vaccine roll-out on 22 February 2021. The updated list of all eligible conditions is at Question 11.

Table 1 – New Clinical Conditions

New conditions	Applicable Vaccine(s)
Transverse Myelitis	AstraZeneca
Cerebral Venous Sinus Thrombosis without Thrombocytopenia	AstraZeneca
Erythema Multiforme – Major	Pfizer or Moderna

Table 2 – New vaccine covered for existing condition

Existing conditions	Applicable Vaccine(s)
Pericarditis	Novavax
Myocarditis	Novavax

3. What happens if I have already submitted a claim to Services Australia and believe I have experienced one or more of these clinical conditions?

You may wish to consult with your medical practitioner to determine if these changes are relevant to you.

You can also talk to Services Australia who can advise you of your options based on your current claim status, including evidence requirements. You can contact Services Australia directly by calling 1800 653 809 to discuss your circumstances.

4. I already have a claim in the system and have also been diagnosed with one of the new clinical conditions. Do I need to provide new evidence for my additional condition?

Yes. You will be required to provide information and evidence in support of your claim. Services Australia can advise you of your options based on your current claim status, including evidence requirements. You can contact Services Australia directly by calling 1800 653 809 to discuss your circumstances.

5. Will my claim be progressed any faster if I withdraw my existing claim and submit a new claim covering all of my clinical conditions?

No. Services Australia process claims in the order in which they are received. However, you should talk to Services Australia who can advise you of your options based on your current claim status. You can contact Services Australia directly by calling 1800 653 809 to discuss your circumstances.

6. I haven't received the outcome of my first claim yet and I am in a difficult financial position. Should I wait for the outcome of my first claim before submitting a new claim?

You should talk to Services Australia who can advise you of your options based on your current claim status. You can contact Services Australia directly by calling 1800 653 809 to discuss your circumstances.

7. Will Services Australia take into account my in-progress claim if I submit a new claim?

Yes. Services Australia will follow the same assessment process as it does for all claims. A key principle of the Scheme is that you cannot be compensated twice for the same loss. For example, if you are claiming lost income for a 6-month period in respect of your first claim, you will not be able to seek lost income for the same period in your second claim.

8. How will Services Australia assess my second claim if my first claim has already been finalised?

Services Australia will follow the same assessment process as it does for all claims. A key principle of the Scheme is that you cannot be compensated twice for the same loss. For example, if you are claiming lost income for a 6-month period in respect of your first claim, you will not be able to seek lost income for the same period in your second claim.

9. Why is there a clarification to the condition 'Demyelinating disorders including Guillain Barre Syndrome (GBS)' to 'GBS'?

The announcement of the new clinical conditions also includes a clarification that 'demyelinating disorders' are not eligible under the Scheme, other than for Guillain Barre Syndrome and Transverse Myelitis. 'Demyelinating disorders' is a non-specific term that may be applicable to multiple different final diagnoses not recognised as adverse effects of any vaccine covered by the Scheme. Removing the term 'demyelinating disorders' and instead specifically referencing Guillain Barre Syndrome and Transverse Myelitis will reduce ambiguity regarding the specific demyelinating disorders covered by the Scheme. This will help improve clarity for claimants and reporting practitioners.

To ensure no claimant who has already submitted a claim under the Scheme is disadvantaged by this change, all claims submitted since the commencement of the COVID-19 Vaccine Claims Scheme on 13 December 2021 until 2 April 2023 will continue to be assessed under the pre-existing Scheme policy settings.

General

10. What is the COVID-19 Vaccine Claims Scheme?

The Scheme enables eligible claimants who have received a Therapeutic Goods Administration (TGA) approved COVID-19 vaccine to obtain compensation for a number of recognised serious vaccine-related adverse effects (clinical conditions, including deaths from these conditions) or vaccine administration injuries. The Scheme has been established as a time-limited claims scheme to respond to the unprecedented circumstances of the COVID-19 pandemic. The Scheme is specific to TGA-approved COVID-19 vaccines and provides eligible claimants with an administrative avenue through which to seek compensation rather than pursuing a complex and costly court process. The legislative authority for the Scheme is provided under the *Financial Framework (Supplementary Powers Regulations) 1997* and is supported by the Scheme Policy.

11. Will the Scheme be expanded to cover all COVID-19 vaccinations?

No. The Scheme relates only to COVID-19 vaccinations approved by the TGA for use in Australia. The Scheme is part of a range of specific Government responses to assist Australia on the pathway out of the COVID-19 pandemic.

The Scheme is a time-limited, targeted measure that only covers moderate to significant adverse effects (clinical conditions) or vaccine administration injuries. The Scheme applies to TGA-approved COVID-19 vaccines received by eligible persons from approved healthcare practitioners since the start of the vaccine rollout (22 February 2021). Vaccinations and claims for compensation will be accepted up to 30 September 2024.

The Scheme does not cover other vaccines such as seasonal influenza vaccines.

12. How does the Scheme work?

The Scheme operates to provide compensation to eligible claimants who meet the relevant eligibility criteria set out in the Scheme (see, in particular, the definition of **Eligible Claimant**). The full list of recognised adverse effects for claims purposes under the Scheme includes:

- clinical conditions that are diagnosed by a treating doctor and are included in the [Product Information](#) document for the specific vaccine listed in Table 3 below; and
- administration related injuries:
 - which are clinically diagnosed as a shoulder injury or other moderate to significant physical injury giving rise to permanent impairment or the need for an extended period of medical treatment but excluding the injuries in Table 5; and
 - sustained during, and most likely caused by, the administration of the COVID-19 Vaccine (and less likely caused by any of the recipient's other circumstances).

Table 3 - Adverse effects covered by the Scheme – Clinical conditions

Clinical Condition	Applicable Vaccine(s)
Anaphylactic reaction	AstraZeneca Pfizer Moderna Novavax
Thrombosis with Thrombocytopenia Syndrome	AstraZeneca
Myocarditis	Pfizer Moderna Novavax
Pericarditis	Pfizer Moderna Novavax
Capillary leak syndrome	AstraZeneca
Guillain Barre Syndrome (GBS)	AstraZeneca
Thrombocytopenia, including immune Thrombocytopenia, identified as a final diagnosis	AstraZeneca
Erythema multiforme (Major)	Moderna Pfizer
Cerebral Venous Sinus Thrombosis (CVST) without Thrombocytopenia	AstraZeneca
Transverse Myelitis	AstraZeneca

Notes:

The rows in this table comprise serious clinical conditions that are included as adverse effects in the Product Information.

Table 4 - Adverse effects covered by the Scheme – Administration Harm

Definition	Applicable harm
Administration Related Injuries which are sustained during the physical act of performing the administration of a COVID-19 vaccine and are clinically diagnosed.	shoulder injury; or other moderate to significant physical injury giving rise to permanent impairment or the need for an extended period of medical treatment but excluding the injuries in Table 3.

Table 5 - Adverse effects and Injuries NOT covered by the Scheme

a) COVID-19;
b) psychological and psychiatric conditions (e.g. shock);
c) secondary injuries (e.g. injury suffered when fainting, or a haematoma at the injection site that becomes infected); and
d) the following other symptoms unless they form part of the symptom complex of a clinical condition listed in Table 1: headache; fatigue; injection site reaction; muscle or joint pain; dizziness; diarrhoea; pain in extremity; fever; insomnia; nausea; vomiting; lethargy; hyperhidrosis; chills; decreased appetite; malaise; lymphadenopathy; somnolence; abdominal pain; pruritis; urticaria/rash; influenza-like illness; angioedema; anxiety-related reactions such as hyperventilation and fainting.

Claimants will need to provide information and evidence about the nature and cause of their clinical condition, injury, or the person’s death (if the claim is made on behalf of a deceased COVID-19 vaccine recipient), and the amount of their loss, in support of their application.

13. My claim relates to a clinical condition in Table 1. Is this automatically covered by the Scheme?

The Scheme specifically relates to a list of adverse effects and injuries relating to medically diagnosed clinical conditions considered likely to be related to a TGA-approved COVID-19 vaccination. The treating doctor will need to provide an opinion that the condition is most likely caused by a TGA-approved COVID-19 vaccine as part of the patient’s diagnosis.

14. My claim relates to an injury received when the vaccine was administered. Is this covered by the Scheme?

If the harm relates to the physical act of administration of the vaccine, the same evidence requirements apply in relation to the report from the patient’s treating doctor (rather than the vaccine administrator). The claim will be referred to a medical advisor and a panel of independent legal experts for assessment, who will make a recommendation regarding whether compensation should be paid, and if so the amount.

15. Who is eligible under the Scheme?

The Scheme is open to those vaccinated in Australia, and individuals vaccinated overseas under the Australian Government Overseas Network (AGON) COVID-19 vaccination rollout managed by the Department of Foreign Affairs and Trade and Defence, who:

- received a TGA-approved COVID-19 vaccine;
- suffered moderate to significant harm or death caused by the vaccine or the administration of the vaccine;

- meet the minimum threshold of \$1,000 (exclusive of any pain and suffering component) in out of pocket costs or lost income and carers costs (both past and future); and
- was hospitalised.

The hospitalisation requirement may be waived if outpatient care treatment was received and the COVID-19 Vaccine Recipient was not admitted to hospital, when they otherwise would have been, because:

- of the nature of their clinical condition or harm; or
- the recipient was in a rural or remote area making it difficult to access a hospital.

Outpatient care may be provided in a hospital outpatient clinic, private clinic or primary care centre. The hospitalisation requirement does not apply in the case of death.

16. Are there different levels of eligibility for compensation under the Scheme?

The Scheme eligibility is broken up into three tiers.

Eligible Claimant for a Tier 1 claim, is a person who:

- received a TGA-approved COVID-19 vaccine;
- suffered a recognised clinical condition or injury covered by the scheme;
- suffered Loss totalling between \$1,000 and \$19,999.99 (if pain and suffering is not claimed) or totalling between \$1,000 and \$15,999.99 (if pain and suffering is claimed);
- was hospitalised (or has a limited exception); and
- meets the evidence requirements including their treating/reporting doctor's statement confirming the diagnosis and link to vaccination.

Eligible Claimant for a Tier 2 claim, is a person who:

- received a TGA-approved COVID-19 Vaccine;
- suffered a recognised clinical condition or injury covered by the scheme;
- was hospitalised (or has a limited exception);
- suffered Loss totalling \$20,000 or more (if pain and suffering is not claimed) or totalling \$16,000 or more (if pain and suffering is claimed); and
- meets the evidence requirements including their treating doctor's statement confirming the diagnosis and link to vaccination.

Eligible Claimant for a Tier 3 claim, is the Executor or an Administrator of the Estate of the Deceased, who:

- presents the death certificate of the deceased listing the cause(s) of death;
- received a TGA-approved COVID-19 Vaccine;
- suffered a recognised clinical condition or injury covered by the scheme; and

- meets the evidence requirements including a statement from a treating doctor of the deceased confirming the condition(s) that led to death and link to vaccination.

Where a claimant is a minor or suffers from some incapacity, a claim may be made by a guardian on that person's behalf.

17. Is the Scheme only available to Australian citizens?

No, Australian citizenship is not an eligibility requirement. The Scheme is open to those vaccinated:

- with a TGA-approved COVID-19 vaccine;
- by an authorised healthcare practitioner under the national COVID-19 vaccine rollout program; or
- under the AGON vaccine rollout program.

18. Which COVID-19 vaccinations does the Scheme cover?

The Scheme covers all COVID-19 vaccinations that have been approved by the TGA. This includes Vaxzevria (AstraZeneca Pty Limited), Comirnaty (Pfizer Australia Pty Limited), Nuvaxovid (Novavax) (Biocelect Pty Ltd) and Spikevax (Moderna Pty Limited) that are currently supplied in Australia. The scheme will also cover any COVID-19 bivalent vaccines that have been approved by the TGA.

19. Am I eligible if I have already had my vaccination?

Yes. To ensure no person who has already been vaccinated is disadvantaged, the Scheme applies to all TGA-approved COVID-19 vaccinations delivered by authorised healthcare practitioners to eligible persons from the start of the vaccine rollout which commenced on 22 February 2021.

20. Do I need to identify who caused the harm?

A person making the claim does not need to establish that anyone in particular was at fault. However, the claimant must provide evidence as detailed in the Scheme Policy to establish that the harm (or a person's death) was likely caused by a TGA-approved COVID-19 vaccine or its administration.

21. When can a claim be made?

Claims can be submitted anytime from the commencement date of the Scheme on 13 December 2021.

22. What compensation will be paid?

Compensation is determined based on the circumstances of the individual, which may include an amount for lost earnings, care services, out of pocket costs, and pain and suffering.

22. What sort of evidence will be required?

The Scheme requires eligible claimants to submit three types of evidence to Services Australia in support of their claim. In addition, the claimant will need to provide authorisation to Services Australia to access relevant internal Government records in order to verify the accuracy of the information provided. The evidence that will need to be submitted includes:

- Information to confirm that the claimant received a TGA-approved COVID-19 vaccine – e.g., COVID-19 digital certificate or approval for Services Australia to access their vaccination information on the Australian Immunisation Record.

- A medical report from their treating doctor or hospital physician with the treating doctor's opinion on the diagnosed condition or injury and likely link to the vaccination. This medical report will also include information about the healthcare needs, the duration of hospitalisation, and any ongoing medical care requirements. This will enable the decision maker to be satisfied that the claim is for a clinical condition or injury covered by the Scheme and that the treating doctor confirms that the vaccination is the most likely cause.
- Documents verifying any financial losses the claimant alleges were caused or suffered because of the harm – e.g. a schedule of treatment expenses, details of salary or income foregone or other costs incurred, including care costs. This must also include evidence of other financial support already received, e.g. workers' compensation payments, Medicare rebates, income support payments, paid leave entitlements or a statement that any such payments have been deducted from the amount of compensation sought.

In order to assess the claimant's entitlement in relation to pain and suffering, and/or future loss, additional information will also be required, including:

- the duration and severity of symptoms and extent of recovery – to enable the decision maker to determine an amount of compensation for pain and suffering; and
- if applicable, information as to the:
 - nature and expected cost of future medical treatments and the period such treatment is expected to be required; and
 - the period that the claimant will be restricted in their ability to work.

If the person who received the vaccine has died, the Executor or Administrator of the estate is entitled to lodge a claim under the Scheme (however, a family member may commence the process).

Additional evidence will also be required to establish that the claimant is the Executor or Administrator and a copy of the deceased's death certificate establishing the cause(s) of death as one of the claimable clinical conditions.

23. How is my claim assessed?

Where the claim is for an amount from \$1,000 up to \$15,999.99 (if pain and suffering is claimed); and from \$1,000 up to \$19,999.99 (if pain and suffering is not claimed), Services Australia will assess the claim against the eligibility criteria and evidence and make a recommendation to an authorised delegate within Services Australia, as the administrator of the Scheme.

Claims for \$16,000 and above (if pain and suffering is claimed) and \$20,000 and above (if pain and suffering is not claimed) will be assessed by a panel of independent legal experts. Please note that complex claims below this amount may also be referred to the panel if required. A member of the panel will review the claim and may seek additional evidence or advice, including from the claimant, the Department of Health and Aged Care, or a medical expert, before making a recommendation to an authorised delegate within Services Australia regarding whether compensation should be paid and if so, the appropriate amount.

Claimants will need to agree to authorise Services Australia to access relevant information in order to verify and assess the claim. This may include the claimant's data held in the Australian

Immunisation Register, and other relevant bodies such as the Department of Health and Aged Care, including the TGA, as well as the health practitioner or organisation who administered the COVID-19 vaccine and the hospital where the claimant was hospitalised.

24. What if some or all of my time off work was paid as sick leave? Am I still eligible for reimbursement?

The Scheme will provide compensation for expenses and losses actually incurred by the claimant. It does not cover amounts paid by third parties (such as Medicare, private health insurers, etc.). Nor does it cover leave for which the claimant has been paid leave entitlements (such as sick leave or recreational leave) or other Government payments (such as COVID emergency payments) received by the claimant.

25. If I am receiving Centrelink support will it affect the amount I receive for compensation?

If you are receiving or will receive Centrelink support, you're required to include these details with your claim. The Scheme does not cover amounts or services already paid, or payable, by third parties.

26. Is compensation capped?

No, the Scheme does not have an overall cap on the compensation that may be paid to an eligible claimant, however, guidance will be provided to the panel consistent with compensation payments under the *Civil Liability Act 2002* (NSW). The intention is to ensure consistency in compensation payments awarded by specifying guidance for the different categories of loss (i.e., lost earnings, care services, out of pocket expenses, pain and suffering). The panel may make a determination outside the scope of the guidance if the panel feels it is appropriate in its professional opinion.

27. What is the tax treatment?

The taxation treatment of any compensation paid under the Scheme is a matter to be determined in accordance with applicable taxation laws. Claimants should consider obtaining professional or legal advice on the appropriate tax treatment of any payments they receive under the Scheme.

28. Will decisions be made public?

No, privacy provisions will protect claimants' information, including the outcomes of decisions from being made public. Claimants are encouraged to also report any adverse reaction they experience to the TGA to help with ongoing safety monitoring of COVID-19 vaccines, at: [Reporting suspected side effects associated with a COVID-19 vaccine | Therapeutic Goods Administration \(TGA\)](#).

29. Who pays?

The Commonwealth will make all payments to claimants and for the administration of the Scheme.

30. Will the Scheme reimburse costs to individuals who choose to pursue a claim through the courts?

No. The Scheme does not cover the costs to individuals who choose to pursue a claim through the courts. Although people won't be prevented from taking action through the court system, the Scheme has been designed as a simpler and less costly alternative to legal proceedings.

31. What happens if a person pursues a claim through a court process. Are they able to claim through the Scheme?

The intent of the Scheme is to provide claimants with quicker access to compensation that would be similar to what might be awarded through a court process. If a person has received payment under the Scheme and subsequently received compensation through a court process in relation to the same injury, they will be required to pay money back to the Scheme.

32. What happens if there has been harm caused in the administration of the vaccine?

In the event an assessor considers, as a result of the information available in relation to a claim, that there may have been harm caused by a registered health practitioner in the administration of the COVID-19 vaccine received by the COVID-19 vaccine recipient, they may recommend a referral to the Australian Health Practitioner Regulation Agency (AHPRA) for a review of the practitioner's conduct or performance by the relevant professional board.

Unsatisfactory conduct or performance is relatively rare, however these steps are in keeping with the Commonwealth's intention that health practitioners continue to practise with skill and diligence and to promote public confidence in the population being vaccinated. These measures will support the integrity of the COVID-19 vaccination program and the Scheme itself.

33. Can I apply for compensation under the Scheme if I am also obtaining benefits under the National Disability Insurance Scheme (NDIS)?

If you are receiving or will receive supports from the National Disability Insurance Agency (NDIA) through your National Disability Insurance Scheme (NDIS) plan, you're required to include these details with your claim. This information needs to make clear what supports are attributable to your disability-related needs compared to your vaccine-related harm circumstances. The Scheme may provide compensation for expenses and losses attributable to the vaccine-related harm but does not cover amounts or services already paid, or payable, by third parties.

34. Can I apply for compensation under the Scheme if I am also obtaining benefits from the Department of Veteran's Affairs?

If you are receiving or will receive benefits from the Department of Veteran's Affairs, you are required to include these details with your claim. This information needs to make clear what benefits are attributable to your veteran income support payments. The Scheme may provide compensation for expenses and losses attributable to the vaccine-related harm but does not cover amounts already paid, or payable, by third parties.

35. If I receive compensation under the Scheme can I still receive income support?

Social security law is designed to ensure that people who receive compensation for loss of income do not also receive income support from the Australian Government in respect of the same period of time. Social security law reflects the principle that if a person is compensated for loss of income, the person can use that money to meet their daily expenses, such as accommodation and living costs, rather than receive a taxpayer-funded payment. These provisions apply only in cases where compensation includes a component for economic loss (i.e. lost earnings or lost capacity to earn).

Relevant amounts for lost earnings will be deducted if you have received income support in respect of the same period of time for the same condition. This information will be specified in any deed of settlement covering letter.

36. What mental health support services are available to me?

A list of mental health support services available in Australia are published on the Department of Health and Aged Care's website including a link to the Head to Health website, which can assist claimants in identifying an appropriate digital mental health organisation.

The website also includes the mental health support number linked to each State and Territory Health Department, which can be called if you need assistance in identifying an appropriate support service. Links to the respective States and Territories' publicly available mental health services are located on the Department's website at [COVID-19 Vaccine Claims Scheme | Australian Government Department of Health and Aged Care](#).

37. Is there any financial support I can access while I am waiting for my claim to be assessed?

You may be eligible for financial support through Services Australia. The following link contains information on eligibility to further support services at [Payment and Service Finder - Services Australia \(centrelink.gov.au\)](#). Alternatively, you may wish to contact Services Australia directly on 132 850 (Monday to Friday between 8am and 5pm AEST) to discuss your circumstances.

The Australian Government is committed to ensuring that all Australians can access timely and affordable, high quality health care by providing Medicare benefits (rebates) for services listed on the Medicare Benefits Schedule (MBS), assistance to eligible Australians through the Pharmaceutical Benefits Scheme (PBS) and free hospital services for public patients in public hospitals.

Business Focused

38. How do state based workers compensation arrangements interact with the COVID-19 Vaccine Claims Scheme? For example, can you only claim for vaccination injuries under the Scheme?

The intent of the Scheme is not to replace existing workers' compensation arrangements. It also does not remove an individual's right to pursue workers' compensation if eligible or seek to litigate in relation to an adverse outcome from a COVID-19 vaccination. However, the Scheme will provide claimants with a more efficient administrative option to seek compensation.

Should a claimant seek and receive workers' compensation payments related to an adverse reaction to a TGA-approved COVID-19 vaccine, any such payments received would be taken into account so that the claimant is not compensated twice. If a claim is lodged for compensation under the Scheme as well as a claim for workers' compensation, the Scheme application process may be delayed until the workers' compensation claim is finalised.

39. What happens if an employee suffers an adverse effect following the vaccine as part of our workplace vaccine program?

If your employee has suffered a serious adverse effect or administrative harm- related injury related to a TGA-approved COVID-19 vaccine received in the course of employment, they may be eligible to make a claim under the Scheme.

The employee will need to meet the relevant eligibility criteria for claims under the Scheme, including the provision of medical evidence from a treating or reporting practitioner confirming that the employee suffered harm as a result of receiving a TGA-approved COVID-19 vaccine.

40. Will employers be responsible for an adverse effect that occurred as part of our employee vaccination program?

The Scheme does not replace workers' compensation arrangements. However, the Scheme will provide claimants with an administrative option to seek compensation rather than pursuing a complex and costly court process. In assessing claims under the Scheme, the Commonwealth will not consider responsibility of employers in relation to harm suffered by a claimant, or the death of an employee, that is a direct result of a workplace COVID-19 vaccination. However, employers' broader responsibilities are not being indemnified through this Scheme.

41. Could an employee pursue legal proceedings against an employer?

Claimants are not prevented from taking action through the courts. However, the Scheme has been designed as a streamlined alternative to legal proceedings. If a claimant pursues legal proceedings after receiving compensation under the Scheme, the claimant will be required to repay to the Commonwealth the lesser compensation amount received.

42. Will business interruption costs \$1,000 and over be claimable under the Scheme?

The Scheme is designed to only provide compensation to eligible individual claimants who have suffered serious harm as a result of receiving a TGA-approved COVID-19 vaccine. The Scheme does not provide compensation for business interruption costs or any other lost profits or other amounts, including indirect or consequential loss.

If an eligible claimant is a sole trader or business owner, a loss of their personal income may be claimed as lost earnings under the Scheme. The Services Australia website provides guidance on the requirements for claiming other expenses, which is available at: [What costs you can claim under the COVID-19 vaccine claims scheme - COVID-19 vaccine claims scheme - Services Australia](#).

43. What advice should employers provide employees who want to know what compensation cover is in place if they have an adverse effect related to a vaccine sanctioned via the employer?

The employer should refer the employee (claimant) to the Department of Health and Aged Care website at: [COVID-19 Vaccine Claims Scheme | Australian Government Department of Health and Aged Care](#).

While side effects from COVID-19 vaccinations can occur, most are mild and last no longer than a couple of days. Serious and life-threatening clinical conditions caused by vaccination are very rare. The Scheme provides a safety net to support those affected, by providing eligible claimants with access to compensation where they suffer recognised serious harm or death caused by a TGA-approved COVID-19 vaccination.

44. Will employers have rehabilitation and return to work obligations for someone who successfully makes a claim under the COVID-19 Vaccine Claims Scheme? With respect to compensation being paid, will this cover income lost by person/s that need to take time off work to care for someone impacted as a result of the COVID-19 Vaccine Claim Scheme?

Employers should obtain their own legal advice on this issue specific to an employee's individual circumstances.

The Scheme is intended to provide a one-off compensation payment to those who have suffered serious harm or death caused by a TGA-approved COVID-19 vaccine. A claim under the Scheme should take into account any other compensation amounts the claimant may have

received as a result of the harm. A claim may include an amount for additional domestic care, if required by the claimant.

The Scheme does not apply to third parties, such as family members of the eligible claimant.

45. What happens if there is a long-term side effect from the vaccination?

The Scheme is structured to cover harm that occurs from the opening of the COVID-19 Vaccination program under the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020*. The Scheme closes to new claims for adverse reaction or administrative injury on 30 September 2024. Claims will be settled having regard to both the past and future costs associated with the harm.

46. Can workers compensation scheme recover from the Scheme for vaccine harm claims?

The Scheme is only open to eligible claimants. The Scheme does not enable third parties such as workers' compensation bodies to make claims for compensation.

47. What is the interaction between the vaccine claims scheme and businesses?

If an eligible claimant is injured as a result of a TGA-approved COVID-19 vaccination received in the workplace, the individual can submit a claim under the Scheme, for which the minimum claim threshold is \$1,000.

If a claimant is a sole trader or business owner, the impact on their income as a result of the harm suffered as a result of receiving a TGA-approved COVID-19 vaccine will likely be relevant to assessing any compensation amounts for lost earnings by that individual.

Practitioner

48. I am a nurse working in a private clinic administering COVID-19 vaccinations, what does the Scheme mean for me?

The Scheme is universally available to eligible claimants who suffer harm as a result of receiving a TGA-approved COVID-19 vaccine from an approved healthcare practitioner.

49. My patient has suffered an adverse effect to a TGA-approved COVID-19 vaccine, what steps should I take?

While side effects from COVID-19 vaccinations can occur, most are mild and last no longer than a couple of days. Serious and life-threatening side effects are very rare. The Scheme provides a safety net to support those affected by providing eligible claimants with access to compensation where they suffer serious harm or death caused by a TGA-approved COVID-19 vaccination.

If your patient has suffered recognised serious harm or death caused by a TGA-approved COVID-19 vaccine, you can refer them (or the executor or administrator of their estate, in the event the COVID-19 vaccine recipient is deceased) to the link located on the Department of Health and Aged Care's website at: [COVID-19 Vaccine Claims Scheme | Australian Government Department of Health and Aged Care](#). Information on how to submit a claim is available on the Services Australia website at [COVID-19 vaccine claims scheme - Services Australia](#).

As part of the claims process, the claimant will need to provide evidence in support of their claim; namely, that their harm has been caused by the vaccine. This evidence will include a medical report from their treating doctor or a hospital physician indicating the nature of the harm suffered by the patient post-vaccination, the duration of that condition and the causative link to

the TGA-approved COVID-19 vaccination. Current information regarding the required evidence is at [#22](#).

It is also important that any adverse reaction to a TGA-approved COVID-19 vaccine is reported to the TGA as part of their usual surveillance program at [COVID-19 vaccine safety monitoring and reporting | Therapeutic Goods Administration \(TGA\)](#).

50. Would I be subjected to any legal proceedings?

A key aim of the Scheme is to reduce the risk of legal action against a healthcare practitioner who is involved in the COVID-19 vaccination program.

The Scheme does not prevent someone from taking action through the courts, however, the Scheme has been designed as a streamlined alternative to court proceedings.

51. How does the TGA identify clinical conditions for the Scheme Policy? How do new clinical conditions get added to the Scheme Policy?

The Department of Health and Aged Care is responsible for the Policy document, which includes the eligible clinical conditions claimable under the Scheme. Decisions about which conditions are eligible under the Scheme are made based on the advice of the TGA and include consideration of:

- the inclusion of a clinical condition as an adverse event in the approved Australian Product Information for the specific COVID-19 vaccine; and
- verification that it is a serious clinical condition.

The TGA undertakes regular analysis of adverse event data, international safety data and the scientific literature to identify and investigate potential safety issues that might require investigation. The TGA also works with international regulators to share adverse event data and analyse the latest evidence regarding vaccine safety. The outcomes of the TGA's monitoring are published in a fortnightly report at: [COVID-19 vaccine safety reports | Therapeutic Goods Administration \(TGA\)](#).