



Overview of COVID-19 Vaccine Claims Scheme

This document provides a high-level overview of the COVID-19 Vaccine Claims Scheme (the Scheme) which has been established by the Commonwealth to pay compensation to eligible claimants.

In making a claim under the Scheme, the requirements set out in sections 1–3 below must be met.

1. Key eligibility requirements

To be eligible under the Scheme, the COVID-19 vaccine recipient must meet the following requirements:

- suffered a clinical condition or administration related injury (specified in Table 1 below) most likely as a result of receiving the COVID-19 Vaccine;
- received inpatient hospital treatment (with limited exceptions); and
- met the threshold for accessing the Scheme of at least \$1,000 in losses (such as out of pocket medical costs and lost income).

2. Harm covered under the Scheme

Tables 1 and 2 specifies the moderate to serious harm covered by the Scheme. Table 3 specifies the harm not covered by the Scheme.

Table 1 –Clinical Conditions

Item	Clinical condition	Vaccine(s) from which the clinical condition results
1	Anaphylactic reaction	AstraZeneca Pty Limited Pfizer Australia Pty Limited Moderna Australia Pty Limited Bioclect Pty Ltd (Novavax vaccine)
2	Thrombosis with Thrombocytopenia Syndrome	AstraZeneca Pty Limited
3	Myocarditis	Pfizer Australia Pty Limited Moderna Australia Pty Limited Bioclect Pty Ltd (Novavax vaccine)

Item	Clinical condition	Vaccine(s) from which the clinical condition results
4	Pericarditis	Pfizer Australia Pty Limited Moderna Australia Pty Limited Bioclect Pty Ltd (Novavax vaccine)
5	Capillary leak syndrome	AstraZeneca Pty Limited
6	Guillain Barre Syndrome (GBS)	AstraZeneca Pty Limited
7	Thrombocytopenia, including immune Thrombocytopenia, identified as a final diagnosis	AstraZeneca Pty Limited
8	Erythema multiforme (major)	Moderna Australia Pty Limited Pfizer Australia Pty Limited
9	Cerebral Venous Sinus Thrombosis (CVST) without thrombocytopenia	AstraZeneca Pty Limited
10	Transverse myelitis	AstraZeneca Pty Limited

Note 1: The wording in item 6 in Table 1 was amended from ‘Demyelinating Disorders Including Guillain Barre Syndrome (GBS)’ to ‘Guillain Barre Syndrome (GBS)’ on 3 April 2023 (Version 1.4 of the Scheme Policy).

Note 2: Any claims made under the Scheme Policy on or before 2 April 2023 in relation to demyelinating conditions resulting from the COVID-19 vaccine registered in the name of AstraZeneca Pty Ltd will continue to be assessed in accordance with the Scheme Policy and will not be affected by the above-mentioned change.

Note 3: Any claims made for demyelinating conditions on or after 3 April 2023 (other than the two specific demyelinating Conditions specified in items 6 and 10 of Table 1 above, namely Guillain Barre Syndrome and Transverse myelitis) will no longer be eligible under the Scheme.

Table 2 – Administration related injuries

Item	Clinical condition	Vaccine(s) from which the clinical condition results
1	Administration Related Injuries which are a 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.	Any TGA approved COVID-19 Vaccine.

Table 3 – Harm NOT covered by the Scheme

- COVID-19;
- psychological and psychiatric conditions (e.g. shock);
- secondary injuries (e.g. injury suffered when fainting, or a haematoma at the injection site that becomes infected); and
- the following other injuries 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; pruritus; urticaria/rash; influenza-like illness; angioedema; anxiety-related reactions such as hyperventilation and fainting.

Evidence required

Claimants need to submit evidence demonstrating the clinical condition or injury suffered. All claims will need to be supported with 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 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.

3. Proof of the losses suffered is provided

Claimants will need to submit evidence demonstrating the clinical condition or injury suffered and substantiating the loss(es) claimed. The categories of loss for which compensation may be paid include:

- specified out of pocket expenses
- lost earnings
- paid and gratuitous care
- loss of capacity to provide domestic services
- pain and suffering.

Evidence to support the proof of loss could include 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.

Additional information on losses that can be claimed is set out in [Attachment A](#) of this document.

4. Further Information

Who can make a claim for compensation under the Scheme?

Generally, individuals who satisfy the eligibility requirements and received an approved COVID-19 vaccine:

- a) under the arrangements made and approved by the Commonwealth Government for the administration of COVID-19 Vaccines in Australia (e.g. at a GP clinic or a State vaccination hub); or
- b) through the Australian Government Overseas Network (AGON);

at any time prior to the Scheme closing, may be eligible to claim.

Waiver of hospitalisation requirement

The hospitalisation requirement may be waived if outpatient treatment is 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
- the recipient was in a rural or remote area making it difficult to access a hospital.

The hospitalisation requirement does not apply in the case of death.

How claims can be made

Claims may be made via Services Australia from 13 December 2021. Claims must be received by Services Australia prior to the date when the Scheme closes on 30 September 2024.

Generally, a COVID-19 Vaccine recipient may only make one claim. There are some exceptions including where the claimant suffers a further or prolonged injury that was not known or foreseeable when the original claim was determined.

Can a claimant be represented?

In certain circumstances, a claim may be made on behalf of a COVID-19 Vaccine Recipient, for example by a parent or guardian. [Attachment A](#) provides further detail.

Claims where the COVID-19 vaccine recipient has died

Where a clinical condition or injury specified in Table 1 or 2 is the cause or a material cause of death for a COVID-19 vaccine recipient, the deceased's estate may be entitled to claim compensation. Any compensation will be paid to the estate. A close family member can commence a claim under the Scheme provided the estate is notified.

Categories of claims

Category of Claim	Criteria
Tier 1	Covers COVID-19 vaccine recipients who have suffered a clinical condition or injury specified in Table 1 and Loss of between \$1,000 and \$19,999.
Tier 2	Covers COVID-19 vaccine recipients who have suffered a clinical condition or injury specified in Table 1 and loss in excess of \$20,000.
Tier 3	Covers COVID-19 vaccine Recipients who have died, where a clinical condition or injury specified in Table 1 caused or materially contributed to death.

[Attachment A](#) provides further details.

Evidence required

Claimants need to submit evidence demonstrating the clinical condition or injury suffered and substantiating the loss claimed. All claims will need to be supported with a medical report which provides relevant medical and treatment details. Evidence will also need to be provided to support the areas of loss claimed.

When making a claim, claimants will also be required to provide necessary consents to authorise the collection and use of information held by the Commonwealth or other third parties relevant to the claim.

Compensation that may be paid

Compensation will be available for the following for Tier 1 and Tier 2 claims:

- specified out of pocket expenses
- lost earnings
- paid and gratuitous care
- loss of capacity to provide domestic services
- pain and suffering.

Payments that have been made (or will be made) by a third party (including Services Australia, Medicare, Centrelink, and insurers) are to be deducted from a claim and will not be compensated. That is, the Scheme only covers amounts that are 'out of pocket' or in some cases 'gap' expenses paid by the COVID-19 vaccine recipient.

A single lump sum compensation payment will be available for Tier 3 claims.

Losses that can be claimed are set out in Attachment A below.

Assessment and determination of claims

Tier 1 claims will be assessed by Services Australia. Tier 2 and Tier 3 claims will be assessed by a Medical Officer and a member of an Independent Expert Panel (comprising legal service providers who are experienced in personal injury claims and/or administrative law). All claims will be determined by a delegate in Services Australia.

Process for receiving compensation

Before any compensation is paid, the Commonwealth's offer must be accepted in writing by or on behalf of the COVID-19 vaccine recipient (or, for Tier 3 claims, that person's estate).

A compensation recipient must agree to repay any compensation received (up to the amount of that compensation) if they later recover compensation for the same clinical condition or injury from someone else (e.g. from a workers' compensation insurer).

Review or appeal of decisions

A claimant may apply for a review of the decision on their claim. Further evidence or information can be submitted as part of the review.

Reviews will be undertaken by a more senior delegate in Services Australia who will be the Decision Maker on Review.

The decision of the review replaces the original decision, regardless of whether it results in a more or less favourable outcome.

Please Note – The full details of the Scheme are provided in the COVID-19 Vaccine Claims Scheme Policy dated 3 April 2023 available on the Department of Health and Aged Care website.

Attachment A – Tiers of claims, recoverable loss and who may bring the claim

Claim tier	Eligibility for tier	Recoverable Loss	Who may bring the claim? ¹
Tier 1	<p>a clinical condition or injury specified in Table 1 or 2 was suffered by the COVID-19 Vaccine recipient and most likely caused by the COVID-19 Vaccine (or its administration), but not resulting in death;</p> <p>Loss between:</p> <p>\$1,000 and \$15,999.99 was suffered if pain and suffering is claimed; and</p> <p>\$1,000 and \$19,999.99 was suffered if pain and suffering is not claimed; and</p> <p>The COVID-19 vaccine recipient was hospitalised as an inpatient for at least one night for treatment (unless waived).</p>	<p>Specified out of pocket expenses</p> <p>Lost earnings</p> <p>Paid and gratuitous care</p> <p>Loss of capacity to provide domestic services</p> <p>Pain and suffering</p>	<p>The COVID-19 vaccine recipient</p> <p>A lawyer or other authorised representative of the recipient</p> <p>Other specified legal representatives (e.g. a parent if the COVID-19 vaccine recipient is a minor)</p>
Tier 2	<p>a clinical condition or injury specified in Table 1 or 2 was suffered by the COVID-19 Vaccine recipient and most likely caused by the COVID-19 Vaccine (or its administration), but not resulting in death;</p> <p>Loss between:</p> <p>\$16,000 or more was suffered if pain and suffering is claimed; and</p> <p>\$20,000 or more was suffered if pain and suffering is not claimed; and</p> <p>The COVID-19 vaccine recipient was hospitalised as an inpatient for at least one night for treatment (unless waived).</p>	<p>Specified out of pocket expenses</p> <p>Lost earnings</p> <p>Paid and gratuitous care</p> <p>Loss of capacity to provide domestic services</p> <p>Pain and suffering</p>	<p>The COVID-19 vaccine recipient</p> <p>A lawyer or other authorised representative of the recipient</p> <p>Other specified legal representatives (e.g. a parent if the COVID-19 vaccine recipient is a minor)</p>

¹ Where the claimant is not the COVID-19 vaccine recipient, the claimant must prove that they are authorised or entitled to make a claim on their behalf.

Claim tier	Eligibility for tier	Recoverable Loss	Who may bring the claim? ¹
Tier 3	Where a clinical condition or injury specified in Table 1 or 2 was: suffered by the COVID-19 Vaccine recipient and most likely caused by the COVID-19 Vaccine (or its administration); and caused, or materially contributed to, the death of the COVID-19 Vaccine recipient.	Variable lump sum amount where the deceased had specified dependants or specified non-dependant relatives at the time of death Funeral and burial / cremation expenses	The executor or administrator of the deceased's estate A lawyer retained by the executor or administrator A close relative of the deceased

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