



Australian Government
Department of Health

Ms Emma McArthur
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Dear Ms McArthur

Thank you for your correspondence of 11 November 2021 to the Minister for Health and Aged Care, the Hon Greg Hunt MP, concerning the COVID-19 Vaccine Claims Scheme (the Scheme). The Minister has asked me to reply. I apologise for the delay in responding.

The Scheme opened to potential claimants on 13 December 2021 and has been established as a fit-for-purpose, time-limited claims scheme to respond to the unprecedented circumstances of the COVID-19 pandemic.

The Scheme does not provide an indemnity for practitioners or insurers, it does however provide patients who have suffered one of the eligible clinical conditions or an administration injury as a direct result of a COVID-19 vaccine, with faster access to compensation rather than a costly and complex court process.

I can advise that informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations.

To this end, the Australian Government has made a range of accurate, evidence-based resources available to ensure people can be informed about COVID-19 vaccines. These cover the different COVID-19 vaccines in Australia and information on preparing for vaccination and what to do after vaccination. These also include expert health advice from Australian Technical Advisory Group on Immunisation (ATAGI) to assist people with their decision-making, and are available at: [COVID-19 vaccination – Patient resources | Australian Government Department of Health](#)

In general, a parent or legal guardian of a child has the authority to consent to that child being vaccinated.

Under common law regarding the mature minor rule, all medical practitioners are permitted to make an assessment of an adolescent's competence and maturity to consent to medical care (i.e. Gillick competence) including vaccination.

A child or adolescent may be determined to be mature enough to understand the proposed procedure and the risks and benefits associated with it. These young people may have the capacity to consent under certain circumstances.

Legislation on how this principle is implemented varies between jurisdictions. In some states and territories, older adolescents may be able to provide their own consent for vaccinations, for example those offered through school-based vaccination programs.

For more information, visit the Australian Immunisation Handbook, which has information about 'valid consent', including criteria for consent to be legally valid or check with your state or territory health authority about these laws.

For written consent, vaccination providers can use the 'Consent form for COVID-19 vaccination', which is available at: [COVID-19 vaccination – Consent form for COVID-19 vaccination | Australian Government Department of Health](#).

Further information on the eligibility criteria under the Scheme including Frequently Asked Questions, an overview of the Scheme and the Scheme Policy can be found at: <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccine-claims-scheme>.

Information is also available on the Services Australia website at: <https://www.servicesaustralia.gov.au/covid-19-vaccine-claims-scheme>.

I trust the above information is of assistance to you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise Morgan'.

Louise Morgan
Acting Assistant Secretary
COVID-19 Vaccine Claims Scheme Taskforce
Medical Benefits Division

21 December 2021