



**Australian Government**  
**Department of Health**

Ms Emma McArthur  
[ejminoz@gmail.com](mailto:ejminoz@gmail.com)

Dear Ms McArthur

Thank you for your correspondence of 21 January 2022 to the Minister for Health and Aged Care, the Hon Greg Hunt, MP concerning the COVID-19 Vaccination Claims Scheme (the Scheme). The Minister has asked me to reply.

As previously advised, informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations. I note your questions relating to the administration of COVID-19 vaccines by Health Professionals, however the Department of Health does not provide legal advice or definitions of legal terms.

I also note that, in circumstances where a COVID-19 vaccination has become a mandatory requirement for employment in particular roles, some individuals have chosen not to receive a COVID-19 vaccination, while many others have chosen to be vaccinated.

The Scheme has been established as a fit-for-purpose, time-limited claims scheme to respond to the unprecedented circumstances of the COVID-19 pandemic. It is designed to ensure that people who have suffered a recognised moderate to significant adverse effect as a direct result of a Therapeutic Goods Administration approved COVID-19 vaccine have access to compensation rather than pursuing a costly and complex court process. Individuals are still able to seek compensation through the courts as an alternative to the Scheme, if they so choose.

The Scheme also reduces 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.

The Scheme covers patients irrespective of where their vaccination was administered in Australia – in a state or territory clinic, a GP clinic, a pharmacy or elsewhere. The harm or injury must be caused by a COVID-19 vaccine approved by the Therapeutic Goods Administration (TGA,) or its administration.

In addition to the Scheme, Commonwealth, State and Territory governments each have their own workers' compensation schemes. While each scheme operates differently, if a worker is required by their employer to be vaccinated and suffers an injury as a result of the vaccination, they may be able to access workers' compensation. This is of course subject to an assessment of the claim by the relevant workers' compensation authority on a case by case basis.

Similarly, where the employer has encouraged or induced vaccination for their workers, compensation may be available for any injuries resulting from the vaccination. However, again this will depend on the facts of each case and the applicable workers' compensation law.

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 on how to submit a claim is available on the Services Australia website at:

<https://www.servicesaustralia.gov.au/covid-19-vaccine-claims-scheme>.

I trust this information is of assistance.

Yours sincerely



Tony Wynd  
A/g Assistant Secretary  
COVID-19 Vaccine Claims Scheme Taskforce  
Medical Benefits Division  
28 January 2022