



No Fault COVID-19 Vaccination Scheme

Details have been finalised regarding the Australian Federal Government's COVID-19 Vaccine Claims Scheme.

Background

On 28 August 2021, the Federal Minister for Health and Aged Care, Greg Hunt, announced the introduction of the COVID-19 Vaccine Claims Scheme (**Scheme**) which would offer protection to Australians receiving a Therapeutic Goods Administration (**TGA**) approved COVID-19 vaccine (**Approved Vaccine**), irrespective of where the vaccination occurred and the circumstances surrounding how the individual received the Approved Vaccine.

Details of the Scheme

The [Scheme](#) commenced **6 September 2021** (with claims being able to be backdated to February 2021) and is administered by Services Australia, and provides individuals with access to a lump sum compensation amount in the event they have suffered side effects, or adverse events, following the receipt of an Approved Vaccine.

The TGA will soon provide guidance on recognised adverse reactions as part of their established surveillance program.

The Scheme has two tiers:

- 1. Tier 1:** Claims greater than \$5,000 and less than \$20,000:

Claimants need to:

- have been hospitalised for at least one night; and
- nominate they are seeking less than \$20,000 and provide applicable evidence of:
 - the nature of the injury and medical documentation of its likely relationship to a COVID-19 vaccination;

- hospitalisation, due to a vaccine-related injury;
- medical costs; and
- lost wages.

- 2. Tier 2:** Claims greater than \$20,000:

The evidence requirements for tier 2 claims, including death, are still being developed by the Federal Government, and will be advised as part of additional information on the Scheme in the future. Claims relating to a death will not require evidence of hospitalisation.

So what does this mean for employers?

The cost of compensation payments under the Scheme will be fully funded by the Federal Government and is designed to help the small number of people who unfortunately experience a moderate to significant adverse reaction to a COVID-19 vaccine.

The Scheme provides a level of liability protection to employers who have implemented mandatory COVID-19 vaccinations, by providing individuals with a streamlined method for accessing compensation.

The Scheme may assist in reducing the number of employee's wishing to lodge a workers' compensation claim, or commence litigation against employers for damages for personal injury (the Scheme appears to not cover damages for pain and suffering, future income loss, and costs of care and assistance).

If you require any further information or assistance in relation to the Scheme or introducing a COVID-19 vaccination policy, please contact us.

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