



How to make a claim for compensation under the Covid-19 Vaccine Claims Scheme

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The COVID-19 Vaccine Claims Scheme is an Australian Federal Government scheme that provides compensation to people who experience harm/injury after having an Australian-approved COVID-19. In this blog, we look into the procedure to follow in order to make a claim for compensation if you have been adversely affected by a COVID-19 vaccine.

Deadline looming – closure of the scheme

Before we discuss eligibility and how to claim, the most important thing to note is that there is a deadline to lodge a claim: **30 September 2024**.

The Government has made it very clear that no applications will be accepted after this date, so you need to lodge your COVID-19 Vaccine Claims Scheme compensation application as soon as possible.

Notably, your application doesn't need to have been approved (accepted) by this cut-off date. It only needs to have been received by the Scheme administrators by **30 September 2024**.

Who is eligible to make a claim under the Covid-19 Vaccine Claims Scheme?

To be entitled to make a claim, you need to have received an 'approved' COVID-19 vaccine. It will be very rare (if not impossible) for someone who has suffered an adverse reaction from receiving a COVID-19 vaccine in Australia not to have been given an 'approved' vaccine.

The other 'threshold' criteria which you will need to satisfy includes the following:

You meet the scheme's definition of 'harm' (more on that later);

You must have either been:

admitted to 'hospital' as an in-patient due to COVID-19 vaccine-related harm; or

treated by a specialist as an out-patient due to COVID-19 vaccine-related harm; or

if neither of the above apply, you must have sought a 'waiver' (more on that later);

You have suffered a loss and/or incurred expenses relating to treatment of the 'harm' you suffered of at least \$1,000.

How do I make a claim for COVID-19 Vaccine Claims Scheme compensation?

To apply for compensation under the COVID-19 Vaccine Claims Scheme, you will need to:

complete the prescribed application form, which you can [download from the Services Australia website](#); and

submit the application form together with the following documentation:

'Proof' that you were admitted to a hospital, or received specialist out-patient care or received a 'waiver'; and

Details of how you calculated your total 'loss' (along with any documentation to 'prove' your loss); and

A 'COVID-19 Vaccine Claims Scheme Medical Report' which must be completed by your doctor.

What conditions or injuries are compensable under the COVID-19 Vaccine Claims Scheme?

This is where it gets a bit tricky.

The scheme doesn't compensate individuals for every adverse reaction that they think was caused by them receiving the COVID-

19 vaccine. The Government have restricted the types of 'harm' which will be compensated. Believe it or not, there are different recognised 'harm' depending on which vaccine you were given.

Your doctor's medical report must certify that you suffered at least one of the following conditions. You will be required to prove that you had the specific vaccine related to the illness/condition you have been diagnosed with.

Accepted conditions for the AstraZeneca vaccine

Anaphylactic reaction;

Capillary leak syndrome;

Cerebral venous sinus thrombosis (CVST) without thrombocytopenia;

Guillain Barre Syndrome (GBS);

Thrombosis with Thrombocytopenia syndrome;

Thrombocytopenia, including immune Thrombocytopenia

Transverse myelitis.

Accepted conditions for the Pfizer, Moderna, or Novavax

Anaphylactic reaction;

Erythema multiforme (major);

Myocarditis;

Pericarditis;

Accepted conditions after any Australian-approved COVID-19

vaccine

A shoulder injury you got when you received the vaccine;

Other 'moderate to significant physical injuries which caused permanent impairment or the need for an extended period of medical treatment.

What conditions are NOT compensable under the COVID-19 Vaccine Claims Scheme?

The Government has sought to exclude quite a lot of conditions/symptoms that may be related to receiving the vaccine. You can **NOT** claim compensation under the scheme for any of the following:

Headaches;

Fatigue;

A bad reaction 'at the site' of the injection;

Muscle or joint pain;

Dizziness;

Diarrhoea;

Extremity pain;

Fever;

Insomnia;

Nausea or vomiting;

Lethargy;

Hyperhidrosis;

Chills;

Decreased appetite;

Malaise;

Lymphadenopathy;

Somnolence;

Abdominal pain;

Pruritus;

Urticaria or rash;

Influenza-type illness;

Angioedema;

Anxiety-related reactions.

How much compensation is payable under the COVID-19 Vaccine Claims Scheme?

This is a 'how long a piece of string' type question.

If eligible, the amount you might be paid by the COVID-19 Vaccine Claims Scheme is calculated by reference to the following:

Lost earnings, including future earning capacity;

Out-of-pocket expenses;

Paid care services;

Non-paid for care (aka 'gratuitous care', for example, care provided by family members);

Loss of your capacity to provide domestic services;

Pain and suffering.

The final calculation of any compensation payable will depend on each claimant's individual circumstances.

Importantly, the Scheme has three categories of compensation dependent on the level of losses and the harm caused to you.

It is crucial that you seek legal advice **BEFORE** lodging your claim. If you do not accurately and, more importantly, thoroughly document **ALL** your losses, you may receive less compensation than you are entitled to. You cannot add further detail at a later time, so it's critical to get it 100% correct in the first instance.

An experienced personal injury lawyer will be aware of many items/losses that can be claimed that an ordinary person may not even consider. This could be the difference between a low-level claim and a high-level claim.

Get help from a personal injury lawyer

The Scheme Administrator, or a family member or friend, may suggest to you that it is easy to make a claim without help from a Lawyer experienced in the process.

It is, however, at least worth getting some initial advice about what is involved in making a claim so that you maximise your prospects of recovering everything you are entitled to under the scheme.

We will provide you with initial advice about your specific circumstances free of charge. You can then decide whether you want to 'go it alone' or have us on board throughout the entire process to ensure you get what you are entitled to for the harm you have suffered.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.