



Appealing a decision of the COVID-19 Vaccine Claims Scheme

Author: [Delon Ranasinghe](#)

Email: delon@guardianinjurylaw.com.au

Date: Monday October 2, 2023

Updated 3 October 2024

If you've suffered an adverse reaction to a Covid-19 vaccine, you may be entitled to compensation under the [Covid-19 Vaccine Claims Scheme](#) ("the Scheme"). If you have lodged an application for compensation under the Scheme, and you wish to dispute a decision to deny your claim or a decision to pay you less than you are entitled to, you are entitled to seek a review of this decision.

If you receive an offer from a review application, you can seek a further review. If, however, you receive a NIL offer from a review application, you do not have the right to challenge the decision further and are bound by the decision of the scheme. In this blog, we explain, in detail, the review process if you wish to challenge a decision of the Scheme.

Time limits to appeal a rejected COVID-19 vaccine compensation claim

Once your COVID-19 Vaccine Claims Scheme application is assessed by Services Australia, it will either be deemed payable or your claim will be rejected.

A letter will be sent to you from Services Australia, which will advise how much time you have to inform them of whether you are going to request a review of their decision.

Critical time limits for providing more evidence related to your claim

Once a review of a decision is requested, you will only have **28 days** to provide further information.

We recommend you do **not** request a review until you have contacted Guardian Injury Law to obtain expert advice on the potential to maximise your compensation.

[FREE ADVICE TO FIND OUT WHERE YOU STAND: 1300 700 761](#)

What happens if my COVID-19 vaccine compensation claim is rejected?

If your claim has been rejected, it may be because you do not fall within the requirements of having an acknowledged injury to an approved vaccination. You can read more detail about the scheme and eligibility for compensation in our earlier blog, "[Covid-19 vaccine: no fault compensation scheme for adverse reactions](#)".

As the Scheme only accepts claims for the acknowledged injuries in its policies, it is vital that medical information and health records are provided to the Scheme which prove a link between the injury you suffered and an approved Covid-19 vaccination.

At Guardian Injury Law, we are experts at understanding and carefully analysing health records and clinical notes and advocating your story to the Scheme.

What if my claim is accepted, but no compensation is payable?

If your claim has not been deemed payable, it could be because you have not correctly claimed for your past and future loss or pain and suffering. In other words, the Scheme has determined that the losses you have advised (in your claim forms) do not meet the thresholds required for compensation.

In our experience, it is common to find claimants have not assessed **ALL** their losses and, therefore, the figure they claim is well below their actual losses. At Guardian Injury Law, we are highly skilled at calculating all losses, not just those that are considered at first glance.

You can claim for past and future loss due to your COVID-19 vaccine injuries if they fall into the following five categories:

- 1. Out of pocket expenses** – these are the expenses that you have reasonably incurred to date with regard to your Covid-19 vaccine harm and will reasonably expect to incur in the future. Calculating the future loss is often missed by people lodging their own claims.
- 2. Lost wages** – if you have been unable to work due to the COVID-19 vaccine harm, you can claim lost wages up to \$5,211.30 per week.
- 3. Gratuitous care** – this is unpaid care that has been provided to you by family and friends as a result of the COVID-19 vaccine harm. The policy provides that to be eligible for gratuitous care, you need to have received that care for at least six hours per week for at least six months. Gratuitous care is paid at the rate of \$43 per hour and is capped at \$1,743 per week.

4. Paid attendant care – this is care that you have received in the home from a service provider that you have paid for.

5. Domestic assistance – this is care that you are unable to provide to children, people with a disability or elderly parents.

Domestic assistance is paid at the rate of \$43 per hour. There is no cap on the amount of domestic assistance payable

You cannot claim for the following under the Scheme:

- Out-of-pocket expenses that are not related to the acknowledged injury, for example, medication you require that relates to a pre-existing injury and not the COVID-19 vaccine injury;
- Legal costs or expenses in connection with a claim;
- Costs associated with obtaining advice; and
- Interest on any compensation.

Guardian Injury Law has extensive experience in communicating past and future economic loss claims to the Scheme. We can assist in a review of your application to the Scheme to ensure that appropriate compensation is awarded to you.

[FREE ADVICE TO FIND OUT WHERE YOU STAND: 1300 700 761](tel:1300700761)

Time limits to request a review of the compensation deemed payable under your claim

If your claim has been rejected by the Scheme or deemed payable by the Scheme, but you are dissatisfied with the amount of compensation they have offered, you may also request a review of their decision.

In their letter providing their offer of compensation, Services Australia will inform you how long you have to request a review of the decision. Requests for review will need to be made six (6) months from:

1. the date an offer of compensation is made; or
2. the end date of the scheme, which is 30 September 2024.

It is imperative that you seek legal advice from Guardian Injury Law once your claim has been assessed by Services Australia to ensure you are maximising your compensation. If you receive an offer from a review application, you can seek a further review. If, however, you receive a NIL offer from a review application, you do not have the right to challenge the decision further and are bound by the decision of the scheme.

Critical time limits for providing more evidence related to your claim

Again, once a review is requested, you will only have 28 days to provide further information.

We recommend you do **not** request a review until you have contacted Guardian Injury Law to obtain advice on your current claim and whether anything further is able to be claimed under the Scheme.

[Free advice to find out where you stand: 1300 700 761](tel:1300700761)

What happens after my COVID-19 Vaccine Claims Scheme review application is submitted?

Once your application for review is submitted to the Scheme, a new assessor who is of a higher level in Services Australia than the original assessor will make a decision on the review application.

They look at your review application as if it is a fresh application and will not have consideration to your previous application or the initial decision made in the claim. As such, the decision of the new assessor will replace the original decision, regardless of whether it results in a more favourable or less favourable outcome for your claim.

If your claim is deemed payable by way of a review application and you are still dissatisfied with it, you can seek a further review. If, however, you receive a NIL offer from a review application, you do not have the right to challenge the decision further and are bound by the decision of the scheme.

Why choose Guardian Injury Law to appeal a Covid-19 Vaccine Claims Scheme decision?

Having worked in the COVID-19 vaccine injury space since the inception of the Scheme in December 2021, the team at Guardian Injury Law are experienced and proficient in preparing applications to the Scheme and understands the detailed evidence required to maximise your entitlements.

Call us today for a no-obligation initial consultation to find out if you are eligible. All work undertaken is on a "no win, no fee" or expenses basis. Put simply, it costs you nothing to find out where you stand, and you only pay legal fees upon the successful completion of your matter.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

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.