



Covid-19 Vaccine Claim Scheme – Why legal advice is crucial

Author: [Tanya Neilson](#)

Email: tanya@guardianinjurylaw.com.au

Date: Monday March 7, 2022

Updated 14 December 2023

The Covid-19 Vaccine Claims Scheme provides compensation to eligible people who have experienced an adverse reaction after receiving a vaccination. Sadly, some of the reactions to the vaccine can be very significant, debilitating and life-changing. Although the scheme may be considered “DIY” by the government, there are significant factors which need to be considered to ensure you get the full compensation you deserve.

Government extends timeframe to lodge a COVID-19 Vaccine Claims Scheme Claim

The Federal Government's Mid-Year Economic and Fiscal Update was released on 13 December 2023. The Government has provided additional funding for the vaccine claims scheme which was due to end on 17 April 2024.

The COVID-19 Vaccine Claims Scheme has been extended and will now end on 30 September 2024.

If you have suffered an adverse reaction to a COVID-19 vaccine, it is crucial that you seek legal advice about your entitlement to compensation. We offer free advice and run claims "no win no fee".

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

Confusion over the scheme's compensation benefits

At Guardian Injury law, we are observing some general confusion around what the scheme actually provides and how to access the entitlements.

We are also finding that an increasing number of people are quickly putting in claims:

- without seeking legal advice;
- without understanding the full range of entitlements available to them; and
- missing crucial information required to maximise benefits.

Claims lodged in haste can potentially short-change claimants and there is no "going back for more".

The Vaccine Scheme provides three different categories for claimants. Tiers 1 and 2 provide compensation benefits to the individual who suffered injury. Tier 3 claims are for beneficiaries of a person who has died due to an adverse reaction to a Covid-19 vaccine.

Tier 1 provides for a **maximum** past and future loss of \$15,999 and pain and suffering capped at 25% of the past and future loss claimed.

Tier 2 provides for a **minimum** and uncapped past and future loss amount of \$16,000 (that is, your past and future losses must be a minimum of \$16,000 before you are eligible for this tier of compensation. Tier 2 also provides for pain and suffering capped at a percentage of \$693,500.00, dependant on the severity of the injuries.

You can learn specific details about how the tiers work and what compensation is payable, in our blog ["How much compensation is payable after an adverse reaction to the COVID vaccine?"](#)

There are very specific eligibility requirements including what types of injury are covered and what is excluded. You can get more detail on this in our previous blog, ["Covid-19 vaccine: no fault compensation scheme for adverse reactions"](#).

How does a lawyer help maximise your Covid-19 Vaccine Claim Scheme compensation?

To achieve maximum compensation, it is crucial that your claim is **classified as a Tier 2 claim**.

To achieve this, you need to set out clearly your, past and future loss. This is where a lot of people are slipping up. They're not considering ALL their losses and subsequently, not reaching the minimum threshold to achieve Tier 2 eligibility.

The types of items that can be carefully considered and claimed include:

- Past and future medication;
- Past and future hospital expenses;
- Past and future lost wages;
- Home help expenses such as cleaning, gardening and home maintenance;
- Modifications to the home if required due to the injury;
- Past and future care requirements that you need, also known as gratuitous care;
- Past and future care that you can no longer provide to a dependant.

When claiming these expenses, it is crucial that you have the evidence to support your claim. This can include statements from family members and employers, taxation returns, other financial documents, receipts and, of course, medical evidence such as treating doctor's reports and clinical notes.

We are finding that our clients are not aware of the significant range of loss of earnings and past and future care requirements that are able to be claimed. They are also not aware that by claiming these expenses, they can be classified as a Tier 2 claimant, significantly increasing their pain and suffering entitlements.

Remember, under Tier 1, your pain and suffering payment is capped at 25% of your past and future losses claimed.

Consider these scenarios

Option 1

- Claimant suffers an adverse reaction to a Covid-19 vaccine;
- They only consider their loss of past and future wages when lodging a compensation claim;
- Their calculation amounts to \$12,000 and they lodge a claim for that amount (a Tier 1 claim);
- Compensation payable: \$12,000 plus 25% of that amount (\$3,000) for a total compensation payout of \$15,000.

Option 2

- Claimant suffers an adverse reaction to a Covid-19 vaccine;
- Their loss of past and future wages is \$12,000;
- They seek legal advice about further losses they can add to their claim. Those extra losses amount to \$6,000.
- They lodge a claim for past and future losses in the amount of \$17,000 (a Tier 2 claim);

- Compensation payable: \$17,000 plus a percentage of a maximum of up to \$693,500.00, dependant on the severity of the injuries.

How we help you maximise your compensation under the scheme

At Guardian Injury Law we take the time to get to know you in order to understand your injury and how it has affected you on a personal and financial level. We then carefully prepare submissions on your behalf so that not only are all of your past and future losses claimed, but also to ensure that you receive the maximum pain and suffering compensation available to you.

Because we understand the effect of an injury upon you, Guardian Injury Law undertakes all work associated with Covid-19 vaccine claims on a “no-win no fee” or expenses basis. This means that you will only pay once your claim is successful. It costs you nothing to find out where you stand.

[Call Guardian Injury Law on 1300 700 761 to start your claim now](#)

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

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