Important policy update: COVID-19 Vaccine Claims Scheme

Author: Tanya Neilson
Email: tanya@guardianinjurylaw.com.au
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The COVID-19 Vaccine Claims Scheme policy has undergone another update, with version 1.6 being released on 24 September 2024. This update provides important amendments for those who have received an offer from the COVID-19 Vaccine Claims Scheme and the timeframe to respond. It also removes the deadline for family members pursuing a Tier 3 claim on behalf of a loved one who has died from vaccine harm.

Although the COVID-19 Vaccine Claims Scheme closed on 30 September 2024 and is not accepting further claims, claimants who have lodged their own claim need to be aware of their entitlements to ensure that their compensation is maximised.

If you've received an offer from the scheme and you are not satisfied with that offer, or if your claim has been rejected, you should seek legal advice immediately about your options to request a review of the decision.

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Strict time limits apply to request a review

The latest version of the COVID-19 Vaccine Claims Scheme policy provides two important amendments for claimants seeking a review of a decision in respect of a claim.

1. The first amendment provides that where an offer has been made by the scheme, the claimant has **six** (**6) months** either from the date of the offer **or** the end date of the scheme (30 September 2024), whichever is the later, in which to apply for a review.

This amendment is very important for those who have received an offer before the 30 September 2024 deadline. It means that those with an offer have an additional six (6) months from 30

September 2024 in which to either accept the offer put by Services Australia or request a review.

1. The second amendment provides decision-makers or staff of the COVID-19 Vaccine Claims Scheme with the discretion to grant a review outside of the stipulated timeframe if they are satisfied that:

“exceptional circumstances exist which reasonably prevented the person from applying for a review of the decision made in respect of their claim within the timeframe required.”

Whilst exceptional circumstances are not defined in the policy, this update provides an avenue for those who have missed the deadline in which to seek a review.

What should I do if I have received an offer from the scheme?

If you have received an offer from the scheme, it is crucial that you seek legal advice as soon as possible to ensure that you can maximise your entitlements. Once you have accepted the scheme’s offer, you cannot revisit the settlement.

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Claimants also need to be aware that you can request multiple reviews of an offer from the scheme **as long as your claim has been deemed payable**. If your review application is denied, then you do not have the right to request a further review, and you are bound by the scheme’s decision.

We are speaking with many claimants who have lodged their own claims with the scheme, not understanding the complexity of the policy and the various entitlements available to them. Often, these claims were lodged a significant time ago and do not take into account the long-term consequences, ongoing symptoms and the impact of vaccine injuries.

At Guardian Injury Law, we have had a significant amount of experience with the scheme and maximising claimant’s entitlements. We understand the complexity of the COVID-19 Vaccine Claims Scheme policy and the evidentiary requirements to achieve a successful outcome.

For more information about appealing a decision, visit our earlier blog, “Appealing a decision of the COVID-19 Vaccine Claims Scheme”

Time limit to make Tier 3 claims after the death of a loved one

With regards to those who have lost a loved one due to “COVID-19 vaccine harm”, also known as a Tier 3 claim, the updated policy provides that Tier 3 claims received by Services Australia on, before or after the end date will be determined in accordance with the policy.

The end date of the Scheme is 30 September 2024.

This means that if you have a loved one who has passed away from COVID-19 vaccine harm, even after the end date of the scheme, then you can still lodge a Tier 3 claim.

Claimants can claim a Tier 3 dependent lump sum if the deceased has a surviving dependent or a Tier 3 non-dependent lump sum if they do not have a surviving dependent but a parent, non-dependent child or sibling at the time of the death. Funeral expenses can also be claimed.

Other avenues of compensation

If you have sustained a COVID-19 vaccine injury, it is important that you are aware of other compensation options aside from the COVID-19 Vaccine Claims Scheme.

If you were mandated to receive the vaccine in order to attend your workplace and have sustained a vaccine injury, you have the right to lodge a WorkCover claim in Victoria or worker's compensation claim (including Comcare claims) in your relevant State or Territory.

Also, if you were working at the time of the COVID-19 vaccine harm and are now prevented from working due to the injury, you may be entitled to access your income protection benefits or total and permanent disability (TPD) benefits attached to your superannuation fund.

You can learn more about your compensation options in our earlier blog, "WorkCover and other compensation options after adverse reaction to a mandated COVID-19 vaccine".

Seek legal advice about your COVID-19 Vaccine Claims Scheme claim

At Guardian Injury Law we have been actively involved with the COVID-19 Vaccine Claims Scheme from its inception in December 2021. We are experienced in acting for those who have suffered vaccine injuries, and we take the time to understand our client's individual circumstances.

We understand the complexities of the scheme and how to maximise claims. Our first consultation is free, and we act on a "no win, no fee" or expenses basis. Contact us today to speak with an experienced member of our team to find out where you stand.

Contacting Guardian Injury Law

1300 700 761

enquiries@guardianinjurylaw.com.au
