

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health

Senate Select Committee on COVID-19

Inquiry into Australian Government's response to the COVID-19 pandemic

28 January 2021

PDR Number: IQ21-000086

No-fault compensation scheme for medical professionals

Spoken

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Senator: Rachel Siewert

Question:

Senator SIEWERT: Thank you. I know I'm going to run out of time, so I just want to go back to the no-fault compensation scheme. We heard from Dr Khorshid that the AMA have been engaged in discussions with the Commonwealth about such a scheme. How progressed are those discussions? And when are you intending to put such a scheme in place for GPs or doctors?

Dr Murphy: We're having discussions with GPs and the AMA about giving them assurance that the indemnity protection that they're provided in this vaccine strategy is adequate. That's really all I can say at the moment.

Senator SIEWERT: What's the timeline for those discussions?

Dr Murphy: They're ongoing.

Senator SIEWERT: Is there a timeline for when that assurance will be given?

Dr Murphy: A range of assurances have already been given. There have been letters, but they're seeking further assurances, and we're working through those with the various medical bodies. I think that's probably all we can say at the moment.

Senator SIEWERT: Given your answer, does that mean you are not intending to do a no-fault compensation scheme?

Dr Murphy: I think government has previously decided not to go down that path. That would be a matter for government. It would be a decision for government; it's not a decision for the department.

Senator SIEWERT: I heard what you said, that they've made the decision. They're not revisiting that decision, given the doctors?

Ms Edwards: As the secretary has mentioned, we've got a range of measures in place to ensure the safe rollout of the vaccines and protect participating health professionals. We're having discussions with doctors, nurses and other professionals to provide them those assurances. The issue of a no-fault compensation scheme is raised from time to time. There has been no government decision to proceed with any such scheme, and we're proceeding on the basis that there is no plan to proceed with such a scheme. But we are, as always, talking

to professionals about all of their issues as we go along.

Senator SIEWERT: Thank you. Will the information around the assurances be a public commitment or is it something that will be negotiated between the government and the AMA?

Dr Murphy: I would have to take that on notice.

Ms Edwards: I think because there are a range of measures in place, we might have to take on notice how to explain it. There are many measures already in place in the ordinary course of medical practice which provide support to doctors and others in this regard, and those continue and provide a measure of protection. In addition, our arrangements in relation to the procurement of vaccines provide a measure of protection. Perhaps it would be prudent to take on notice the whole answer to your question to ensure we've covered the range and that is appropriate to answer.

Answer:

The Australian Government is establishing a COVID-19 Vaccine Claims Scheme, intended to help potential claimants through a claims process in the event someone suffers a moderate to significant adverse reaction, causing injury and economic loss due to vaccination.

The details of the scheme are currently being settled in consultation with peak bodies (including the Australian Medical Association), professional indemnity insurers, patient groups and states and territories.

The scheme will be backdated to the start of the national vaccine rollout (22 February 2021) and will be linked to the Human Biosecurity Emergency Period under the *Biosecurity Act 2015*.