

Canberra throws vaccine-injured to the wolves

The Morrison Liberal government's COVID-19 vaccine injury compensation scheme was disgracefully and deliberately inadequate. Under Anthony Albanese's Labor government, it has ceased to exist at all. Any Australian injured by a COVID vaccine who did not lodge a claim before 30 September 2024, and all Australians injured by *any* vaccine after that date, are now back to the *status quo ante* of being effectively forced whether they like it or not to have themselves and their children vaccinated for the public good against various communicable diseases—but with *no* reciprocal obligation upon the government to support them in turn if something goes wrong.

Various doctors, epidemiologists, public health experts and others who have argued for a universal no-fault vaccine injury compensation scheme since long before COVID, have pointed out that Canberra's refusal to establish one makes Australia increasingly an outlier among comparable "developed" countries, and is an abrogation of the "social contract" that is supposed to exist between government and the governed in a democracy such as Australia claims to be. Moreover, whether it be victims of financial scams, including those run or enabled by regulatory agencies; of criminal misconduct by government ministers and senior bureaucrats, such as "robo-debt"; or the soldiers chewed up by Canberra's various pointless, illegal and immoral wars, to give but a few prominent recent examples, governments of both political stripes have over and over again had to be dragged kicking and screaming to compensate anyone for anything—other than a select few individuals as hush-money or for the sake of politically advantageous virtue-signalling. In that light, the COVID vaccine compensation scheme debacle can be seen as merely the latest symptom of a disease that has been endemic in Canberra's halls of power for decades: a pathological aversion to the basic tenets of natural law and justice that are supposed to underpin modern Western civilisation.

When then-Prime Minister Scott Morrison secured a deal with Oxford University and pharmaceutical company AstraZeneca (AZ) in August 2020 to produce their vaccine in Australia if it succeeded in clinical trials, he told Melbourne radio station 3AW that the vaccine "[would] be as mandatory as you could possibly make it. There are always exemptions for any vaccine on medical grounds, but that should be the only basis." Shortly thereafter, Industry Minister Karen Andrews went further, telling 2GB (Sydney) that "there will be medical exemptions that will be *considered* but the prime minister has made it clear that we are looking at it being a mandatory vaccine." (Emphasis added.) Following an immediate backlash from religious and civil liberties groups, and warnings from public health experts who, as the *Guardian* put it, "feared such a discussion was dangerous and could drive some Australians away, given the vaccine was not yet proven effective and safe", Morrison appeared to backtrack, telling 2GB the same evening that "It is not going to be compulsory to have the vaccine, OK? ... There are no things that force people to do things ... but there will be a lot of encouragement and measures to get as high a rate of acceptance as usual." He declined however to say what, and how coercive, those "measures" might be.

In an article responding to these and similar remarks by government officials, published September 2020 in the journal of doctors' peak body the Royal Australian College of General Practitioners (RACGP), Professors Nicholas Wood, Kristine Macartney, Julie Leask and Peter McIntyre of the University of Sydney's National Centre for Immunisation Research and Surveillance, reiterated their longstanding call for a vaccine injury compensation scheme (VICS), arguing that it was urgently necessary one be introduced before the COVID vaccines were rolled out.

'Reciprocal justice'

"Reciprocal justice", they wrote, "is an ethical principle that acknowledges that people acting to benefit themselves, but also the community, should be compensated by the same community if harm has resulted from action as an individual. For immunisation programs, the community owes a debt of gratitude to an individual who experiences serious injury due to a vaccine offered and accepted in good faith." This applies all the more, they added, to countries like Australia that use coercive measures such as the "No Jab No Pay" policy (introduced by then-Social Services Minister Morrison in 2015), which denies family support payments to parents whose children are not vaccinated for various common diseases. And more so again, given the truncated clinical trial and approval process already announced for the COVID vaccines made it relatively likely that serious side-effects would go undetected before they were put into widespread use (as indeed occurred with both AstraZeneca, and the Pfizer and Moderna mRNA vaccines).

"Australia, in stark contrast to 25 other countries including the USA, UK and New Zealand, does not have a no-fault VICS", ¹ they noted. "Individuals who experience a vaccine injury must bear the costs associated with their injury by themselves or access treatment via our publicly funded health system, but they will not receive any compensation for their injury and suffering. ... If we are to encourage target groups to receive COVID-19 vaccines for the benefit of the entire community, much more so for young adults and the healthy who derive the least individual benefit, it follows that the Australian Government should compensate for any unforeseen rare but serious adverse event deemed to be due to a COVID-19 vaccine. *Should options to increase COVID-19 vaccine uptake include mandates or penalties, such as employment or travel restrictions if not vaccinated, a VICS would be even more essential.*" (Emphasis added.) All of those coercive "options" were indeed implemented; but no

adequate COVID-19 VICs, let alone a universal one, ever was. Instead the Morrison and Albanese governments did and continue to do the same thing with regard to vaccine injuries that they do with everything else: make sure their corporate mates are looked after, and tell Australians ground up in the gears to go to Hell.

Designed to fail

The Morrison government's vaccine procurement program, announced in April-May 2021 in that year's federal budget, included legal indemnification of vaccine manufacturers, thereby denying Australians injured by their products the right to sue them for damages—a measure sold as necessary in order to secure adequate supply in a “competitive market”. To make up for this, Health Minister Greg Hunt announced at the same time that the government would establish a federally funded compensation scheme. As noted in a report published this August by the University of New South Wales (UNSW) and vaccine injury charity COVERSE, Hunt “stated that the Scheme would be ‘administered by Services Australia and will provide Australians with a single front door to a simple and quick administrative process for compensation’.” However, “Citizens who have applied to the scheme have found it to be anything but simple and quick, with many denied access, or otherwise experiencing considerable administrative burdens and psychological stress.”

The report, by Prof. Gemma Carey and Dr Nicholas Bromfield from the UNSW Centre for Social Impact, COVERSE directors Rachael O'Reilly and Dr Rado Faletic, and Prof. Dilan Thampapillai from the University of Wollongong Faculty of Law, is a summary of a detailed formal study by the same authors (absent Dr Faletic) dated 10 August and currently in preprint. Having analysed 771 peer-reviewed scientific papers from around the world on serious adverse events—meaning those which required medical intervention and hospitalisation—caused by the same vaccines used in Australia, that paper states, “the review found a much greater array of [serious] reactions in the literature than approved for compensation. ... Also, a higher proportion of adverse events were found for some reactions not listed on the compensation scheme (e.g. kidney and eye disease) than the conditions which are listed.” In all, the COVERSE report states, “Our review demonstrates a gross misalignment between the very limited approved range of serious adverse events included in the Australian compensation scheme, and the medical evidence.... *The vast majority of medically documented serious adverse events uncovered in the review are excluded for compensation by the Australian COVID-19 Vaccine Claims scheme. Consequently, it is reasonable [i.e., it can logically be presumed] that the majority of citizens experiencing serious adverse events from COVID-19 vaccines are excluded from compensation.*” (Emphasis added.)

And were all that not bad enough, even those people who met the truncated criteria for compensation often found it impossible to access due to the “administrative burden” that the report suggests was intentionally designed to frustrate and exhaust them into dropping their claims, particularly “people who are very unwell and have limited financial supports. Applicants submit up to 1,000 pages of paperwork and are waiting between 200 and 450 days for responses.” So much for Hunt's “simple and quick administrative process”. It is therefore appalling but entirely unsurprising that according to a 28 August News.com.au report, Services Australia reported that “As of August 21, the scheme has received 4,426 claims and paid out 378 to the value of around \$29.8 million, with another 663 still active”, the rest having been rejected or withdrawn—a payout rate of less than 10 per cent, despite all applicants since 2022 having only been allowed to apply if they had one of the reactions approved for compensation.

Agenda management

The question, then, is why? The COVERSE report suggests only one reasonable conclusion. “Consistent messaging around the COVID-19 vaccines have been that they are safe and effective, including from the Australian Therapeutic Goods Administration. Yet the number of vaccine injury applications combined with the adverse event literature presented in this systematic review shows that serious adverse reactions do happen, resulting in a wide range of health issues. The restriction of the Scheme through its tight construction could be viewed as a means to quieten counter-narratives that might disrupt government rhetoric regarding the safety of the vaccines—politically, one can argue that few applicants presents an optic of few adverse events. [Government Services] Minister Bill Shorten has used the low number of approved compensation applications precisely in this way to argue for vaccine safety. Here, the exclusionary nature of the Scheme potentially plays an agenda management role. ... To enact agenda management, political actors actively shape the definition and framing of issues to make them as innocuous as possible and delegitimise individuals and organisations agitating for change.”

And lest that be dismissed as mere “anti-vax” sentiment, note that Dr Kerryn Phelps AM—medical doctor; Fellow of the RACGP; former President of the Australian Medical Association, Deputy Lord Mayor of Sydney, and independent federal Member for Wentworth; and as pro-immunisation a

public figure as you will ever find—has repeatedly made similar comments, including in submissions and testimony to Parliament, ever since she and her partner both experienced COVID vaccine injuries in 2022. In a December 2023 submission to Parliament’s COVID Response Inquiry, Dr Phelps stated: “With regard to the vaccine rollout, doctors and the public were assured that the vaccines would reduce the risk of severe disease, hospitalisations and death from the virus. The information being disseminated emphasised their claimed ‘safety and efficacy’. Of course, early in the rollout of the vaccines, little was known about the potential range of adverse effects of the vaccine.

Dr Kerryn Phelps' wife opens up on her debilitating vaccine injury that has her unable to WALK without pain 19 months after her first Covid shot - as she issues desperate plea



Dr Kerryn Phelps (left) and her wife Jackie Stricker-Phelps.

“In the urgency to vaccinate as many people as possible as quickly as possible, patients who had suffered significant vaccine injury were encouraged or mandated to have subsequent doses with inadequate evidence for the potential damage this might do to someone who had already suffered an adverse reaction to the vaccine. It was extremely difficult for patients who had been affected to obtain a medical exemption. Another consequence of the difficulty in obtaining information about vaccine adverse events was that many patients report that they were not believed, or their doctors initially did not recognise the diagnosis or did not have treatment protocols in place. This meant that patients had to take matters into their own hands and set up advocacy groups such as COVERSE to share experiences and provide muchneeded support.”

Now, with the expiry of the paltry COVID vaccine compo scheme, groups like COVERSE are once again all they—we, all of us—have. Meanwhile, as the COVERSE report notes, “the COVID-19 vaccine program itself is set to continue for the foreseeable future. The Scheme closure leaves no recourse whatsoever for COVID-19 vaccine-injured citizens to access compensation for life-changing injuries.” Just the way both major parties obviously like it.

Footnote:

1. “No-fault” meaning the injury was caused by a properly manufactured product.

By Richard Bardon, Australian Alert Service, 9 October 2024