

ATTACHMENT A

SCHEDULE OF DOCUMENTS - FOI 2342

Document No.	Pages	Description	Decision on access ¹	Exemption
1	2	Pfizer Binding Term Sheet	E	Section 45 - whole document Section 47 - whole document Section 47D - whole document
2	2	Novavax Advance Purchase Agreement:	E	Section 45 - whole document Section 47 - whole document Section 47D - whole document
3	3	AstraZeneca Supply Agreement	E	Section 45 - whole document Section 47 - whole document Section 47D - whole document
4	2	MC21-010802 Letter to Karen Price	R	
5	2	Signed MC21-002017	R	

¹ E: Exempt in full; R: Release in full.



**The Hon Greg Hunt MP
Minister for Health and Aged Care**

11 April 2021

Dr Karen Price
President
Royal Australian College of General Practitioners
100 Wellington Parade
EAST MELBOURNE VIC 3002

Dear Dr Price

I am writing regarding our recent discussions about the COVID-19 vaccination program, and your request for further clarification regarding indemnity arrangements, particularly associated with administration of the AstraZeneca vaccine.

My Department has been working with individual insurers and the Insurance Council of Australia to discuss the indemnity insurance support already provided to health practitioners by the Australian Government, and to provide advice on the management of risks that may be associated with vaccine product liability issues.

In the event that a higher than expected number of claims associated with the vaccination effort arise or the measures currently in place prove to be inadequate or insufficient, I can assure you that the Australian Government will take steps to ensure the necessary support of health practitioners.

I understand your members have expressed some concerns about the consent arrangements, and the associated risk that claims will be inappropriately directed to health practitioners participating in the vaccination program, instead of vaccine manufacturers.

The *Phase 1B COVID-19 Vaccine Roll-out through Primary Care Providers Onboarding Pack* distributed by the Department on 13 March 2021 notes that as with all vaccines, informed consent is required before the administration of each vaccine dose and all providers are required to document this on the patient's health record.

Further information has been provided to participating practices including comprehensive information around consent procedures. This information was updated following the advice from the Australian Technical Advisory Group on Immunisation issued on Thursday this week, recommending that the Pfizer COVID-19 vaccine is preferred over the AstraZeneca COVID-19 vaccine in adults aged under 50 years, based on a potentially increased risk of thrombosis with thrombocytopenia in those under 50 years.

The updated consent form was published and circulated widely on Friday. A range of other consumer information was also updated yesterday to support informed consent.

I welcome the RACGP's ongoing support in achieving our shared objective of maintaining public confidence in the vaccination roll-out. I would also like to reiterate the range of measures we have already put in place to ensure the safe roll-out of the vaccine and the protections afforded to practitioners.

The Commonwealth's existing medical indemnity schemes would respond in the event a claim of medical negligence is made against a GP in relation to their administration of the COVID-19 vaccine. Under current arrangements, the Government provides reimbursement to medical indemnity insurers for 50 per cent of eligible claims above \$500,000.

The Commonwealth has also agreed to certain indemnities with the vaccine suppliers, which will operate if there are efficacy issues associated with the vaccines. These indemnities will operate if there are problems which flow from the vaccine itself, rather than problems with the way the vaccine has been administered.

I appreciate the RACGP's willingness to raise the concerns of your members with the Government, so that we together resolve issues for practitioners who are vital not only to our COVID-19 vaccination roll-out, but also to ensuring the health and well-being of all Australians. Should other concerns arise as the roll out progresses, I encourage you to bring them to my attention.

The contact in my Department for this matter is Paul McBride, First Assistant Secretary, Medical Benefits Division, email paul.mcbride@health.gov.au, phone 02 6289 1016.

Yours sincerely



Greg Hunt



**The Hon Greg Hunt MP
Minister for Health and Aged Care**

Ref No: MC21-002017

Dr Omar Khorshid
Federal President
Australian Medical Association
PO Box 6090
KINGSTON ACT 2604

9 APR 2021

Dear Dr Khorshid

I refer to your correspondence and your recent meeting with Dr Brendan Murphy the Secretary of the Department of Health on 12 March 2021 concerning the COVID-19 vaccination roll-out. I regret the delay in responding.

I am advised that this meeting was extremely productive and has provided my Department with further clarification around concerns of the Australian Medical Association (AMA) and its members arising from the COVID-19 vaccination roll-out. Through these discussions, it was acknowledged that it would not be possible to implement a statutory no-fault compensation scheme for the administration of the COVID-19 vaccine roll-out in the timeframe available.

Similar to the AMA's request, the insurance sector has requested the Australian Government establish an indemnity to cover practitioners and practice entities. My Department is awaiting further advice and analysis from the insurance sector supporting the case for such a system and would welcome ongoing engagement on this issue once that information is received.

In the event that a higher than expected number of claims associated with the vaccination effort arise or the measures currently in place prove to be inadequate/insufficient, I assure you that the Government will take steps to ensure the necessary support of health practitioners.

I understand your members have expressed some concerns about the consent arrangements, and the associated risk that claims will be inappropriately directed to health practitioners, instead of vaccine manufacturers. The Phase 1B COVID-19 Vaccine Roll-out through Primary Care Providers Onboarding Pack distributed from my Department on 13 March 2021, notes that as with all vaccines, informed consent is required before the administration of each COVID-19 vaccine dose and all providers are required to document this on the patient's health record.

Further information was provided to participating practices last week, which included comprehensive information around consent procedures. Risks are further mitigated by the requirements that health practitioners must administer the COVID-19 vaccine in line with jurisdictional legislation and requirements, and by the fact that all eligible vaccinators are required to have completed the COVID-19 vaccine specific training.

I also understand that you expressed some concern that public uncertainty about indemnity arrangements, particularly for claims related to the COVID-19 vaccine itself, may result in practitioners being unnecessarily exposed to a negligence action.

The Commonwealth has agreed to certain indemnities with the COVID-19 vaccine suppliers. While these indemnities do not amount to a 'full' indemnity and were only agreed to by the Commonwealth after detailed consideration of the risks and the market conditions for the supply of the vaccines, their existence should reduce the potential risk to your members as efficacy issues associated with the vaccines should be appropriately directed toward these suppliers.

I welcome the AMA's ongoing support in achieving our shared objective of maintaining public confidence in the COVID-19 vaccination roll-out. I would also like to reiterate the range of measures we have already put in place to ensure the safe roll-out of the COVID-19 vaccine and the protections afforded to practitioners.

The Commonwealth's existing medical indemnity schemes would respond in the event a claim of medical negligence is made against a registered health practitioner in relation to their administration of the COVID-19 vaccine. Under current arrangements, the Government provides reimbursement to medical indemnity insurers for 50 per cent of eligible claims above \$500,000.

I appreciate the AMA's willingness to raise the concerns of their members with the Government, so that we together resolve issues for practitioners who are vital not only to our COVID-19 vaccination roll-out, but also to ensuring the health and well-being of all Australians. Should other concerns arise as the roll out progresses, I encourage you to bring them to my attention.

The contact in my Department for this matter is Paul McBride the First Assistant Secretary of the Medical Benefits Division, via email at: paul.mcbride@health.gov.au, or by phone on 02 6289 1016.

Thank you for writing on this matter.

Yours sincerely



Greg Hunt

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