
Are SA Health practitioners covered for indemnity insurance re the Covid jabs?

Elizabeth Hart <elizmhart@gmail.com>

Mon, Nov 14, 2022 at 12:39 PM

To: premier@sa.gov.au

Cc: James.Stevens.MP@aph.gov.au, Simms Office <simms.office@parliament.sa.gov.au>, "Simms, Robert" <Robert.Simms@parliament.sa.gov.au>, black@parliament.sa.gov.au, bragg@parliament.sa.gov.au, ministerforhealth@sa.gov.au, nicola.spurrier@flinders.edu.au, ptadelaide@parliament.sa.gov.au, schubert@parliament.sa.gov.au, Emma McArthur <ejminoz@gmail.com>, senator.antic@aph.gov.au, "Rennick Gerard (Senator)" <senator.rennick@aph.gov.au>, Malcolm Roberts <senator.roberts@aph.gov.au>, minister.butler@health.gov.au, sapol.enquiries@police.sa.gov.au, SAPOL.Covid19Command@police.sa.gov.au

For the attention of:

Peter Malinauskas
Leader of the SA Labor Party
Premier of South Australia

Peter Malinauskas, re my previous email below, **querying whether health practitioners are covered by indemnity insurance if they fail to obtain valid informed consent before administering Covid jabs.**

What is the situation within SA Health, i.e. for health practitioners employed by SA Health who administer Covid jabs - are they aware of their obligation to obtain valid informed consent before inserting the needle?

What is their medical indemnity insurance situation - **do they have their own insurance, or are they covered by their employer or union?**

What is the situation if they have not properly obtained valid informed consent before the Covid jabs, i.e. informed the individual (or parent) of the risks and benefits of the intervention in their personal circumstances, including the adult's or child's level of risk with SARS-CoV-2/Covid-19?

This is important to clarify Peter Malinauskas, **as it's likely many people have been Covid jabbed, including under mandates, without being properly informed about the risks/benefits re the Covid jabs, and personal level of risk with SARS-CoV-2/Covid-19, which may be minor or negligible.** I'm also pursuing this matter with health practitioners' professional organisations and unions, and medical indemnity insurers.

I've sent you many emails Peter Malinauskas, with little or no acknowledgement or response so far - **please provide transparency and accountability for the actions of your government and answer my questions.**

Sincerely

Elizabeth Hart

Independent researcher investigating vaccine products and conflicts of interest in vaccination policy
vaccinationispolitical.net

On Wed, Nov 9, 2022 at 12:35 PM Elizabeth Hart <elizmhart@gmail.com> wrote:

For the attention of:

Peter Malinauskas
Leader of the SA Labor Party
Premier of South Australia

Peter Malinauskas, please see below my recent email to federal health minister Mark Butler, **requesting clarification on whether health practitioners are covered by indemnity insurance if they fail to obtain valid informed consent before administering Covid jabs?**

In July and August 2021, **the Morrison government announced that health practitioners administering Covid jabs would have indemnity under the government's COVID-19 vaccine medical indemnity scheme, but subsequent correspondence received by Emma McArthur (copied on this email) indicates health practitioners and insurers don't have indemnity under the COVID-19 Vaccine Claims Scheme, and that informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations.**

This is very interesting to consider, **because health practitioners might think they have indemnity under the government's scheme, but it seems that they don't have indemnity... And are they obtaining 'valid informed consent' before the Covid jabs?**

I suggest that health practitioners must be alerted on this matter - are they genuinely obtaining 'valid informed consent' before inserting Covid needles? Are they covered by indemnity insurance if they have not obtained 'valid informed consent'?

The email below is also publicly accessible via this hyperlink: [Are health practitioners covered for indemnity insurance re the covid jabs?](#)

Sincerely
Elizabeth Hart

Independent researcher investigating vaccine products and conflicts of interest in vaccination policy
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----- Forwarded message -----

From: **Elizabeth Hart** <elizmhart@gmail.com>

Date: Wed, Nov 9, 2022 at 11:26 AM

Subject: Are health practitioners covered for indemnity insurance re the Covid jabs?

To: <minister.butler@health.gov.au>

Cc: Rennick Gerard (Senator) <senator.rennick@aph.gov.au>, <senator.antic@aph.gov.au>, Malcolm Roberts <senator.roberts@aph.gov.au>, Emma McArthur <ejminoz@gmail.com>

For the attention of:

Mark Butler
Minister for Health and Aged Care
Australian Government Department of Health and Aged Care

Mark Butler, are health practitioners covered by indemnity insurance if they fail to obtain valid informed consent before administering Covid jabs?

I have raised this matter previously with you in my emails dated [4 October 2022](#) and [7 October 2022](#), copies attached.

Emma McArthur has also previously sought clarification on this matter in her email dated [11 November 2021](#) to Greg Hunt, then Minister for Health and Aged Care, in which she asked:

**Please could you advise to what extent the Commonwealth Covid-19 vaccine claims scheme provides insurance and indemnity for the civil and criminal liability that would arise where battery and clinical negligence occur due to a failure to obtain valid informed consent?
Please could you also provide the terms and conditions for this scheme.**

Emma McArthur received [a response to her queries](#) from Louise Morgan, Acting Assistant Secretary, COVID-19 Vaccine Claims Scheme Taskforce, Medical Benefits Division, dated 21 December 2021.

The response from Louise Morgan notes the COVID-19 Vaccine Claims Scheme opened to potential claimants on 13 December 2021, and **"has been established as a fit-for-purpose, time-limited claims scheme to respond to the unprecedented circumstances of the COVID-19 pandemic"**.

Louise Morgan also notes:

The Scheme does not provide an indemnity for practitioners or insurers, it does however provide patients who have suffered one of the eligible clinical conditions or an administration injury as a direct result of a COVID-19 vaccine, with faster access to compensation rather than a costly and complex court process.

I can advise that informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations.

(My emphasis.)

Mark Butler, according to Louise Morgan, **it appears there is no indemnity for practitioners or insurers...and that informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations.** In her response, Louise Morgan also referred to the Australian Immunisation Handbook, **"which has information about 'valid consent', including criteria for consent to be legally valid..."**

This is a very interesting response from Louise Morgan, because in July 2021, Greg Hunt announced that the Morrison Government was establishing a **"fit-for-purpose COVID-19 vaccine medical indemnity scheme"** to **"support increased vaccination uptake by assuring Australians that health professionals, including GPs, nurses and pharmacists administering COVID vaccines as part of the Commonwealth vaccination program**

have appropriate indemnity coverage". (Media release: [COVID-19 indemnity scheme to protect health professionals and patients](#), see copy attached.)

The media release notes **"The scheme will support claims made against privately practising health professionals who administer a COVID-19 vaccine approved for use by the Therapeutic Goods Administration (TGA)".**

A further media release published on 28 August 2021 states: **"The Morrison Government has finalised the details of the no fault COVID-19 Vaccine Claim Scheme following extensive consultation with the peak medical, healthcare, business and insurance sectors to ensure a comprehensive National Scheme".**

The media release notes **"It also ensure [sic] that health professionals administering vaccines will be able to continue with their crucial role in the vaccine roll out with assurance that the claims scheme will offer them protection."** (See: [No Fault COVID-19 Indemnity Scheme](#), copy attached.)

To summarise, in July 2021, **Greg Hunt announced health professionals, including GPs, nurses and pharmacists administering COVID vaccines as part of the Commonwealth vaccination program would have appropriate indemnity coverage**, and the media release published in August 2021 appears to confirm this.

But the letter to Emma McArthur from Louise Morgan dated 21 December 2021 clearly states there is **no indemnity for practitioners or insurers...and that informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations.**

So far, I haven't found a media release refuting the announcements of indemnity protection for health practitioners.

Again Mark Butler, I ask you to clarify this matter - **are health practitioners such as GPs, nurses and pharmacists covered by indemnity insurance if they fail to obtain informed consent before the Covid jobs?**

I request your early response.

Sincerely

Elizabeth Hart

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