

Medical Practitioners and Professionals
Australia

11 January 2023

Dear Medical Professional,

Administering of COVID-19 vaccination is likely not an indemnified action - this is notice of your obligations, rights, and potential risks.

On 2 July 2021 and 28 August 2021, the former Federal Government announced a proposed medical indemnity scheme for health professionals administering the COVID-19 vaccines. Recent [correspondence](#) from government advisers outlines that such an indemnity scheme was never established per se.

Unlike the case with manufacturers of COVID-19 vaccines, there appears to be no government liability protection beyond the [vaccine injury 'COVID-19 vaccine claims scheme'](#).

[Government](#) and [AHPRA](#) correspondence outline practitioners' obligations to obtain informed consent. AHPRA defines informed consent in section 4.5 of the [Good Medical Practice Code of Conduct](#). It is "a person's voluntary decision about health care that is made with knowledge and understanding of the benefits and risks involved."

[The Australian Immunisation Handbook](#) further states:

For consent to be legally valid...It must be given voluntarily in the absence of undue pressure, coercion or manipulation...It can only be given after the potential risks and benefits of the relevant vaccine, the risks of not having it, and any alternative options have been explained to the person."

The High court's decision of [Rogers v Whittaker 1992](#) sets today's precedent and standard for informed consent obligations. A doctor has a duty to warn a patient of any material risk involved in a proposed treatment, or else risk tortious liability from patients.

The 9 March 2021 joint statement by AHPRA and National Boards threatens regulatory action "for anti-vaccination messages in professional health practice, and any promotion of anti-vaccination claims, including on social media." Regardless, [evidence from reputable sources](#) demonstrates that COVID-19 provisionally-approved vaccines have real known and unknown harms and immunocompromising effects. Doctors have a duty to warn patients of any material risks associated with the treatment as well as ensuring their decisions are being made without undue coercion.

We encourage you to be aware that under section 3.4.6 of the [Good Medical Practice Code of Conduct](#), **you have a right not to provide or directly participate in treatments to which you conscientiously object.**

Sincerely,

Australian Medical Professionals' Society