

MEDIA RELEASE

NEW REGULATIONS CREATE UNFAIRNESS FOR MOTOR ACCIDENT VICTIMS



NEW SOUTH WALES
BAR ASSOCIATION

23 November 2017

New regulations under the Motor Accident Injuries Act published by the Government yesterday will significantly reduce the rights of many innocent car crash victims, the President of the New South Wales Bar Association Arthur Moses SC said today.

‘Over the last eighteen months the legal profession has been closely involved in consultations with the Government on a workable model which could bring savings in greenslip prices while retaining the legal rights of the seriously injured. The passage of the Motor Accident Injuries Bill 2017 into law was the first result of these consultations. However, the Regulations which have come at the end of this process have a number of important defects which compromise the legal rights of many injured accident victims’ Mr Moses said.

‘Despite the Government’s earlier commitment to a ‘fairness test’ which would protect the interests of those unable to work due to their injuries, the Government has now reversed its position regarding many injured people, altering some significant features of the Act to the detriment of the rights of individuals. These changes are contrary to the Minister’s desired objective of providing adequate compensation for accident victims. In many cases injured people will be forced to rely on Medicare for the long term treatment of their injuries at the expense of the community but to the benefit of the insurance industry’ said Mr Moses.

‘The Regulations exclude injured people with moderately severe injuries which manifest in neurological damage from access to damages, even if those injuries prevent them from returning to work. This approach has been adopted in spite of the acknowledgement by medical specialists, during the consultation process, that such injuries are genuine and can be disabling.’

‘Further, despite the Government’s stated goal of removing costs from the administration of the NSW CTP scheme, the new Regulation creates a system which contains over 60 potential points of dispute, which can only add to scheme costs and red tape. As many injured people are unlikely to have access to a lawyer, the new system may be practically impossible for non-lawyers to navigate and create unnecessary expense and delay. Injured motorists with no access to lawyers will be involved in unequal contests up against insurance companies and the resources such companies can bring to bear in disputes’ Mr Moses said.

‘The New South Wales Bar Association cannot support these aspects of the new system which undermine the legal rights of people injured in motor accidents. We urge the Government to reconsider its position and adhere to the Minister’s promise of providing adequate compensation to accident victims.’

‘The Bar Association has sought an urgent meeting to discuss these issues with the Premier and Minister Dominello to ensure vulnerable persons are not unfairly treated.’

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