



1 Rob Davis, Judie Stephens OAM, Richard Faulks and Kyrn Stevens. 2 John Walsh and John Yeo. 3 Andrew Morrison RFD SC, Tom Goudkamp.  
Photos courtesy of Judie Stephens OAM

# No-Fault Care Forum

## 3 August 2005

By Richard Faulks

Launching the NSW government's Motor Vehicle Accidents Lifetime Care and Support Plan in June this year, John Della Bosca said: 'For the first time, all people catastrophically injured will receive care and support for life, regardless of who caused the accident'.

In response to the scheme's announcement, and in order to ensure proper discussion of such an important issue, the Australian Lawyers Alliance organised the No-Fault Care Forum at the Hilton Hotel in Sydney.

After an entertaining opening address by Paul Clitheroe on the importance of properly managing compensation funds, a long session, primarily presented by David Bowen, General Manager of the Motor Accident Authority and John Walsh, an actuary with PriceWaterhouseCoopers, carefully and thoroughly outlined the government's proposal and how it would be implemented. They detailed the cost of the scheme and its impact on compulsory third-party premiums. Many Alliance members asked questions in the panel discussion which followed.

Associate Professor Barbara McDonald from the University of Sydney then delivered a helpful paper on the theoretical foundations of fault and no-fault compensation, which provided a careful analysis of the principles underlying both systems. Peter Roche, Chief Executive Officer of the Motor Accidents Insurance Board of Tasmania, and Alan Woodroffe, Manager of Strategy and Business at the Transport Accident Commission in Victoria, explained how no-fault care works in those states.

The Lawyers Alliance was particularly concerned to have input from those who had experienced catastrophic injury and their carers. Our injured persons' panel was a highlight, with moving and instructive comments from carers Peter Bray and Georgie Dodd, and inspirational presentations from Julia Forbes and Chris Nicholls, both of whom have suffered

catastrophic injury and negotiated lump-sum settlements. These have since provided opportunities for choice in terms of care and career paths. All panel speakers favoured an option for those able to prove fault to pursue a lump-sum settlement covering care and medical support.

In the afternoon the medical and care service-providers' panel, which included Associate Professor John Yeo and Dr Steven Buckley, stressed the need for appropriate support of equipment and care for all catastrophically injured persons. A nurse consultant and occupational therapist cast some doubt on whether a no-fault scheme, where all catastrophically injured people receive government-approved care on an ongoing basis, could deliver such support.

The day was rounded out with an excellent summing up of the positives and negatives of the proposal by Andrew Stone.

Overall, the Australian Lawyers Alliance strongly favoured the provision of no-fault care for those unable to prove that their injury occurred as a result of the wrongdoing of another. However, we remain very much of the view that this should not be at the expense of those who can prove fault. If they choose, injured people in this position should be able to elect to bring a claim for lump-sum compensation to enable them to make important and informed decisions about their future, independently of bureaucratic decision-makers.

Over 90 people attended the Forum and benefited from its well-balanced and informative program. Congratulations to Eva and her team on a well-organised and successful event. ■

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