

# South Australian Government moves to slash road accident compensation



On the 4th June 1998, the last day of sitting of the Autumn Session of the South Australian Parliament, the State Government introduced Bills to slash the entitlement to damages of motor vehicle accident victims.

There had been no prior consultation with plaintiff lawyers and others in the community who have an understanding of the plight of trauma victims.

The most contraversial amendment sought to be enacted is a requirement for motor vehicle accident victims to suffer six months substantial impairment of their ability to lead a normal life before they can recover damages for pain and suffering.

Already non-economic damages for motor vehicle accident victims in South Australia are severely restricted by a legislative cap.

It is believed that if this amendment were passed, it would wipe out up to 90%

of damages claims in South Australia for motor vehicle accident victims.

Some of the other proposed amendments included in the Bills are -

- a significant increase in apportionments of liability against motor-vehicle accident victims for not wearing a properly adjusted seatbelt or a helmet or for consenting to being driven by motorists who have a blood alcohol content of in excess of .08.
- a further legislative restriction on those who can recover for nervous shock.
- a cap on economic loss of \$2 million (to be indexed)
- a loss of consortium claims to be fixed at four times State average earnings.
- enable the Motor Accident Commission to interfere with the proper treatment of motor vehicle accident victims.

Prior to the tabling of the Bills the South Australian Government had increased Compulsory Third Party premiums by 8% which still gives South Australians some of the cheapest third party premiums in this country.

The Government is threatening that if the proposed legislation is resisted and is not passed, there will be a further increase in premiums of 4.9% - a mere 22 cents per week to the average South Australian motorist.

It is suspected that the South Australian Government has increased premiums and sought to slash the rights of motor vehicle accident victims in preparation for a lucrative sale of the Compulsory Third Party scheme to private insurers.

APLA is mounting a campaign against the proposed legislation which is regarded as Draconian. ■

## Plaintiff Editorial Group Contributors

**NSW Branch** Terry Stern Phone 02 9387 2399

### Qld Branch

Stephen Roche Phone 07 4638 5777 Email law@shine.com.au

### Victorian Branch

Geoff Coates Phone 03 5562 4855 Email maddens@anson.com.au

**SA Branch** Michael Saies Phone 08 8212 7583

### ACT Branch

Richard Faulks Phone 02 6201 8985 Email shg@netinfo.com.au

### WA Branch

Sukhwant Singh Phone 08 9325 6133 Email fls@inet.net.au

### NT Branch

James Hebron Phone 08 8941 2544 Email ftumsch@ozemail.com.au

## Managing Editor's note - Bill Madden, Sydney

Plaintiff Issue 27 is our "Sports Injuries" theme, for which we have received a record number of contributions. I hope you find the articles of interest.

The next edition, Issue 28, will focus on injuries suffered by children. Any article submissions or case notes are welcome. ■

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DX 10123 Sydney Stock Exchange**

**Phone: (02) 9233 1277**

**Fax: (02) 9235 2490**

**email: info@jamiesonfoley.com.au**