

# NSW peak bodies co-operate on tort reform

By Eva Scheerlinck



**W**ith a core membership of personal injury lawyers, and an interest in changes to tort law spanning over a decade, the Australian Lawyers Alliance is proud to be working on a campaign to restore negligently injured people's rights in NSW, arguably the state worst hit by these reforms.

The Law Council of Australia, the Law Society of NSW and the Bar Association of NSW are working together with the Lawyers Alliance on this issue. It is the first time that these four professional bodies have worked in unison on a campaign, which only goes to highlight the gravity of the situation confronting negligently injured people in that state.

The campaign, which was launched in Sydney on 19 September, showcases real-life examples of people who are currently struggling with the injury compensation system. The campaign is aimed at educating members of the public about the injustices now inherent in the system, and dispelling the myths that surround the whole topic of injury compensation.

The public has blind faith that if people are injured, due to no fault of their own, whether in a workplace or motor vehicle accident, they will be looked after. Ignorance about the increasing number of limits and hurdles that are designed to prevent access to the system is widespread.

People know that insurance is there to cover workplace injuries, and that compulsory third-party insurance is intended to cover necessary treatment in the event that someone gets hurt. But they don't know how the system works, or that getting compensated fairly is far from guaranteed. In fact, over 90% of people injured in motor vehicle accidents and the workplace in NSW are not now meeting general damages thresholds that qualify them for compensation payments.

The campaign will highlight the limitations of the personal injury compensation systems in NSW in the hope that pressure can be brought to bear to effect positive changes. The campaign is multi-faceted and the message will be disseminated through press and radio ads, interviews and editorials, a website with a wealth of resources and various regional events, including public meetings. For more information check out the website: [www.faircompensation.com.au](http://www.faircompensation.com.au).

The insurance industry is performing very profitably at present; putting pressure on the government could not be better timed.

It is widely believed that NSW, being the most populous state, often sets the agenda in law reform. The *Civil Liability Acts* were no exception. It is hoped, therefore, that if we can get some traction in NSW in terms of winding back tort reform, other states might follow.

Certainly the power being harnessed with all four professional bodies working together to run a campaign of this nature should be recognised. All of the state's legal representative bodies share the view that the system of personal injury compensation in NSW is unfair, inconsistent and too bureaucratic. Lawyers are in a position to know about these things. They represent the people at the coal-face, those who struggle post-injury. Together we are giving injured people a voice, one that is shouting for the injustices to be rectified and balance to be restored. ■

**Eva Scheerlinck** is the Australian Lawyers Alliance's Chief Executive Officer.

**PHONE** (02) 9258 7700

**EMAIL** [eva@lawyersalliance.com.au](mailto:eva@lawyersalliance.com.au)