

WA's new no-fault injury scheme shows way forward

The Law Council of Australia has welcomed the Western Australian Government's announcement to establish a no-fault catastrophic injury scheme for motor vehicle accidents.

The new model – recommended by the Law Council and the Law Society of Western Australia – maintains common law rights, while introducing a safety net for those who cannot prove a driver was at fault.

"This decision is a significant step towards a National Injury Insurance Scheme that will create a safety net for catastrophically injured road users," Law Council President-elect Mr Stuart Clark said.

"The new WA model provides a good example of how a national scheme should work, and allows access to common law compensation, which is invariably the case with the best performing no-fault schemes around the world."

Mr Clark said such 'hybrid' schemes, generally funded through a levy on motorists, provide low-cost insurance against individual mistakes, while ensuring the scheme remains affordable over the long-term.

"The new scheme will ensure that those who have been injured receive immediate care and support, regardless of whether they were at fault, while ensuring fair compensation for those who were injured due to another driver's negligence," Mr Clark said.

"Those who haven been catastrophically injured on our roads are potentially extremely vulnerable. It is therefore vital that our system supports them and provides a genuine safety net," Mr Clark concluded.

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