

AUSTRALIA'S ACCIDENT COMPENSATION FRAMEWORK: QUALITY REFORM, CLAIMANT GAPS OR A NATIONAL SCHEME

Descriptive abstract: In this paper I discuss continued quality reform of various structures within Australia's Accident Compensation Framework. I also discuss the limited opportunity for some individuals to claim for accident compensation and recent suggestions on implementation of a nationalised accident compensation scheme.

Topic Track: Government Law or Policy

Extended Abstract:

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Relevance to Disability Management: Discussion on quality reform within Australia's Accident Compensation Framework, identification of gaps still existing within Australia's Accident Compensation Framework, discussion of major structural reform to nationalise Australia's Accident Compensation Framework to bring it into line with most OECD countries

The opportunity to claim for compensation in Australia following the acquirement of a serious and permanent impairment remains broad and diverse. A complex variety of structures operate at both individual state levels, and to lesser extent at a national level, to make up the Australian Accident Compensation Framework. In this paper I explore the broad spectrum of accident compensation pathways in Australia, utilising the state of Victoria as a case study. I identify firstly quality reform and best practice in the provision of accident compensation, then the identification of gaps in the compensation framework, and lastly recent suggestions of major structural reform and the introduction of a more comprehensive national no-fault disability insurance scheme.

In examining quality reform and best practice within the Australian Accident Compensation Framework, I examine the role of two of Australia's statutory authorities - the Victorian Transport Accident Commission and the Victorian WorkCover Authority. Sitting at one end of the spectrum, these authorities provide considerable opportunity to claim for compensation for approximately two-thirds of the people that acquire a serious and permanent impairment in Victoria through Common Law and/or ongoing accident compensation payment schedules. These authorities are characterized as being well resourced and managed, progressive and as providing reasonable accident compensation. Recent reviews of these schemes have also seen the introduction of continued quality reform and improved practice in addressing provision of accident compensation and aging with a permanent and serious impairment, the linking of superannuation components to ongoing accident compensation arrangements and improved clarification of accident compensation claim parameters.

Secondly, I explore gaps in opportunity to claim for compensation within the Australian Accident Compensation Framework for the other one third of people acquiring a serious and permanent impairment in Australia. I examine difficulties with long-term management of serious and permanent impairment where accident compensation has been significantly reduced or is lacking, and the contrasting experiences of individuals with a serious and permanent impairment as a result. This includes where access to reduced accident compensation has been provided by one of the numerous smaller private insurance companies or where individuals have chosen not to claim for compensation, despite having opportunity to claim. I examine where, as a result of these reduced levels of resources, many individuals have experienced increased difficulty with post-injury life-style choices.

Lastly I examine recent discussions on major reform of the Australian Accident Compensation Framework to address these current complexities and disparities. I discuss suggestions for a more comprehensive national no-fault based disability insurance scheme (NDIS), inclusive of compensation processes. The introduction of a scheme would radically overhaul the parameters of accident compensation provision in Australia, would fundamentally alter the way in which funding of support services and

accident compensation in Australia are provided and would serve to bring Australia into line with most OECD countries in providing accident compensation at a nationalised level.

This paper thus provides a brief overview on the broad spectrum of accident compensation structures within Australia's Accident Compensation Framework, discussion on efforts to further reform best practice within existing statutory authorities, efforts to remedy gaps in opportunity to claim for accident compensation in Australia and provides discussion on the capacity of introduction of a comprehensive national no-fault disability insurance scheme.

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