

THE MOTOR ACCIDENTS ASSESSMENT SERVICE REFORMS

11 May 2006

People who are injured in motor vehicle accidents have the right to claim compensation for their injuries from the Compulsory Third Party Insurer of the owner or the driver of the vehicle considered at fault. The New South Wales Government body which has been set up to assess the compensation payable is the Motor Accident Assessment Service (MAAS).

MAAS oversees the Medical Assessment Service (MAS) and the Claims Assessment and Resolution Service (CARS). Claimants are not entitled to compensation for pain and suffering unless their permanent disability exceeds 10% whole person impairment. Whether a person's disability exceeds 10% whole person impairment is a medical issue which is to be determined by MAS.

All other issues in relation to a claim are determined by CARS. In certain limited circumstances a claimant is entitled to exemption from having their entitlements assessed by CARS and the claimant may proceed to Court in order to have a Judge determine their entitlement.

Recently a review has occurred into MAAS and out of this review a series of reforms have emerged which can be summarised as follows:

- Parties are required to lodge all documents with the application, meaning that the issues are clear early;
- The time for the MAAS Registry to process and advise whether an application has been accepted has been reduced to 5 days;
- Disputes regarding whole person impairment are required to be lodged with MAS before CARS general assessment occurs, meaning that the process is more streamlined;
- MAS is now to issue only one Certificate of Determination, meaning that the issue of contradictory certificates regarding a decision on whole person impairment will be eliminated.

The reforms came into effect on 1 May 2006 and apply to all applications made on or after that date.