

Variations in the Delivery of Compensation after Severe Injury in Australia

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Outline of Presentation

- Background of author
- Causes of severe disability in Australia
- Spinal cord injury
- Traumatic brain injury
- Treatment and rehabilitation
- Outcome, recovery, return to community, survival

Background of Author

- MB BS (Melb), DPRM
- FAFRM, FACRM, FRACP, FRACS
- 45 years in rehabilitation medicine
- 1965-1984 spinal cord injuries
- 1984-present-traumatic brain injuries
- Over 40 years medico/legal reporting in all States

Causes of Severe Disability

- Stroke
- Congenital/developmental
- Degenerative
- Psychiatric
- Trauma

Spinal Cord Injuries

- Road accidents main cause
- 20-25 new cases/million/year
- Disability varies-
- Level-paraplegia/tetraplegia
- Severity-complete/incomplete
- Physical disability-
mobility, hands, bladder, bowels

Traumatic Brain Injuries

- Road accidents main cause
- Incidence 4-5 times SCI?
- Variable disability-
- cognitive, behavioural, physical,
- speech/language
- Severity-minor, moderate, major

Treatment and Rehabilitation, SCI

- Specialist units
- Close integration acute care and rehabilitation
- All get rehab
- 3-6 months in hospital

Treatment and Rehabilitation TBI

- Some specialist units
- Requires coordinated, interdisciplinary team
- Often poor integration acute and rehab
- Many get little or no rehab
- In hospital days to years

Spinal Cord Outcome

- Limited neuro recovery with surgery
- Permanent physical disability
- 95% return home, to community
- Many return to work/study
- Medical complications
- Life expectation reduced 5-10%

Brain Injury Outcome

- Surgery may be life saving
- Major permanent disabilities cognitive/behaviour not physical
- Less likely than SCI to work
- More likely to need supported accomodation and care
- Complications more psycho/social than medical
- Life expectation reduced?

Return to Community

- SCI home, not nursing home, some need carer support
- Some need supported accom.
- Medical follow up
- TBI less likely to get home, nursing homes in some States
- Greater need for carer support and supported accomodation
- Psycho/social follow up rather than medical
- Vocational rehab challenging

Role of Compensation

- Optimal medical/surgical treatment
- Facilitates transfer to rehab, partic. TBI
- Helps prepare discharge-home mods, equipment, carer employment, community/vocat rehab
- Unemployment support

Variations in Motor Accident Compensation in Australia

- Common law claims-
WA,SA,ACT,Q
- No Fault schemes-
Vic,Tas,NT,NSW
- Limited or no compensation-
work,domestic,recreational,medical
missadventure,crime victim injuries

No Fault Schemes

- All covered
- No delays
- Non adversarial
- Facilitates coordination acute care, rehab and discharge
- Long term support
- No lawyers(usually)
- Variations in schemes
- Less expensive
- Beaucrocity!

Common Law Claims

- Does not cover all
- Delays(years often)
- “One Off” decisions
- Adversarial
- Variable awards-
courts,lawyers,witnesses,facts
- Less beaurocracy?
- Employs many lawyers,insurance
workers,health professionals
- Expensive

Conclusions

- Common law out of date
- Common law too focussed on “compo”
- No fault more supportive of disabled
- Governments through COAG should revisit their own Cuff, Walsh et al report
- National no fault scheme for all severe injuries, incl work, recreational and medical injuries
- Enhance transfer of patients across State borders

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Introduction

- State the purpose of the discussion
- Identify yourself

Topics of Discussion

- State the main ideas you'll be talking about

Topic One

- Details about this topic
- Supporting information and examples
- How it relates to your audience

Topic Two

- Details about this topic
- Supporting information and examples
- How it relates to your audience

Topic Three

- Details about this topic
- Supporting information and examples
- How it relates to your audience

Real Life

- Give an example or real life anecdote
- Sympathize with the audience's situation if appropriate

What This Means

- Add a strong statement that summarizes how you feel or think about this topic
- Summarize key points you want your audience to remember

Next Steps

- Summarize any actions required of your audience
- Summarize any follow up action items required of you