



An Australian Update

A presentation to the Danish Insurance Law Association

Michael Gill, AIDA President

5 May 2011

An Australian Update



Twenty Years of Tort Law Reform in Australia

The challenge of natural catastrophes

An Australian Update



Twenty Years of Tort Law Reform in Australia

- Community Expectations
- The symbiotic relationship



Twenty Years of Tort Law Reform in Australia

The legacy of Federation:

- Many law-makers
- Many legal regimes

Was there a litigation crisis?

- The view of insurers
- The view of insureds
- The view of advocates

An Australian Update



Twenty Years of Tort Law Reform in Australia

- Workers compensation
- Motor accidents
- General liability

An Australian Update



Twenty Years of Tort Law Reform in Australia

The general liability reforms

- The IPP panel
- State-based reforms



Twenty Years of Tort Law Reform in Australia

Some specific areas of reform:

- Psychological injury
- Self-care
- Lawyer behaviour
- Pre-litigation notices
- Limitation periods
- Court procedure

An Australian Update



Twenty Years of Tort Law Reform in Australia

Specific damages reforms:

- Thresholds and caps
- Gratuitous care
- Interest
- Exemplary/punitive damages

An Australian Update



Twenty Years of Tort Law Reform in Australia

Some new defences:

- Resourcing constraints and policy decisions
- Proportionate liability
- Contributory negligence

An Australian Update



Twenty Years of Tort Law Reform in Australia

The Future:

- A constant search for the right balance
- A less patchy outcome
- Harmonisation of laws