

SA Motor Accident Commission Working Committee

Angela Bentley, Adelaide

The South Australian Branch of APLA is concerned that the potential privatisation of the State's Compulsory Third Party insurer could have serious implications for victims of road accidents and their families.

In March 1998 the South Australian Government announced a "Scoping Review" of the Motor Accident Commission to assess the feasibility of its sale and sought applications for an external adviser. The adviser has been appointed but, as at 5 May 1998, the identity of the adviser had not been announced by the Government.

The objectives of the Review are to identify:

- 1 Possible market structures for Third Party Insurance in South Australia which will satisfy National Competition Principles; and
- 2 The advantages and disadvantages of continued Government ownership of the Motor Accident Commission.

This Review is of great importance to motor vehicle accident victims and their

lawyers. The Motor Accident Commission was established pursuant to an Act of the South Australian Parliament in 1992. Its main activity is as the sole Compulsory Third Party Insurer in this state. SGIC General Insurance Limited manages claims on behalf of the Commission and has an experienced Compulsory Third Party claims team.

In the financial year ended 30 June 1997 an after tax profit of \$24,000,000 was returned by the CTP fund whilst the premiums remained considerably less than those in the eastern states.

The Motor Accident Commission has pursued a policy of accelerated settlement of claims and has been prepared to meet the costs of treatment, rehabilitation and medical reports on an interim basis where liability is not substantially in issue. In addition, where there is real financial hardship, lump sum payments may be made on an interim basis as well.

A "MAC working committee" has been formed by APLA in South Australia



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with a view to drafting a submission to the Government on any changes to the existing Scheme.

If you wish to be involved in this committee would you please contact me as soon as possible. ■

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Cannonball widow slays her Goliath in court

TRUDY HARRIS

IT was always going to be David versus Goliath: a widow and mother of three taking on the Northern Territory Government and the nation's motor racing hierarchy in a three-year legal fight that could have cost her everything.

But Susan Pritchard, whose husband Keith was killed instantly during the highly controversial 1994 Cannonball Run motor rally, told *The Australian* it was a risk she was prepared to take.

"I knew I could lose everything and be bankrupt but that's the chance I had to take," she said.

"I was fighting for them (her children) as well. The youngest was 3½ when his dad was killed."

For Mrs Pritchard, the pain remains but the fight is finally over — with rally organiser Raceage, the company of motor racing legend Allan Moffat, settling late last month for \$450,000 plus costs part way through the Federal Court hearing.

The settlement followed the Confederation of Australian Motor Sport agreeing late last year to pay \$300,000 after earlier threatening to take the case to the High Court.

Mrs Pritchard sued the confederation and Raceage in 1995 for, among other things, breaching the Trade Practices Act and running a dangerous and deficient event.

Mr Pritchard was flag marshalling the rally — which ran from Darwin to Ayers Rock and back —

when two Japanese competitors slid out of control in their Ferrari at high speed, smashing into Mr Pritchard's checkpoint.

Both competitors, Mr Pritchard and another marshal, Timothy Linklater, were killed.

Mrs Pritchard went to each day of the subsequent coronial inquest — in which the Territory Government was slammed for failing to discharge its responsibility for public safety.

The Government passed its safety responsibilities on to Moffat's company, which had no experience in organising such an event, the coroner found.

Mrs Pritchard lost the first round in the Federal Court but won the second in the full Federal Court with the final

hearing starting last month.

Mrs Pritchard's solicitor Geoff James said a breakthrough came when a competitor, Craig Brown, gave evidence that he too almost had a deadly accident at high speed the day before Pritchard was killed.

Lawyers for Raceage said Moffat had placed great emphasis on safety during the race and the crash was a "freak accident".

Mr James applauded Mrs Pritchard's determination.

"People wrote her off. They were openly scoffing. How she held her nerve I have no idea, but she did," he said.

"She seems like a quiet church mouse, but she's got a lot of courage. She's a gutsy woman."

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