

ACT CTP – Citizens' Jury

Theme Four - Fairness in Claim Determination

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Brief intro...

The Question for Theme Four...

How are the workings of the CTP system relevant to injured people, and where may there be scope for improvements and/or efficiency gains?

Relevance.....

Purposes of CTP insurance:

1. Financially protect the "policyholder",
but increasingly also to
2. Support the best possible outcomes for people injured in a motor vehicle accident.

Relevance is therefore fundamental

What are the *Outcome* options in the claim process?

1. Financial
2. Justice
3. Equity
4. Expediency
5. Recovery

Do these work together or in conflict?

Fairness in claim determination is about balancing the interests of all stakeholders:

1. Price for the "policyholder" implies minimising claims cost
2. Financial outcome for claimant implies maximising claims cost
3. Achieving "justice" implies discriminating based on fault, and delays
4. "Equity" can be in the mind of the beholder
5. *Expediency and recovery appear to be in everyone's interest*

Improvements and/or efficiency gains:

1. Immediate critical diagnosis and treatment
2. Expert, evidence-based injury management, supported by the claims process
3. Remove incentives to maximise financial gain by delaying recovery (either by limiting compensation or through the mode of payment)
4. Hold insurers and treating professionals to account for outcomes

Lots of detail:

Trade-off between fairness and efficiency

Need for support, advice and advocacy

Making a claim with the insurer

Getting treatment organised and paid for

Medical exams and medico-legal reports

Evidence needed to support your claim

Negotiation process

Going to court

Helping an injured person best recover from the accident

Speed and timing of receiving benefits

Lump sum (once and for all) or alternatives

Are there ways to improve efficiency without reducing benefits

Recognition of pain and suffering on an individual basis

Stress of processes

What else?

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