CTP – Fairness in Claims determination
Australian Capital Territory CTP

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Consider cover for at fault drivers
Better allocation of the claims spend could widen cover and free up public health system spend

• Every compensable claim has an at fault driver currently not covered. The cost of those claims currently falls on the public medical scheme.

  *No-Fault cover could cover all drivers within the current scheme size.*

• Majority of at fault incidents are ‘accidents’ – resulting from errors in judgement, loss of concentration,

  *Scheme design can address access for illegal behaviour*

• Investigation of the claims can be costly, drawn out and traumatic for the parties involved

  *Repoint spend from investigation into early intervention, injury management and rehabilitation.*
What is stopping early intervention?

Overwhelming evidence that shows that early intervention is critical to optimum health outcomes

- Current delays in reporting
- No requirement to participate in rehabilitation
- >90% of claims come to insurers via Lawyers. This impacts our ability to properly manage the injury
- The scheme design does not encourage recovery from the injury
  - Fosters over-servicing
  - Higher charges due to lack of control (e.g., 150 physiotherapy sessions)
  - Higher rates charged due to lack of control of medical charges (prescribed rates)

Opportunity to leverage and deliver best practice injury treatments
Why do 90% of our claims come from lawyers?

- The current environment advocates for litigation rather than injury management
- No limits on advertising, no control of the messages in the advertising
- 30% (?) of scheme payments are spent on legal costs despite low numbers of matters running to hearing.
- Legal fees. Lack of transparency
What are the characteristics of a healthy scheme?

• Early intervention
• Mediation v litigation
• Advocacy roles
• Coverage
• Investment in to risk improvement (ie safety, driver education)
• High customer satisfaction
Case study

• Car reversed into – no damage to either car.
• Driver at fault acknowledged that they did not look before reversing – therefore liability admitted
• All medical expenses paid
• Claimant has lodged legal proceedings for physical and psychological injuries for themselves and their infant child.

• >60% of scheme costs are minor injuries
• Average whiplash in ACT $99k
• Legal costs estimated at 30%
Considerations for improvement

- No-fault
- Injury Management Framework
- Defined benefits scheme
- 1st party scheme
- Legal cost regulation
- Medical rates regulation
- Thresholds for lump sum access
Thank you