ACT Government
Chief Minister, Treasury and Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0299

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	35
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [redacted]
To: CMTEDD FOI
Subject: Freedom of Information request
Date: Thursday, 11 October 2018 4:00:03 PM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:

[redacted]

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

All documents sourced from the email jennifer.rayner@act.gov.au (a) Including email correspondence, and any documents attached to email correspondence or otherwise noted in the email account; (b) Created, sent or received in the period between 1 February 2017 and 11 October 2018; (c) Relating to: i. the design, implementation and operation of the ‘citizens' jury on Compulsory Third Party (CTP) insurance’; ii. the implementation of policy and legislative change that directly relates to the outcomes of the ‘citizens' jury on Compulsory Third Party (CTP) insurance’; iii. correspondence with Finity Consulting in relation to the ‘citizens' jury on Compulsory Third Party (CTP) insurance’ process; iv. correspondence with EY in relation to the ‘citizens' jury on Compulsory Third Party (CTP) insurance’ process; v. correspondence with democracyCo in relation to the ‘citizens' jury on Compulsory Third Party (CTP) insurance’ process; vi. correspondence with Dr Dwight Dowda in relation to the ‘citizens' jury on Compulsory Third Party (CTP) insurance’ process; vii. any correspondence with representatives of the following insurance providers or their subsidiaries or their industry bodies in relation to changes to the ACT’s Compulsory Third Party (CTP) insurance’ scheme: • NRMA • GIO • AAMI • APIA • Suncorp viii. processes for the proper handling of actual or perceived conflicts of interest in information developed for, or provided to the members of the ‘citizens' jury on Compulsory

	Third Party (CTP) insurance’; ix. any opinion sought from ACT Government Solicitor in relation to the validity of outcomes of deliberative democracy processes.
I do not want to access the following documents in relation to my request::	

Thank you.
Freedom of Information Coordinator

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI 2018-0299

[redacted]

via email: [redacted]

Dear [redacted]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 11 October 2018, in which you sought access to:

- All documents sourced from the email jennifer.rayner@act.gov.au (a) Including email correspondence, and any documents attached to email correspondence or otherwise noted in the email account; (b) Created, sent or received in the period between 1 February 2017 and 11 October 2018; (c) Relating to: i. The design, implementation and operation of the 'citizens' jury on Compulsory Third Party (CTP) insurance'; ii. The implementation of policy and legislative change that directly relates to the outcomes of the 'citizens' jury on Compulsory Third Party (CTP) insurance'.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 8 November 2018. However, as a result of third party consultation, this deadline was extended by 15 working days. The new deadline is 29 November 2018.

Decision on access

Searches were completed for relevant documents and a large number of documents were identified that fall within the scope of your request.

Following third party consultation I have decided to grant partial access to the documents contained in two binders. The information redacted in the documents I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

Please note that a large number of documents have been released publically, tabled in the Legislative Assembly or previously released in CMTEDDFOI 2018-0099 that has been published on the ACT Government Disclosure Log. As a result, these documents have not been included in the binders.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act, particularly section 17 and schedule 2.2(a)(ii);
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure (Schedule 2.1)

(a) disclosure of the information could reasonably be expected to do any of the following:

(i) promote open discussion of public affairs and enhance the government's accountability.

Factors favouring non-disclosure (Schedule 2.2)

(a) disclosure of the information could reasonably be expected to do any of the following:

public affairs and enhance the government's accountability. I consider there is a public interest in the operations of the ACT Government particularly in relation to Canberra's first Citizen's Jury. The information identified as being within the scope of your request provides this information. I am satisfied the information contained within these documents is within the public interest to release as they reveal the reason for a government decision and any background or contextual information.

When considering the documents and factors in favour of non-disclosure, I have considered the personal information of individuals contained in the documents. This includes names contact phone numbers and signatures. I am satisfied that release of the names and contact information of employees of the ACT government is not unreasonable as these individuals were acting in their official capacity. I have, however, considered the impact that release of the names, signatures and contact information of individuals that are not ACT Government employees may have. I consider it is unreasonable to release this information as it is personal information that is not publicly available. This information was provided to the ACT Government by these individuals for their participation in the ACT Citizen's Jury. I am of the opinion it is not unreasonable for these individuals to expect this information would be protected from public disclosure. Accordingly, I am satisfied that release of the abovementioned personal information may prejudice the protection of the individual's right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded very significant weight as it relates to individual privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

A number of the folio's the identified document binders contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents

released to you in response to your access application will be published in the CMTEDD disclosure log after 30 November 2018. Your personal contact details will not be published. You may view CMTEDD disclosure log at: https://www.cmtedd.act.gov.au/functions/foi/disclosure-log.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
http://www.acat.act.gov.au/

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

29 November 2018

ACT Government
Chief Minister, Treasury and Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[redacted]	All documents sourced from the email jennifer.rayner@act.gov.au (a) Including email correspondence, and any documents attached to email correspondence or otherwise noted in the email account; (b) Created, sent or received in the period between 1 February 2017 and 11 October 2018; (c) Relating to: i. the design, implementation and operation of the 'citizens' jury on Compulsory Third Party (CTP) insurance'; ii. the implementation of policy and legislative change that directly relates to the outcomes of the 'citizens' jury on Compulsory Third Party (CTP) insurance'	2018-0299

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-289	Email binder		Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	1-240	Attachments binder		Partial release	Sch 2 s2.2 (a)(ii)	Yes

Total No of Docs
2

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 1 February 2018 1:34 PM
To: Ron Levy
Subject: RE: ACT deliberative democracy

Hi Ron,

Happy New Year, I hope the holiday season treated you well?

Thanks for sending this through, we shall give it a close read.

Cheers,

Jen

From: Ron Levy [mailto:ron.levy@anu.edu.au]
Sent: Thursday, 1 February 2018 1:09 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Re: ACT deliberative democracy

Dear Jennifer,

Attached please find the report we discussed re: the citizens' jury process. I have tried to be even handed. You'll see there are some critiques of the process, but in a context of general support.

Best wishes,
Ron

Ron Levy
Associate Professor
ANU Law School, Australian National University
https://www.law.anu.edu.au/people/ron-levy
Co-Director, *Project on Deliberative Governance and Law*

From: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Sent: Wednesday, 20 December 2017 4:07 PM
To: Ron Levy
Subject: RE: ACT deliberative democracy

Hi Ron,

Thanks for your further email regarding evaluating or reviewing the CTP citizens' jury process.

As previously indicated, we'd be more than happy to get you some time with a senior government representative to discuss the project and processes. However, this will be facilitated once the project is complete rather than at the mid-way point where we currently are.

Have a good Christmas, and let's talk again in the New Year.

Best,

Jennifer

From: Ron Levy [mailto:ron.levy@anu.edu.au]
Sent: Monday, 18 December 2017 2:58 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Re: ACT deliberative democracy

Dear Jennifer,

Thanks again for your reply earlier.

The ACT Law Society has decided that it would like to proceed with the review after all, and to have me write a report by the end of January.

This will be an interim report (ie issued before the final part of the citizens' jury concludes). I think this may be helpful for at least two reasons. First, if there are any issues identified, it could be useful to identify these before the conclusion of the process so that they can be amended. Second, it seems clear that some members of the legal community are concerned about the process. If the report allays their concerns (ie if few genuine issues are found), this may enhance the perceived legitimacy of the process.

I should note that I am wholly independent of the Law Society and will receive no remuneration from them. I am not currently a practicing lawyer; when I practiced it was not in the relevant area, tort law. I did teach tort law for a number of years. But I have no personal interest in the outcome of this process. I am also on record as a robust supporter of deliberative democratic projects. (Please see my publications in the final link below.)

Finally, please note that my intention is to write a constructive rather than adversarial report. I aim to do this in the spirit of providing transparency and independent information on a matter - and a process - of public interest.

I would be very grateful if I could meet with either a minister or other person leading the process, for perhaps a 30-minute discussion. Would this be possible in early to mid January?

Thanks again - and best wishes,
Ron

Dr Ron Levy
ANU Law School
The Australian National University
Co-Director, *Project on Deliberative Governance and Law*
https://www.law.anu.edu.au/people/ron-levy

From: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Sent: Wednesday, 29 November 2017 3:05 PM
To: Ron Levy
Subject: ACT deliberative democracy

Dear Ron,

Thanks for your email to Attorney-General Gordon Ramsay, which has been passed on to our office as the Chief Minister and Treasurer has oversight of the citizens' jury on CTP reform.

While we'd be happy to discuss the citizens' jury process and provide input to your report, it's generally the case that evaluations are done at the end of a process. As you may be aware, the current jury process is only halfway through – the first round of deliberations took place in October, and the jury's recommendations are now with the Stakeholder Reference Group for development of detailed model options.

The jury will then meet again in March 2018 to deliberate on those options and decide which best meets the objectives identified through their earlier deliberations and consultation with the Canberra community.

So the most appropriate juncture for a conversation with members of the government would be when the process has concluded. If you wanted to get back in touch then we can certainly work to find a time.

Please feel free to give me a call on either of the numbers below if you would like to discuss further.

Best,

Jennifer

P.S. I believe we've actually met – I did my PhD within SPIR at the ANU.

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au



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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 1 February 2018 1:35 PM
To: Holmes, Lisa
Subject: FW: ACT deliberative democracy
Attachments: Independent Report on ACT Citizens' Jury.pdf

I assume you've also received a copy of this today?

It's actually not that bad; seems the lawyers may not have got exactly what they were hoping for!

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 1 February 2018 1:31 PM
To: Barr, Andrew
Cc: Cook, Michael; O'Daly, Edward; Paviour, Mark
Subject: 'Independent' report on CTP jury
Attachments: Independent Report on ACT Citizens' Jury.pdf

Late last year the ACT Law Society convinced an ANU academic to conduct an 'independent review' of the CTP citizens' jury process.

We and DemocracyCo opted not to participate, on the basis that it doesn't make sense to review a process halfway through. However, we indicated to the researcher that we'd be very happy to cooperate with anything he wanted to do once the process had actually concluded.

He went ahead anyway, and has just sent through his report. It's actually a lot more balanced and reasonable than the lawyers were probably hoping for.

The full thing is attached but the key reccos are:

1. The planned series of citizens' juries in the ACT is worthwhile and should be continued.

2. A wealth of international experience shows that citizens' juries are frequently more broadly trusted and effective than relatively partisan and gridlocked decision-making in legislatures.

3. The Report recommends changes in the practice of ACT citizens' juries in order to improve their design and performance:

> A. The close and ongoing involvement of expert decision-makers in the pilot citizens' jury's deliberation stages risked undermining the autonomy of jurors.
> Juror autonomy is a key requirement if citizens' juries are to avoid the perception or reality of external control. A lengthier citizens' jury process, with a more elaborate learning phase, can allow jurors to gain greater command over complex issues and negate some of the need for close involvement of outside experts in late decision-making stages.
>
> B. Most claims of bias in the process cannot be established or are subject to reasonable disagreement. However, bias was evident in the official rhetoric surrounding the proceedings.
> The public framing of the compulsory third party insurance issue favoured abandoning the status quo option. Since this was one of the options jurors were tasked with considering, this framing undermined the objective of using citizens' juries to depoliticise contentious questions of reform. As with juries in the legal system, to avoid a reasonable apprehension of biased proceedings and a corresponding loss of public trust, governments should avoid statements that may influence the deliberations of citizens' juries. This includes official statements advocating for or against any substantive resolution of a matter that is currently before a citizens' jury.
>
> C. The ACT Government and democracyCo raised barriers to external scrutiny of, and democratic input into, the citizens' jury process.
> Given the objectives of promoting trust, deliberation and engagement among the broader public, jury proceedings must be largely conducted in public. The ACT Government and its private contractor democracyCo resisted requests for information concerning the citizens' jury pilot. Neither the use of citizens' juries nor the use of private contractors should be relied upon as justification for undue secrecy in the course of lawmaking on matters of importance to the wider community.

4. Insufficient evidence exists to verify other alleged faults in the process, including:
that some official information released to the *public* was incomplete or misleading; that some information presented to *jurors* was incomplete or misleading; that the citizens' jury was insufficiently *demographically representative* of the wider community; and that the process was *disorganised and chaotic*, resulting in prejudice to some stakeholders.

Another thing of note is the interview list: Alistair Coe is included there despite not having attended a single second of the citizens' jury deliberations. He was specifically invited (along with all other MLAs) but chose not to come.

Ed/Mark – FYI as no doubt the lawyers will be pushing this to the Times.

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 1 August 2018 9:20 AM
To: Vroombout, Sue; Holmes, Lisa
Subject: RE: CTP lines [SEC=UNCLASSIFIED]

Great, thanks.

From: Vroombout, Sue
Sent: Wednesday, 1 August 2018 9:17 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Holmes, Lisa <Lisa.Holmes@act.gov.au>
Subject: RE: CTP lines [SEC=UNCLASSIFIED]

Jen,
Apologies for the delay in getting back to you. A few suggestions below.
Regards,
Sue

From: Rayner, Jennifer
Sent: Wednesday, 1 August 2018 8:12 AM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>
Subject: RE: CTP lines

Good morning,

Just seeing if there were any changes you thought necessary to these ones?

Thanks,

Jen

From: Rayner, Jennifer
Sent: Tuesday, 31 July 2018 1:32 PM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>
Subject: CTP lines

Hi again,

If we end up needing response lines on the technical drafting doc following this being provided to stakeholders, are you comfortable with the below?

What are these documents and why is the government releasing them now?

The citizens' jury recommended reforming CTP to introduce a no-fault scheme that better protects Canberrans ~~when they are on the road~~ injured in a motor vehicle accident. The technical material provided to stakeholders outlines the details of the bill that is currently being drafted to give effect to this recommendation.

We plan to table an exposure draft of this legislation in the Assembly by the end of September, and will then refer the bill to committee for further scrutiny and consultation.

The new CTP bill is ~~complex and represents~~ a significant change from the existing legislation. That is why we are providing multiple opportunities for key stakeholders to provide input and feedback as the legislation is developed.

Why is the Government proposing [any specific detail from the drafting instructions]?

We are preparing legislation that gives effect to the recommendations of the CTP citizens' jury and closely follows their priorities.

Canberrans will have the opportunity to examine the full legislation and provide their feedback on it during the upcoming committee inquiry on the draft bill. The Government will closely consider both the committee's recommendations and community feedback to deliver a final bill before the end of this year.

Why is the Government proposing to exclude people who [any specific exclusion] from CTP coverage?

People who engage in serious criminal behaviour or put others at risk with drink and drug driving offences will be partly or totally excluded from accessing ~~some~~ benefits under the new CTP scheme. This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

The Government will consider any feedback from the Canberra community and stakeholders on the specific exclusions as part of our upcoming consultation on the draft bill.

Cheers,

Jen

Rayner, Jennifer

From: Barr, Andrew
Sent: Wednesday, 1 August 2018 9:47 AM
To: Rayner, Jennifer
Cc: Cook, Michael; Paviour, Mark
Subject: RE: CTP holding response lines

Yep – agree that is a serious risk - thanks

From: Rayner, Jennifer
Sent: Wednesday, 1 August 2018 9:22 AM
To: Barr, Andrew <Andrew.Barr@act.gov.au>
Cc: Cook, Michael <Michael.Cook@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: CTP holding response lines

Hiya,

When the consultation document on technical elements of the CTP bill goes out to legal and insurance stakeholders later today, they will be asked to treat this confidentially.

But it's an even chance they won't and we'll either get Assembly or media questions on it. Suggested holding lines are below, if needed:

What are these documents and why is the government releasing them now?

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This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

The Government will consider any feedback from the Canberra community and stakeholders on the specific exclusions as part of our upcoming consultation on the draft bill.

Let me know if you need anything further,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 1 September 2017 4:19 PM
To: Sch 2 s2(a)(ii)
Subject: Re: 3rd party

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the ACT's Compulsory Third Party insurance scheme. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would encourage you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury. Sch 2 s2(a)(ii)

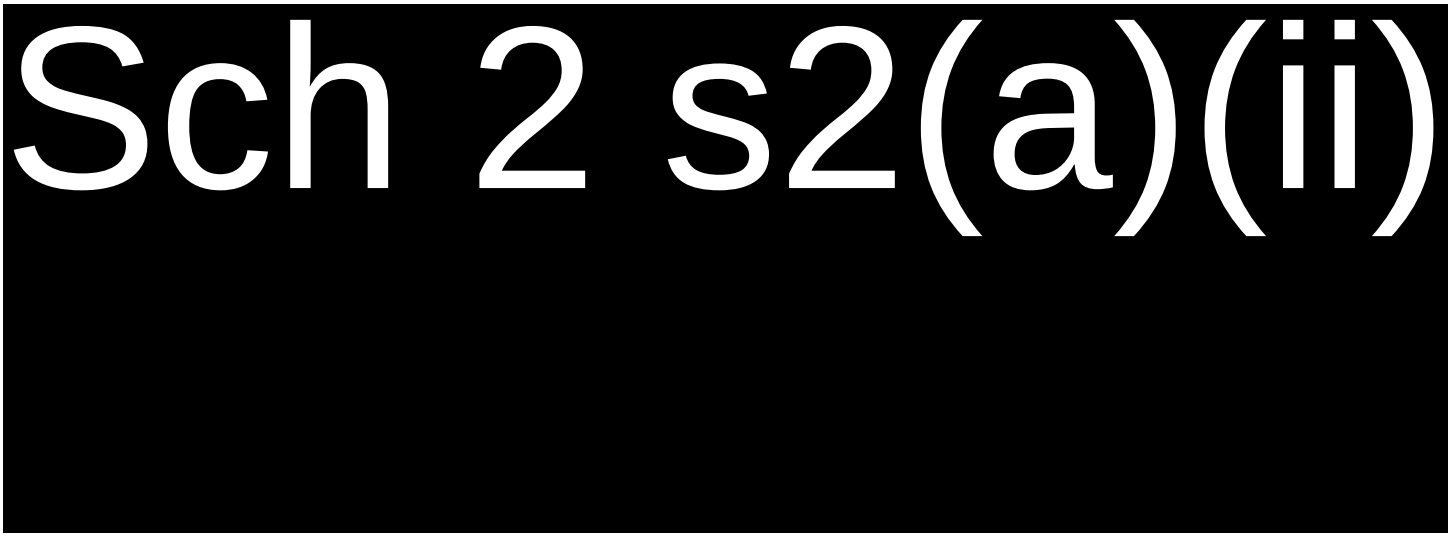
I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 30 August 2017 11:19 PM
To: BARR <BARR@act.gov.au>
Subject: 3rd party



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 2 November 2017 11:18 AM
To: Cook, Michael; O'Daly, Edward
Subject: FW: CTP citizens' jury

You have absolutely got to be joking.

From: Sch 2 s2(a)(ii)
Sent: Thursday, November 2, 2017 11:10:30 AM
To: Rayner, Jennifer
Cc: Craig Wallace
Subject: Re: CTP citizens' jury

Hi Jennifer
Thanks for your invitation for feedback and I have just left a rather long message on your office voice mail.

I referred to our principles for implementation of a trial of Citizen Juries. These principles are available here:

Very happy to talk further about the trial and our views on where Citizen juries could fit in an overall approach to improved community engagement in ACT government decision making.

In my message I noted we value the jury identifying prompt commencement of access to medical and other assistance and equity in access. I also raised a number of concerns from reading the summary report from the jury, primarily about the lack of consideration about the adequacy of payments and the length of time for which payments can be provided.

I would add that the definition of advocacy is very simple - it does not cover the role of advocacy is ensuring people can access their entitlements and assert their rights in a complicated and sometimes intimidating system.

These matters will presumably be considered during scheme design. It will be important to have significant input during design from the legal profession who work most closely with people impacted and with community service providers who see the long term impacts and pick up on meeting long term recovery needs not well recognised in specialist service systems, e.g. Financial hardship long after the catastrophic event and the cessation of assistance via an insurance scheme.

Cheers Sch 2 s2(a)(ii)

--
Sch 2 s2(a)(ii)
Sch 2 s2(a)(ii) | ACT Council of Social Service Inc. (ACTCOSS)
p: 02 6202 7200 | m: Sch 2 s2(a)(ii) | Sch 2 s2(a)(ii)@actcoss.org.au | www.actcoss.org.au

ACTCOSS is committed to reconciliation, acknowledges the traditional custodians of the land and pays respect to elders past and present.

From: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Sent: Monday, October 30, 2017 12:15:06 PM

To: Sch 2 s2(a)(ii)
Subject: CTP citizens' jury

Hi Sch 2 s2(a)(i),

Hope you're well?

I just wanted to touch base with you about the citizens' jury process the Government has embarked on regarding CTP insurance.

In light of the below from the ACTCOSS account, I wondered whether your organisation has any concerns about the process or if there is further information we can provide about it?

https://twitter.com/ACTCOSS/status/922628715447689216

For information too, all of the evidence and information about the witnesses that the jury heard from during their deliberations is now available on the CTP Your Say website: https://www.yoursay.act.gov.au/ctp

Please feel free to call if you'd like to discuss further; given ACTCOSS's previous interest in the citizens' jury approach, we'd welcome your feedback and thoughts on this one so far.

Many thanks,

Jen

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au

CANBERRA

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 3 October 2017 6:06 PM
To: Holmes, Lisa
Subject: RE: CTP observer registrations? [SEC=UNCLASSIFIED]

Great, thanks – I'll have a look.

From: Holmes, Lisa
Sent: Tuesday, 3 October 2017 6:05 PM
To: Rayner, Jennifer
Subject: CTP observer registrations? [SEC=UNCLASSIFIED]

Hi Jen

The link to register interest in the observer tours https://www.surveymonkey.com/r/CTPObservers will be put up tomorrow on the YourSay website (under the new text on closed submissions). The proposed website text for the observers tours is below (in red). Also, Comms had already drafted some words for an invitation. I've attached the draft in case you find parts useful for your email.

Public feedback to the citizens' jury has now closed.

Thank you for sharing your feedback and priorities on the ACT's Compulsory Third Party insurance scheme.

We have received more than 100 pieces of feedback, 725 survey responses and 328 people had their say on the priorities.

All of your feedback will be given to the citizens' jury and will help inform their deliberations when considering the priorities for our CTP scheme. All the feedback received through Your Say will be placed online after it has been provided to the citizens' jury in mid-October.

Other evidence and information presented to the jury will also be placed on this page.

Keep in touch with the citizens' jury process by signing up **here** for updates.

Register for the citizens' jury observer tours

If you would like to see first-hand how the citizens' jury works, you can register your interest to attend an observer tour **here**.

Tours will be available on 14, 15, 28 and 29 October 2017. There will be a limited number of observer tours and participants will be randomly selected by the independent facilitators, democracyCo. If you are selected to observe, democracyCo will be in contact closer to the date with available session times.

Lastly, updated FAQs are attached. They have been updated to reflect the consultation period having now closed. I think question 13 will also need to be updated later in the week on the jury selection.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

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From: Rayner, Jennifer
Sent: Tuesday, 3 October 2017 2:46 PM
To: Holmes, Lisa; Willis, Cecilia; Stewart-Moore, Karen
Subject: CTP observer registrations?

Hi all,

I've just getting the email ready for MLAs inviting them to attend the CTP jury hearings as observers, but can't seem to find online a link or any details about how people can register. The FAQs just refer to this being available 'at the start of October'...

Could someone please point me towards this?

Thanks for your help,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 3 October 2017 3:04 PM
To: Cook, Michael; Paviour, Mark
Subject: CTP MLA invite - for ok
Attachments: CTP citizens' jury - observer information.pdf

Any concerns or revisions to the below, for MLAs? As discussed with MC, the intention is to send it from the BARR inbox to the main inboxes of all MLAs (i.e. not just Labor ones).

Good afternoon,

The first sittings of the CTP citizens' jury will be held over two weekends in October.

Members of the Legislative Assembly are invited to attend and observe these hearings along with members of the Canberra community and interested stakeholders.

An information kit about the jury process is attached here, along with information about the role and obligations of observers.

If you would like to attend the hearings, you must register in advance through the website at: <address>.

The hearing dates are:

Saturday 14 & Sunday 15 October
Saturday 28 & Sunday 29 October

A further weekend of hearings will be held in March 2018; a separate registration process will be run at that time.

If you have any queries about registering or participating as an observer for the October jury sittings, please contact Emma Lawson at democracyCo on Sch 2 s2(a)(ii) or emma@democracyco.com.au

And for more information on CTP insurance in the ACT or the citizens' jury project, please visit: https://www.yoursay.act.gov.au/ctp

Rayner, Jennifer

From: Heath, Kylie on behalf of Treasury DLO
Sent: Friday, 4 May 2018 12:50 PM
To: Rayner, Jennifer
Subject: RE: CTP QTB [DLM=For-Official-Use-Only]
Attachments: 15. Compulsory Third (CTP) Insurance.docx

Hi Jen

Please find attached updated QTB No. 15 as requested.

Thanks
Kylie

Kylie Heath | Treasury & WSIR Directorate Liaison Officer - Legislative Assembly
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Email: treasurydlo@act.gov.au | **Phone: +61 2 6205 3033**
www.act.gov.au Please consider the environment before printing this e-mail

From: Rayner, Jennifer
Sent: Thursday, 3 May 2018 8:02 PM
To: Treasury DLO <TreasuryDLO@act.gov.au>
Subject: CTP QTB

Heya,

Once the QTB on CTP (no.15) has been finalised tomorrow, could you please flick me an electronic copy?

I just want to draw it to the boss's attention since the updates relate to a bunch of QoNs Coe asked recently.

Thanks heaps

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 5 September 2017 8:56 AM
To: Willis, Cecilia
Subject: CTP jury invites

Morning Cecilia,

Just checking in to see if everything is on track for the invites to the CTP citizens' jury to go out?

Please let me know if any issues, and thanks for your help,

Jen

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 4 September 2017 11:49 AM
To: Carter, Tania
Cc: Treasury DLO; O'Daly, Edward
Subject: CTP dates

Hi Tania,

Here's the dates for the CTP citizens' juries:

Sat 14th and Sun 15th October 2017

Sat 28th and Sun 29th October 2017

Sat 24th and Sun 25th March 2018

As he can't attend the first weekend, it would be good if he were able to attend for the morning of Sat 28th to speak to the jury – can we please see if this is possible?

Also, will it be Yvette who is acting for him again while he is away? It would be good to get a senior minister to speak at the opening of the first jury on the 14th, so is it possible to see if whomever is acting for him can do it?

Thanks very much for your help, and sorry for the miscommunication on this one.

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 4 October 2017 3:00 PM
To: Holmes, Lisa; Willis, Cecilia; Stewart-Moore, Karen
Cc: O'Daly, Edward
Subject: Observer registration link

Hi all,

Can we please get the link and text for observer registration to the CTP citizens' jury up today so that we can send out the invites to MLAs?

Thanks for your help,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 4 October 2017 4:22 PM
To: Holmes, Lisa; Willis, Cecilia
Cc: Stewart-Moore, Karen; O'Daly, Edward
Subject: FW: Brief with DemocracyCo

Hi again,

See below for a request from the Greens for a discussion with democracyCo about the jury process – can we please facilitate this?

I've let them know it may not be possible to do it in person given they're based interstate, but could you please explore their availability next week?

Thanks for your help,

Jen

From: Aguera, Jarrah
Sent: Wednesday, 4 October 2017 4:10 PM
To: Rayner, Jennifer
Subject: Brief with DemocracyCo

Hi Jen,

Hope this finds you well.

Shane and Caroline are being lobbied extensively by parties who are deeply concerned about the legitimacy of the CTP citizens' jury.

In order to continue to defend the process, we would like more information and the opportunity to ask DemocracyCo a range of questions first hand.

Would it be possible for you to help us set up a briefing with DemocracyCo asap? Next Monday 9th October from 2-3pm would work well for Shane and Caroline.

Appreciate your ongoing assistance.

Cheers,

Jarrah

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 4 October 2017 10:46 AM
To: Holmes, Lisa
Cc: Paviour, Mark
Subject: RE: CTP observer registrations? [SEC=UNCLASSIFIED]
Attachments: FAQs UPDATED 3 Oct 17.doc; CTP citizens' jury - observer information.pdf

Morning,

The FAQs look good – I've just made a couple of small changes and suggested some revised text for number 13 as we're happy to go out with that information as soon as we know (if) the Vote Compass recruitment has generated some additional participants.

Can we please also make one change to the wording of the website text on observers (below), just to better explain why it's not a free-for-all?

Also, can you please remind me what date the first batch of information packs are going out to the jurors and SRG? We're intending to provide the attached to MLAs in their invite for transparency, but don't want to provide to them ahead of others...

Thanks for your help,

Jen

From: Holmes, Lisa
Sent: Tuesday, 3 October 2017 6:05 PM
To: Rayner, Jennifer
Subject: CTP observer registrations? [SEC=UNCLASSIFIED]

Hi Jen

The link to register interest in the observer tours https://www.surveymonkey.com/r/CTPObservers will be put up tomorrow on the YourSay website (under the new text on closed submissions). The proposed website text for the observers tours is below (in red). Also, Comms had already drafted some words for an invitation. I've attached the draft in case you find parts useful for your email.

Public feedback to the citizens' jury has now closed.

Thank you for sharing your feedback and priorities on the ACT's Compulsory Third Party insurance scheme.

We have received more than 100 pieces of feedback, 725 survey responses and 328 people had their say on the priorities.

All of your feedback will be given to the citizens' jury and will help inform their deliberations when considering the priorities for our CTP scheme. All the feedback received through Your Say will be placed online after it has been provided to the citizens' jury in mid-October.

Other evidence and information presented to the jury will also be placed on this page.

Keep in touch with the citizens' jury process by signing up **here** for updates.

Register for the citizens' jury observer tours

If you would like to see first-hand how the citizens' jury works, you can register your interest to attend an observer tour **here**.

Tours will be available on 14, 15, 28 and 29 October 2017. To avoid disrupting the work of the jury, places will be limited and participants will be randomly selected by the independent facilitators, democracyCo. If you are selected to observe, democracyCo will be in contact closer to the date with available session times.

Lastly, updated FAQs are attached. They have been updated to reflect the consultation period having now closed. I think question 13 will also need to be updated later in the week on the jury selection.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

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From: Rayner, Jennifer
Sent: Tuesday, 3 October 2017 2:46 PM
To: Holmes, Lisa; Willis, Cecilia; Stewart-Moore, Karen
Subject: CTP observer registrations?

Hi all,

I've just getting the email ready for MLAs inviting them to attend the CTP jury hearings as observers, but can't seem to find online a link or any details about how people can register. The FAQs just refer to this being available 'at the start of October'...

Could someone please point me towards this?

Thanks for your help,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 5 March 2018 1:57 PM
To: Stewart-Moore, Karen; O'Daly, Edward
Cc: Willis, Cecilia; Leslie, Nate
Subject: RE: FOR REVIEW: CTP comms materials [DLM=Sensitive]
Attachments: Updated YourSay Text - 280218 - Approved by Lisa and Cecilia - CMO.docx; Thank you text for card - Approved by Lisa and Cecilia - CMO.docx; DRAFT MR - Jury Observation Opportunity - 050318 - CMO.DOCX

Hi Karen,

Thanks for these – some edits from Ed and I in the attached.

In addition to the update information in the YourSay text, we think there's still merit in having a handful of Q&As prominently displayed which provide positive and accurate information about why we're doing this in the first place. Some visitors to the site may have not engaged before this point so we should cover off the basics again:

What is CTP insurance? (It is compulsory and so affects everyone; it is insurance and so the government doesn't make money off it; we have a different approach to other parts of the country)

Why is the Government using a Citizens' Jury to examine CTP insurance? (We think it can be improved to better protect Canberrans; lots of people aren't covered right now; your premiums will not rise)

Who has been able to participate in the CTP jury? (A representative group of 50 Canberrans, plus people who've been injured and pursued CTP claims as well as experts in the current scheme).

Thanks for your help,

Jen

From: Stewart-Moore, Karen
Sent: Monday, 5 March 2018 12:03 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>
Cc: Willis, Cecilia <Cecilia.Willis@act.gov.au>; Leslie, Nate <Nate.Leslie@act.gov.au>
Subject: FOR REVIEW: CTP comms materials [DLM=Sensitive]

Dear Jen and Ed

Please find attached for your review and amendment or approval with the view to releasing on Wednesday 7 March:

1. Updated Your Say text
2. Directorate media release for Wednesday 7 March on Observer opportunities.
3. Draft EDM for subscribers to the CTP Your Say page.
4. Thank you card text from CM

Thanks
Karen

Karen Stewart-Moore | Deputy Director, Strategic Engagement
Phone: 02 6205 2855 | **Mobile: 0419 212 642**

Communications & Engagement|Chief Minister Treasury and Economic Development Directorate |
ACT Government
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

Hours: Mon/Tues & Thurs/Fri



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 5 September 2017 8:52 AM
To: O'Daly, Edward
Subject: FW: CMD_CTP_Ins_survey_V5 [SEC=UNCLASSIFIED]
Attachments: CMD_CTP_Ins_survey_V5.docx

Morning,

Have you had a chance to give this some thought?

From: Stewart-Moore, Karen
Sent: Monday, 4 September 2017 2:14 PM
To: Rayner, Jennifer
Subject: CMD_CTP_Ins_survey_V5 [SEC=UNCLASSIFIED]

Hi Jen
As discussed.
Thanks
Karen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 5 October 2017 5:12 PM
To: Aguera, Jarrah
Subject: RE: Brief with DemocracyCo

Excellent, thank you.

The meeting will be with Emma Lawson and Emily Jenke from democracyCo – they are the company's co-CEOs and leads on this project. Emily will also be the actual facilitator in the room for the jury hearing days.

Let me know if you need anything else...

Cheers,

Jen

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 4:59 PM
To: Rayner, Jennifer
Subject: RE: Brief with DemocracyCo

Confirming 9-9.30 next Friday 13th is fine—many thanks.

Would be great if you could send me the names and roles of the people we will be meeting from Democracy Co.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 1:38 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: Brief with DemocracyCo

Hi Jen,

Afraid not, and the Tuesday is out too as Caroline has a committee hearing all day.

What about Thursday 12 October from 4-4.30?

Thanks for your ongoing assistance.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health

Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Thursday, 5 October 2017 12:10 PM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Subject: RE: Brief with DemocracyCo

Sorry Jarrah, they're available later in the morning, between 11-1. Does anytime then work?

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 12:06 PM
To: Rayner, Jennifer
Subject: RE: Brief with DemocracyCo

Hi Jen,

Could we lock in 9-9.30 on Monday for our phone hook up with DemocracyCo?

Many thanks,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Aguera, Jarrah
Sent: Wednesday, 4 October 2017 4:10 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Brief with DemocracyCo

Hi Jen,

Hope this finds you well.

Shane and Caroline are being lobbied extensively by parties who are deeply concerned about the legitimacy of the CTP citizens' jury.

In order to continue to defend the process, we would like more information and the opportunity to ask DemocracyCo a range of questions first hand.

Would it be possible for you to help us set up a briefing with DemocracyCo asap? Next Monday 9th October from 2-3pm would work well for Shane and Caroline.

Appreciate your ongoing assistance.

Cheers,

Jarrah

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health

Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee **|** ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 5 October 2017 9:24 AM
To: BARR
Subject: CTP citizens' jury - observer registration
Attachments: CTP citizens' jury - observer information.pdf

Hi Cassia,

Can the below email please be sent from the Barr inbox to the main addresses of all MLAs (i.e. Greens and Libs as well as ALP)?

Good morning,

The first sittings of the CTP citizens' jury will be held over two weekends in October.

Members of the Legislative Assembly are invited to attend and observe these hearings along with members of the Canberra community and interested stakeholders.

An information kit about the jury process is attached here, along with information about the role and obligations of observers.

If you would like to attend the hearings, you must register in advance through the website here.

The hearing dates are:

Saturday 14 & Sunday 15 October
Saturday 28 & Sunday 29 October

A further weekend of hearings will be held in March 2018; additional registrations will be taken at that time.

If you have any queries about registering or participating as an observer for the October jury sittings, please contact Emma Lawson at democracyCo: emma@democracyco.com.au

And for more information on CTP insurance in the ACT or the citizens' jury project, please visit: https://www.yoursay.act.gov.au/ctp

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 6 February 2018 5:08 PM
To: Paviour, Mark
Cc: O'Daly, Edward
Subject: FW: ACT deliberative democracy

From: Ron Levy [mailto:ron.levy@anu.edu.au]
Sent: Monday, 18 December 2017 2:58 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Re: ACT deliberative democracy

Dear Jennifer,

Thanks again for your reply earlier.

The ACT Law Society has decided that it would like to proceed with the review after all, and to have me write a report by the end of January.

This will be an interim report (ie issued before the final part of the citizens' jury concludes). I think this may be helpful for at least two reasons. First, if there are any issues identified, it could be useful to identify these before the conclusion of the process so that they can be amended. Second, it seems clear that some members of the legal community are concerned about the process. If the report allays their concerns (ie if few genuine issues are found), this may enhance the perceived legitimacy of the process.

I should note that I am wholly independent of the Law Society and will receive no remuneration from them. I am not currently a practicing lawyer; when I practiced it was not in the relevant area, tort law. I did teach tort law for a number of years. But I have no personal interest in the outcome of this process. I am also on record as a robust supporter of deliberative democratic projects. (Please see my publications in the final link below.)

Finally, please note that my intention is to write a constructive rather than adversarial report. I aim to do this in the spirit of providing transparency and independent information on a matter - and a process - of public interest.

I would be very grateful if I could meet with either a minister or other person leading the process, for perhaps a 30-minute discussion. Would this be possible in early to mid January?

Thanks again - and best wishes,
Ron

Dr Ron Levy
ANU Law School
The Australian National University
Co-Director, *Project on Deliberative Governance and Law*
https://www.law.anu.edu.au/people/ron-levy

From: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Sent: Wednesday, 29 November 2017 3:05 PM
To: Ron Levy
Subject: ACT deliberative democracy

Dear Ron,

Thanks for your email to Attorney-General Gordon Ramsay, which has been passed on to our office as the Chief Minister and Treasurer has oversight of the citizens' jury on CTP reform.

While we'd be happy to discuss the citizens' jury process and provide input to your report, it's generally the case that evaluations are done at the end of a process. As you may be aware, the current jury process is only halfway through – the first round of deliberations took place in October, and the jury's recommendations are now with the Stakeholder Reference Group for development of detailed model options.

The jury will then meet again in March 2018 to deliberate on those options and decide which best meets the objectives identified through their earlier deliberations and consultation with the Canberra community.

So the most appropriate juncture for a conversation with members of the government would be when the process has concluded. If you wanted to get back in touch then we can certainly work to find a time.

Please feel free to give me a call on either of the numbers below if you would like to discuss further.

Best,

Jennifer

P.S. I believe we've actually met – I did my PhD within SPIR at the ANU.

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au



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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 6 June 2018 11:00 AM
To: Georgeson, Matthew
Subject: RE: CTP - Law Soc

No problem, I'll give her a call – thanks for flagging.

If it helps, we put together the attached TPs the other day for Minister Ramsay's office as they're getting a bit of interest too –

General TPs:

- The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans, which the government has committed to implement.

- The model chosen by the jury delivers a number of improvements, including:
    - everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
    - quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

- Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

- The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

Process:

- The ACT Government has started drafting legislation to give effect to the jury's chosen model. We will present it to the ACT Legislative Assembly before the end of this year.

- We will be undertaking further targeted consultation with stakeholders about specific elements of the legislation over the next few months as this is drafted. A number of jury members have also indicated their interest in staying involved during the drafting process and we will consult with them where necessary to confirm or clarify the jury's intent on specific elements of the new scheme.

- There will be various opportunities for scrutiny of the legislation, including through the Legislative Assembly's committee process and during Parliamentary debate.

Thanks for your kind words about the Budget too, gotta say it feels pretty darn good to have it done!

Jen

From: Georgeson, Matthew
Sent: Wednesday, 6 June 2018 10:55 AM

To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: CTP - Law Soc

Hi Jen

Just wanted to let you know (you probably already know) that the Law Society is super focused on CTP and the next steps in the process. At the moment they are interested in whether there will be a PAC formed to look at it. Sch 2 s2(a)(ii) [redacted] rings me to ask about the next steps in the process and I say various ambiguous and ambivalent things because I can't really answer those questions.

So I wonder if you would mind giving her a call some time for a quick chat and to give her something definitive? I imagine that would allay their concerns for some amount of time.

It's Sch 2 s2(a)(ii) [redacted]

Thanks

Congrats on the budget. You should get a little budget notch carved on the side of your desk, like a war pilot counting the enemies they've downed - or perhaps like a prisoner counting off their jail years.

Matt

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 6 October 2017 1:31 PM
To: Aguera, Jarrah
Subject: Re: Brief with DemocracyCo

Hi Jarrah,

No problem.

Answers below and in-text as appropriate.

1. The jury process will be facilitated entirely by democracyCo, a provider which specialises in running deliberative community engagement projects. No government members or public servants will participate in the facilitation of the jury sittings except as witnesses and in logistical roles (e.g. organising catering and audio/visual).

2-4. See edits and answers below

Did you want to give me a call when you've had a chance to read over this, to discuss? My mobil is below :)

Jen

Jennifer Rayner
0428 214 856

On 6 Oct 2017, at 12:14 pm, Aguera, Jarrah <Jarrah.Aguera@act.gov.au> wrote:

> Hi Jen,
>
> We would like to respond to a few specific concerns raised with us by lawyers asap (today if possible), so would be great if you could provide your responses/update ours to the following questions to ensure we have the facts straight.
>
> 1. Some lawyers have the impression that the jury process is to be facilitated by a public servant appointed by the Chief. As you clarified yesterday, Emily from democracyCo will in fact be the facilitator in the room for the jury hearings. Is there anything other info/protocols about the facilitation that we should pass on?
>
> 2. How will the testimonials/perspectives of victims/claimants be included in the process? While people who are currently in the process of having a CTP claim considered and their household members will be unable to participate as members of the jury, their testimonials submitted through the ACT Government's Your Say website will be given in entirety to the jury to assist their deliberations.
>
> Members of the Stakeholder Reference Group have also been closely involved in preparing a list of potential witnesses for the jury to select from, including current and ex-claimants. The Stakeholder Reference Group will be finalising the potential witness list on Monday, and this includes many individuals, recommended by members of the legal fraternity, who have recent and direct experience of the existing CTP claims process. This evidence and testimonials will be presented to the jury over the first four days of sittings in October.

3. Many stakeholders are claiming that the jury invitation process was deliberately rushed, and that the fact that only 76 RSVPs were received shows that the community was not properly informed/engaged in the process.

It is important that the jury is made up of a representative cross-section of the Canberra community, which is why the government initially invited 6,000 randomly-selected Canberra citizens to participate through Australia Post. A further 1,500 invitations were then issued through VoteCompass to ensure there was a proper demographic and geographic mix in the potential jurors. From the 100+ registrations, democracyCo has selected a jury of 56 people whose characteristics reflect those of the Canberra community (I'll forward you to media release from this morning that has more details on this).

4. Can you please confirm who exactly is on the stakeholder reference group and how it is structured?

Shane and Caroline both received initiations to be an observer yesterday (via their main email addresses) - this invite had a document attached to it with the full list of SRG members and more details about that process. I'd attach it here but I'm not in the office, sorry.

Also, would you be able to share the detailed schedule for the upcoming jury meetings on 14-15 and 28-29 October?

We don't have a copy of the schedule for the jury meetings as this is being facilitated by democracyCo. I understand they're still finalising it, anyway.

Many thanks for your ongoing assistance.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 5:13 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: Brief with DemocracyCo

Many thanks Jen ☺

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 6 October 2017 1:34 PM
To: Aguera, Jarrah
Subject: Fwd: CTP citizens' jury - observer registration
Attachments: CTP citizens' jury - observer information.pdf; ATT00001.htm

Here's the email and document I was talking about with details of the SRG...

Jennifer Rayner
0428 214 856

From: BARR
Sent: Thursday, 5 October 2017 11:04 AM
To: BERRY <BERRY@act.gov.au>; GENTLEMAN <GENTLEMAN@act.gov.au>; FITZHARRIS <FITZHARRIS@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; BURCH <BURCH@parliament.act.gov.au>; ORR <ORR@parliament.act.gov.au>; PETTERSSON <PETTERSSON@parliament.act.gov.au>; CODY <CODY@parliament.act.gov.au>; CHEYNE <CHEYNE@parliament.act.gov.au>; STEEL <STEEL@parliament.act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>; COE <COE@parliament.act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>; dunne@parliament.act.gov.au; DOSZPOT <DOSZPOT@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; KIKKERT <KIKKERT@parliament.act.gov.au>; LEE <LEE@parliament.act.gov.au>; milligan@parliament.act.gov.au; PARTON <PARTON@parliament.act.gov.au>; WALL <WALL@parliament.act.gov.au>
Subject: CTP citizens' jury - observer registration

Good morning,

The first sittings of the CTP citizens' jury will be held over two weekends in October.

Members of the Legislative Assembly are invited to attend and observe these hearings along with members of the Canberra community and interested stakeholders.

An information kit about the jury process is attached here, along with information about the role and obligations of observers.

If you would like to attend the hearings, you must register in advance through the website here.

The hearing dates are:

Saturday 14 & Sunday 15 October

Saturday 28 & Sunday 29 October

A further weekend of hearings will be held in March 2018; additional registrations will be taken at that time.

If you have any queries about registering or participating as an observer for the October jury sittings, please contact Emma Lawson at democracyCo: emma@democracyco.com.au

And for more information on CTP insurance in the ACT or the citizens' jury project, please visit: https://www.yoursay.act.gov.au/ctp

Cassia Payne

Office of the Chief Minister

t: 620 50011 | fx: 620 50157

www.chiefminister.act.gov.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 6 October 2017 4:49 PM
To: Holmes, Lisa
Subject: Re: subscriber update on the CTP citizen's jury [SEC=UNCLASSIFIED]

Great, thanks Lisa.

Have a good weekend,

Jen

Jennifer Rayner
0428 214 856

On 6 Oct 2017, at 3:39 pm, Holmes, Lisa <**Lisa.Holmes@act.gov.au**> wrote:

> Jen
>
> For your information, the below project update is being provided to subscribers of the CTP citizen's jury process.
>
> Thanks
>
> **Lisa Holmes |Director Financial Framework Management and Insurance**
> Phone: 6207 0207 | **lisa.holmes@act.gov.au**
> **Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government**
> Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| **www.act.gov.au**
>
> ---
>
> **From:** ACT Government [**mailto:YourSayonCTP=act.gov.au@cmail19.com**] **On Behalf Of** YourSayonCTP
> **Sent:** Friday, 6 October 2017 3:27 PM
> **To:** Nutt, Teone
> **Subject:** Project update: citizen's jury on CTP insurance - Preview
>
> **view this email in your browser**
>
> 
>

Citizens' jury on Compulsory Third Party insurance

Project update - 6 October 2017

Dear subscriber,

Thank you to those who shared feedback and priorities on the ACT's Compulsory Third Party (CTP) insurance scheme. Public feedback to the citizens' jury has now closed.

We received more than 1,500 pieces of feedback in the form of survey responses, emails, comments, and quiz results, which will be given to the citizens' jury to help inform their deliberations when considering the priorities for our CTP scheme. All the feedback received through Your Say will be placed online after it has been provided to the citizens' jury in mid-October.

The jury has been selected by the independent facilitators democracyCo, with the 56 jurors broadly reflecting the demographics of the ACT. The jury also reflects a range of road users with cyclists, pedestrians, public transport users and motorists all represented.

As the jury weekends are fast approaching on 14-15 and 28-29 October, you are invited to attend a guided observer session to see first-hand how the process works and the jury in action. Your session will be guided by democracyCo.

If you are interested in attending, please nominate a preferred day by registering **here**.

To avoid disrupting the work of the jury, places will be limited and participants will be randomly selected by democracyCo. If you are selected to observe, democracyCo will be in contact closer to the date with available session times.

Keep an eye out on **Your Say** as more information about the citizens' jury is added to the page in the coming weeks.

Kind regards,

Your Say on CTP Administration Team
Phone: 13 22 81 | Email: **YourSayonCTP@act.gov.au**

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 6 October 2017 11:11 AM
To: Stewart-Moore, Karen
Cc: O'Daly, Edward; Holmes, Lisa
Subject: Re: media release [SEC=UNCLASSIFIED]

Thanks - see edits below

Jennifer Rayner
0428 214 856

On 6 Oct 2017, at 9:58 am, Stewart-Moore, Karen <Karen.Stewart-Moore@act.gov.au> wrote:

ACT's first citizens' jury selected

A group of 56 Canberrans will deliberate on how the ACT's Compulsory Third-Party (CTP) insurance scheme can be improved to better protect all road users, as the ACT's first citizens' jury gets underway.

The jury was recruited from a random sample of Canberrans contacted through Australia Post and Vote Compass, with the selection undertaken by experienced facilitators democracyCo.

The individual jury members represent the diversity of the Canberra community, ensuring a broad range of perspectives and views will be included.

Forty five percent of the jury are women, 66 percent own their own homes and more than 10 per cent of the jurors are under 24. The jury also reflects a range of road users with cyclists, pedestrians, public transport users and motorists all represented.

DemocracyCo has selected 56 people to allow for the possibility that some jurors may find themselves unable to participate or complete the process.

The Government is piloting the citizens' jury to consider with the community and other key stakeholders how to improve the current CTP insurance scheme so it reflects the priorities of Canberrans.

Over two weekends of sittings in October, the jury will develop priorities for an improved CTP scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities.

If you would like to see first-hand how the citizens' jury works, you can register your interest to attend an observer tour at www.yoursay.act.gov.au/ctp.

To avoid disrupting the work of the jury, places will be limited and participants will be randomly selected by democracyCo.

DemocracyCo facilitator Emily Jenke is available for media interviews regarding the selection process.

From: Rayner, Jennifer
Sent: Friday, 6 October 2017 10:58 AM
To: Stewart-Moore, Karen
Cc: O'Daly, Edward; Holmes, Lisa
Subject: Re: media release [SEC=UNCLASSIFIED]

Thanks very much - can you please send me the text of the release in email? I've just got a couple of small suggested edits.

Jennifer Rayner
0428 214 856

On 6 Oct 2017, at 9:52 am, Stewart-Moore, Karen <Karen.Stewart-Moore@act.gov.au> wrote:

> Hi Jen and Ed
> Here is the release for your approval. If possible I would like to get this out this morning. Emily Jenke can do media today.
> Would you mind having a quick look and let me know if you're ok with this.
> We're still working on infographics which I will send through as soon as they are done but we are just summarising the jury make up in table form so we can provide with the release or upon request.
> Thanks
> Karen
>
> Karen Stewart-Moore | Deputy Director, Strategic Engagement
> **Phone: 02 6205 2855** | **Mobile: 0419 212 642**
> **Communications & Engagement**|Chief Minister Treasury and Economic Development Directorate | **ACT Government**
> Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au
>
> **Hours: Mon/Tues & Thurs/Fri**

<MR_CTPjury (2).docx>

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 6 November 2017 8:32 AM
To: Holmes, Lisa
Cc: Miles, Charlotte; Willis, Cecilia
Subject: RE: Your Say on CTP Inbox draft responses [DLM=For-Official-Use-Only]

Thanks Lisa.

Just corrected a few typos and made some small readability edits, but otherwise good to go.

From: Holmes, Lisa
Sent: Friday, 3 November 2017 5:50 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Miles, Charlotte <Charlotte.Miles@act.gov.au>; Willis, Cecilia <Cecilia.Willis@act.gov.au>
Subject: Your Say on CTP Inbox draft responses [DLM=For-Official-Use-Only]

Hi Jen

For your information, below are 3 proposed responses to constituents who have emailed the Your Say on CTP inbox.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Constituent	Original Email	Proposed Response
Sch 2 s2(a)(ii)	<< Message: CTP for multiple vehicle holders >>	Dear Sch 2 s2(a)(ii), Thank you for your email. The Citizens' Jury on Compulsory Third Party (CTP) insurance handed down its report on Sunday 29 October 2017 on the objectives for an improved scheme after days of deliberations. Over the coming months the Stakeholder Reference Group will design a number of models which meet the objectives specified by the jury. These models will be provided to the jury to select a preferred model. If legislative changes result from this process, a bill will be introduced to the Legislative Assembly. The obligations and rights of the current CTP scheme will continue until such time as the bill is considered by the Legislative Assembly, is passed and becomes an Act that applies from a specified date. When the current CTP scheme was commenced on 1 October 2008 (*Road Transport (Third-Party Insurance) Act 2008*), claims before that date continued to be dealt with by the insurer under the previous Act until these were finalised. Thank you for your interest in this topic.

		Kind Regards,
Sch 2 s2(a)(ii)	<< Message: Re: Project update: citizens' jury on Compulsory Third Party insurance - 20 September 2017 >>	Good morning/afternoon DemocracyCo have confirmed you were invited to be an observer at the jury session on Saturday 28 October. Unfortunately, DemocracyCo missed your subsequent email in which you enquired about attending on Sunday 29 October as an observer. DemocracyCo have apologised for this oversight, but have advised that the sessions on Sunday 29 October focused on juror discussions. These were not conducive for observers as you would not have been able to hear the juror discussions from the observer seating area. No other general observers attended on this day. The Citizens' Jury on Compulsory Third-Party insurance (CTP) handed down its report on the objectives for an improved scheme after days of deliberations, this report is publically available on Your Say. We can confirm that the next round of juror sessions are scheduled for 24-25 March 2018. The Stakeholder Reference Group will, from November 2017 to March 2018, develop models that meet the jurors' objectives. For confirmation of key dates for the Citizens' Jury on CTP, please refer to the *YourSay on CTP* website (https://www.yoursay.act.gov.au/ctp). Thanks you for your interest in this topic. Kind Regards,
Sch 2 s2(a)(ii)	<< Message: Proposed CTP changes and current claimants [SEC=UNOFFICIAL] >>	Dear Sch 2 s2(a)(ii) The ACT Compulsory Third Party insurance (CTP) Citizens' Jury was tasked to answer the following question: "What should be the objectives of an improved CTP scheme to best balance the interests of all road users". As part of this process, the Government specified a number of parameters on what the jury could consider, including that the scheme must remain compulsory, community rated and the premium cannot increase. Your proposed topic is therefore outside of the parameters of this particular Citizens' Jury. More information about the parameters is publically available on Your Say. The Citizens' Jury on CTP handed down its report on the objectives for an improved scheme after days of deliberations. This report is publically available on Your Say. Over the coming months, the Stakeholder Reference Group will now design a number of models which meet the objectives specified by the jury. These models will be provided to the jury to select a preferred model in March 2018. Thanks you for your interest in this topic. Kind Regards,

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 7 March 2018 10:44 AM
To: BARR
Subject: CTP Citizens' Jury - Observer registrations
Attachments: CTP citizens' jury - observer information.pdf

Hiya,

Could the below email please go out today to all members of the Assembly (incl. the opposition) from the BARR address?

Thanks heaps

Good morning,

The final sitting of the CTP citizens' jury will be held over the weekend of 24 & 25 March.

The jury developed their priorities for an improved CTP scheme during two weekends of hearings in October 2017. At the upcoming session, the jury will consider a range of models prepared by the expert Stakeholder Reference Group and select the model which best aligns with these priorities.

Members of the Legislative Assembly are invited to attend and observe these hearings along with members of the Canberra community and interested stakeholders.

An information kit about the jury process is attached here, along with information about the role and obligations of observers.

If you would like to attend the hearings, you will need to register in advance through the website here.

If you have any queries about registering or participating as an observer for this sitting of the jury, please contact Emma Lawson at democracyCo: emma@democracyco.com.au

For more information on CTP insurance in the ACT or the citizens' jury project, please visit: https://www.yoursay.act.gov.au/ctp

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 7 September 2017 4:57 PM
To: Sch 2 s2(a)(ii)
Subject: RE: My rights under CTP compensation

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the ACT's Compulsory Third Party insurance scheme. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it seems that you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury. And if you are struggling with mental health issues or need someone to talk to about the difficult times it sounds like you've been experiencing, I would also encourage you to contact Lifeline on 13 11 14.

I trust this information is of assistance.

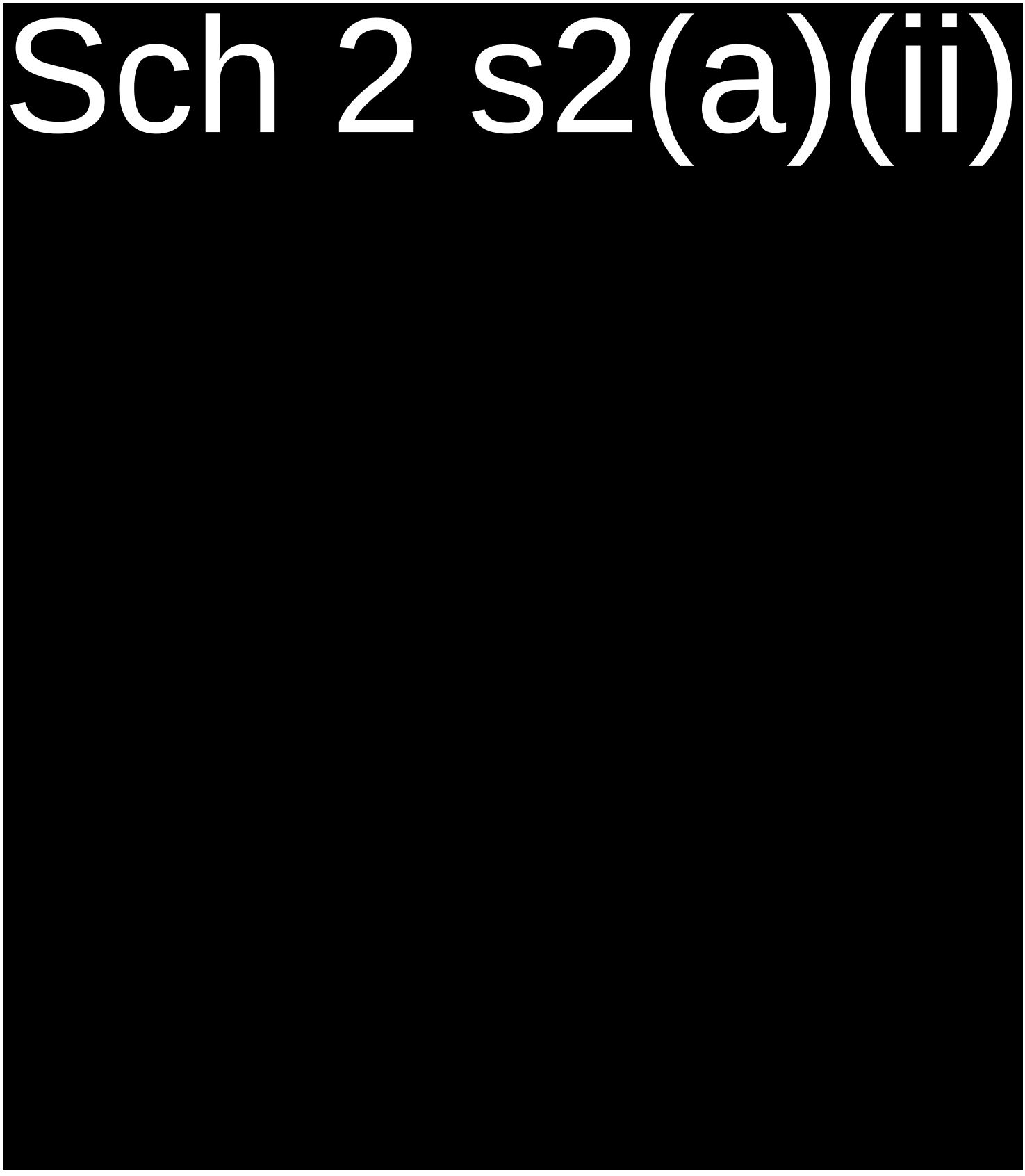
Warm regards,

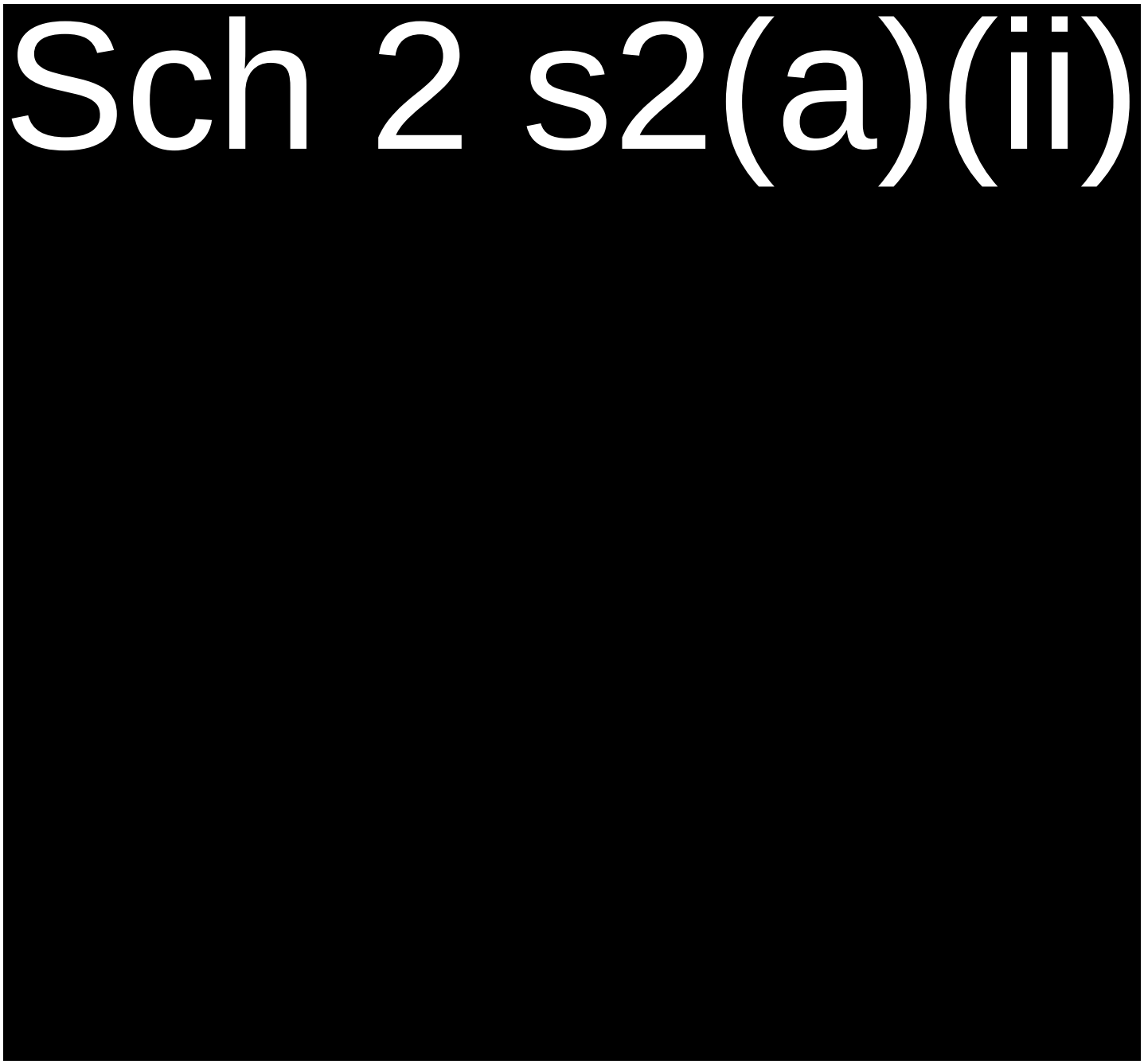
Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 6 September 2017 1:58 PM
To: BARR <BARR@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; COE <COE@parliament.act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>
Cc: Sch 2 s2(a)(ii)
Subject: My rights under CTP compensation

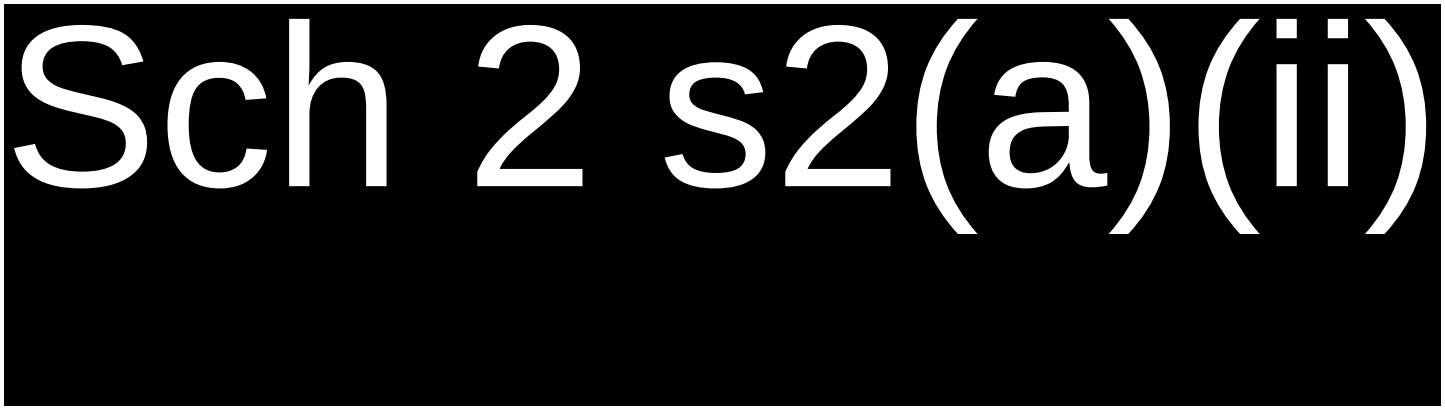
To Whom it May Concern,





Kind Regards,

Sch 2 s2(a)(ii)



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 7 September 2017 4:11 PM
To: Willis, Cecilia
Cc: Kingham, Amy
Subject: RE: Stakeholder Reference Group for the CTP citizens' jury process [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thanks very much, Cecilia.

This all looks really good. Could you please give me a call after the meeting next week for a debrief on how it went and what the feedback or commentary from stakeholders was?

Also, can you please confirm the invites went out to homes by post today?

Cheers,

Jen

From: Willis, Cecilia
Sent: Thursday, 7 September 2017 1:54 PM
To: Rayner, Jennifer
Cc: Kingham, Amy
Subject: Stakeholder Reference Group for the CTP citizens' jury process [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Jen

I wanted to give you an update on the Stakeholder Reference Group (SRG) for the CTP citizens' jury process.

We received the last nominations late yesterday (membership list attached).

The first meeting will be next Wednesday the 13th and it looks like everyone will attend in person. In preparation for the meeting, DemocracyCo will send these documents to the members tomorrow:

- Agenda (attached)
- Briefing paper they drafted for the witness process (attached)
- SRG membership list
- Copies of the documents available on Your Say to assist members understand the scheme (particularly the health representatives).

The road map (also attached) is for handing out at the meeting where Emily will provide some context for members.

Feel free to call if you have any questions.

Kind regards

Cecilia Willis |Senior Manager
Phone: +61 2 6207 0292 | Email: cecilia.willis@act.gov.au
Financial Framework Management and Insurance
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre, Chief Minister, Treasury and Economic Development | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 7 September 2018 5:16 PM
To: Holmes, Lisa
Cc: Vroombout, Sue; Smith, Charlotte
Subject: RE: MAI Bill tabling speech dot points [DLM=Sensitive: Cabinet]

Thanks very much, I'll draft a full speech up and send it back across for your review next week.

Have a good weekend (or rather, hope you get one!)

Jen

From: Holmes, Lisa
Sent: Friday, 7 September 2018 5:08 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
Subject: MAI Bill tabling speech dot points [DLM=Sensitive: Cabinet]

Hi Jen

Please find attached dot points for use in the tabling speech for the exposure draft of the Motor Accident Injuries Bill. Let me know if you require some more dot points on specific elements.

Thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 8 September 2017 4:46 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Changes to existing CTP Scheme

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the ACT's Compulsory Third Party insurance scheme. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

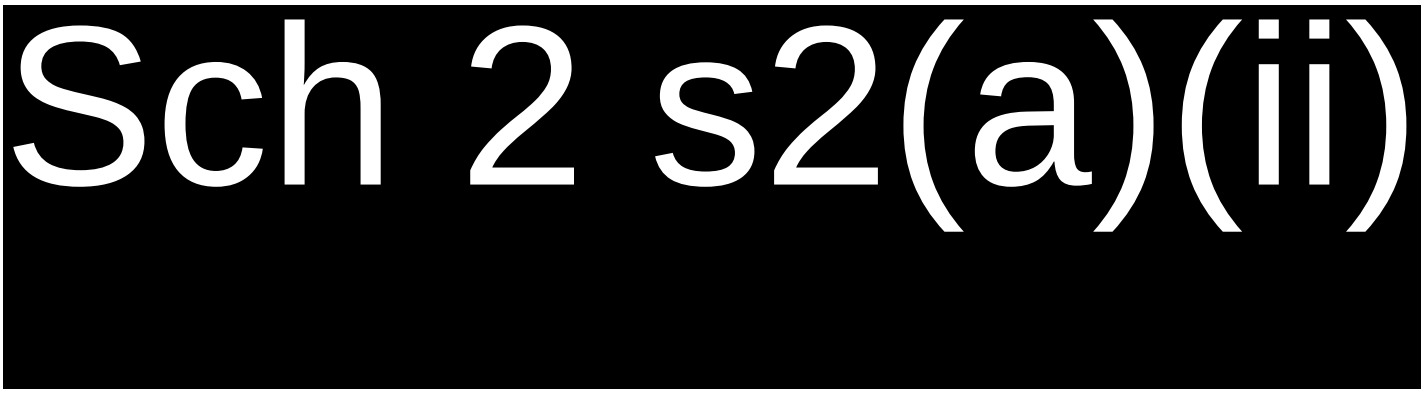
Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 7 September 2017 2:07 PM
To: YourSayonCTP <YourSayonCTP@act.gov.au>
Cc: BARR <BARR@act.gov.au>; COE <COE@parliament.act.gov.au>
Subject: Changes to existing CTP Scheme

Good afternoon.

I have been advised that the ACT Government is considering changes to the existing CTP Scheme and that this email is the best way to provide you with my concerns.



I look forward to hearing from you.

Kind regards

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 8 October 2018 5:10 PM
To: Cook, Michael
Subject: RE: further

Heya,

Here you go – agreed words for a response to Hubbard.

Issue – setting of premiums in the models provided to the jury

When the Government established the citizens' jury, the members were provided with a set of criteria within which to conduct their deliberations. The full list of criteria is available at the YourSay website – this included a requirement that premiums cannot rise as a result of any reforms recommended by the jury.

Therefore, current premium levels represented the maximum that could be presented to the jury in the models. In preparing model options on this basis, the scheme designer was working within the clear guidance provided publicly to the jury and detailed to the community at the commencement of the process.

Issue – Finity's commercial relationship with the ACT Government

A select tender process for actuarial services for the Citizens' Jury process took place and Ernst and Young appointed. Given all the firms responding to the tender offered scheme design services, the scheme designer (Finity) was selected from the offers contained in the actuarial tender responses.

Finity are the current CTP scheme actuaries and review premium filings from insurers. This contract was awarded via a separate select tender process that was undertaken prior to the citizens' jury process. It is a different Finity office and staff who provide these services.

The Government stated from the outset of this reform process that it did not have a specific reform model in mind, and would pursue the recommendations made by the citizens' jury. The scheme designer (Finity) prepared four different model options which met the objectives set by the citizens' jury, which ranged in degree from close to the status quo, to large-scale reform. The jury selected from these models after an extensive process of deliberation.

Issue – the involvement of Dr Dwight Dowda in the development of model options and scheme designs

Dr Dwight Dowda is one of Australia's leading Occupational and Environmental Physicians, a permanent impairment assessor and educator, with over 30 years of professional experience. He gained his medical degree from the University of Sydney, and later completed a Master of Public Health at the University. He went on to qualify for Fellowship with the Australasian Faculty of Occupational and Environmental Medicine (Royal Australasian College of Physicians), and continued with formal training overseas with the American Academy of Disability Evaluation Physicians (AADEP) and the International Academy of Independent Medical Evaluators (IAIME), formerly the American Academy of Disability Evaluating Physicians, in the use of AMA4, AMA5 and AMA6 Guides.

Dr Dowda has had significant involvement in the development, advisement and revision of impairment guidelines for a number of jurisdictions including NSW Motor Accident Authority and WorkCover NSW (now SIRA), ReturntoWorkSA, (previously WorkCover SA), WorkCover Tasmania, Comcare and Motor Accident Injury Assessment Scheme SA.

Based on this extensive and highly specialised professional expertise, Dr Dowda was engaged to provide expert advice to support the development of model options by the scheme designer, with input and discussion by Stakeholder Reference Group. The scheme designer (Finity) had introduced the concept of using injury assessment

tools and thresholds (either ISV or WPI) in the model designs before Dr Dowda was asked to provide advice to the Stakeholder Reference Group. Dr Dowda did not instigate or introduce the inclusion of this element into the model designs.

Ultimately is was the jury that selected their preferred model from the four models.

Issue – individual case studies where an injured person may not have met 10 per cent WPI threshold

The new CTP model chosen by the jury means anyone injured in an accident will be able to access up to five years of treatment, care and income support benefits, unless they were engaged in serious criminal activity at the time of the accident.

The jury heard from medical and healthcare consumer expert witnesses that full and early access to treatment can help people avoid longer term injuries that permanently reduce their quality of life. The jury's final report particularly noted the importance of shifting the CTP scheme's focus from large settlements to early recovery (p.3).

One of the factors that influenced the jury in selecting a scheme that offers up to five years of treatment, care and income support benefits was the opportunity this provides for re-training in cases where people are no longer able to work in their former profession because of their injuries. The jury heard that support for re-training may be available as part of the defined benefits provided, and this can help people in re-establishing their careers after an accident.

Some points to bear in mind:

- A WPI amount is determined by a clinical assessment undertaken by a medical professional – not by an insurance company. The jury specifically recommended: *"that an independent methodology (for example, a panel arrangement to assess WPI) should be used to neutralise bias and focus on the best health outcomes for injured people"*.

- WPI as an assessment tool is already in use in the ACT, through the Comcare scheme that applies to tens of thousands of local workers. It is also in use in various other insurance schemes around Australia.

- WPI is clinically assessed once the injured person's injury (or injuries) have reached Maximum Medical Improvement and the impairment is permanent; it is not assessed immediately after an accident.

- Your email refers to the use of AMA4. The jury's chosen model for the ACT CTP Scheme uses the Guides to the Evaluation of Permanent Impairment by the American Medical Association **5th edition** (AMA5), modified by the Safe Work Australia National Guidelines. Assessment of an injury under AMA5 may result in a higher whole person impairment (WPI) rating than the same injury under AMA4 (which is used by the NSW and Victorian CTP Schemes) but it depends on the type of injury.

- AMA5 (modified) includes an adjustment for Activities of Daily Living (ADL) when calculating WPI percentages for some injuries, for example those related to the lumbar spine, thoracic spine and cervical spine. This means there is some adjustment made for the impact of injuries on different people's lives.

- A Quality Of Life payment under the chosen model is available under defined benefits if a threshold of 5% WPI is met. Those who are not-at-fault and more seriously injured (10% WPI and above) are also still able to pursue a common law claim for further support.

- Under the jury's chosen model, psychological injuries will be clinically assessed using the Safe Work Australia National Guidelines to determine a WPI amount. The clinical assessment and calculation for an individual with psychological injuries depends on whether the psychological injuries are the only injury or 1 of multiple injuries.

Let me know if you need anything further for this one…

Jen

From: Cook, Michael
Sent: Friday, 5 October 2018 12:10 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Fwd: further

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Ben Hubbard <BHubbard@mauriceblackburn.com.au>
> **Date:** 5 October 2018 at 11:49:55 am AEST
> **To:** "Cook, Michael" <Michael.Cook@act.gov.au>
> **Subject: RE: further**
>
> The exposure draft was a big deal to us. That WPI scale is a brutal, blunt tool.
>
> I've been told to start moving, but I'd be keen to get the Government's view on those two issues first. It helps to narrow the debate obviously if there's a reasonable explanation behind those two issues.
>
> If you could get me whatever you've go by next Wednesday at the latest. That'd be appreciated.

From: Cook, Michael [mailto:Michael.Cook@act.gov.au]
Sent: Thursday, 4 October 2018 10:31 PM
To: Ben Hubbard <BHubbard@mauriceblackburn.com.au>
Subject: RE: further

Hi Ben –

Sorry for the delay in reply, I've been travelling with the CM to argue with the Commonwealth about GST etc.

Thanks again for raising these case studies and your concern with aspects of the expert evidence provided to the citizens' jury.

I understood there had been some work underway to assess your concerns and provide feedback. I'm just following up where that is up to. I am sure we would be happy to provide a response shortly.

If the opposition campaign is planned to ramp up in coming days, just reiterating that I'd appreciate an alert if possible. Or is your email that alert?!

I should be able to give you a timeframe for a more substantive response tomorrow.

Cheers

MC

From: Ben Hubbard [mailto:BHubbard@mauriceblackburn.com.au]
Sent: Tuesday, 2 October 2018 4:50 PM
To: Cook, Michael
Subject: further

Michael

I was obviously up in Canberra on 22/9 and raised with you both Dowda and the model calibrations by Finity.

Given the exposure draft has been released and it's Model D, we're now getting active in our Opposition.

However, I thought I'd do a final check to see if there's any feedback on the two issues? Let me know this week when you can.

Thanks

BH

Ben Hubbard | Chief Strategy Officer
E: BHubbard@mauriceblackburn.com.au | **T:** (03) 8102 2187 | **F:** (03) 9258 9600

Maurice Blackburn Lawyers
Level 21, 380 La Trobe Street, Melbourne VIC 3000
www.mauriceblackburn.com.au



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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 9 April 2018 3:33 PM
To: Hall, Lauren
Cc: Paviour, Mark; O'Daly, Edward
Subject: RE: Citizens jury process

Heya,

Thank you. I'm sure Lisa and Karen will be all over this, but for everyone's context:

On the final morning of hearings, one juror raised concerns about whether enough information has been provided to the jury about components of the models under consideration, including WPI thresholds. The jury was offered the opportunity to hear more about this from SRG members present, and voted as a majority that they were comfortable with the level of information already provided. This had included evidence from both the health expert Professor Ian Cameron and the scheme designer Geoff Atkins.

Jurors particularly noted that the legal community had provided specific information about the potential impact of WPI thresholds in their report 'Your perspectives are important' which the legal representatives of the SRG had provided to the jury as part of their response to the models. Members of the jury referred Mr Hitch to where this information was available in the materials already provided to them.

And yes, the Government remains very committed to implementing the recommendations of the jury.

Jen

From: Hall, Lauren
Sent: Monday, 9 April 2018 3:24 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Paviour, Mark <Mark.Paviour@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>
Subject: FW: Citizens jury process

FYI Jen – working on a response to this, appreciate any insights you may have.

From: Elise Scott [mailto:Scott.Elise@abc.net.au]
Sent: Monday, 9 April 2018 3:21 PM
To: Hall, Lauren <Lauren.Hall@act.gov.au>
Subject: Citizens jury process

Hi Lauren,

I left a message on your mobile but thought I'd shoot you an email through too.

We're planning to run a story tomorrow morning regarding the CTP insurance citizens jury. A couple of jurors have criticised the process, including one who walked out on the final weekend. I've also gone to DemocracyCo and others involved in the SRG etc. But hoping for government response as well. The key criticism from Luke Hitch (the juror who walked out) is that the process was "corrupted" and "misleading" because he believes information on WPI was not presented in a timely matter to the jury and was glossed over. I've put a couple questions below but feel free to call me.

1. Is the government satisfied with the citizens jury process? Could information have been better presented or presented earlier to the jury?
2. Of the initial cohort only 32 people voted for the chosen model. Does the government consider this a reasonable number of the jury to make a decision?
3. Does this expose flaws in the citizens jury process? Do you have any thresholds that need to be met to consider an outcome robust?
4. Is the government still committed to implementing the outcome?

Thanks for your help. As I said, feel free to give me a bell.

Cheers,

Elise

-

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Rayner, Jennifer

From: STEEL
Sent: Friday, 8 June 2018 4:38 PM
To: Rayner, Jennifer
Subject: FW: MEETING REQUEST: ACT CTP

Follow Up Flag: FollowUp
Flag Status: Completed

Hi Jen,

Chris just wanted me to forward this invitation that we received yesterday from the Suncorp Group to you as a FYI.

Have a good weekend ☺

Tom

From: Sch 2 s2(a)(ii) @suncorp.com.au]
Sent: Thursday, 7 June 2018 10:45 AM
To: STEEL <STEEL@parliament.act.gov.au>
Cc: Sch 2 s2(a)(ii) @suncorp.com.au>
Subject: MEETING REQUEST: ACT CTP

Dear Mr Steel

As you know the ACT Government recently conducted a Citizens' Jury on the issue of Compulsory Third Party Insurance (CTP) in the ACT.

The Suncorp Group (which includes GIO, AAMI and Apia) was a participant in the Stakeholder Reference Group.

For nearly a decade we have been advocating for fairer CTP schemes in all Australian jurisdictions. We believe better outcomes can be achieved for ACT residents through the implementation of no-fault coverage and defined benefits to aid early recovery.

We would appreciate the opportunity to meet with you to discuss the outcome of the Citizens' Jury and also hear your views on how ACT's CTP scheme can be improved.

The meeting would be attended by myself and senior executives from Suncorp's CTP business.

Look forward to hearing from you to organise a time to meet.

Thanks

Sch 2 s2(a)(ii)

SUNCORP

Sch 2 s2(a)(ii)

Level 14
10 Shelley St
Sydney NSW 2000
2FI056
suncorpgroup.com.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 9 October 2017 2:41 PM
To: Paviour, Mark; O'Daly, Edward
Subject: RE: Citizens Jury

I reckon it's possible to go high level while correcting a few furphies on the way – see suggestions below

---

From: Paviour, Mark
Sent: Monday, 9 October 2017 2:27 PM
To: O'Daly, Edward; Rayner, Jennifer
Subject: FW: Citizens Jury

The government has been working with stakeholders since August to prepare for the first sittings of the CTP citizens' jury this weekend. This has included detailed discussions on the list of potential witnesses that will be provided to the jury.

The ACT Law Society has had extensive input into that witness list through its representation on the Stakeholder Reference Group, along with insurance, government and healthcare stakeholders. The jury will use this list to collectively decide which witnesses it wishes to hear from when it meets for the first time this Saturday.

All of the evidence and information provided to the jury will be available online so that stakeholders and members of the Canberra community can actively follow this process. We know that transparency is important to give Canberrans confidence in this new process of community engagement.

We are grateful to the 56 Canberrans who have agreed to give up their time over the coming weekends to deliberate on this important issue, and to the stakeholders who are taking part to ensure the jury hears a broad range of views.

From: Tom McIlroy [mailto:thomas.mcilroy@fairfaxmedia.com.au]
Sent: Monday, 9 October 2017 1:22 PM
To: Paviour, Mark <Mark.Paviour@act.gov.au>; Sloane, Brenton <Brenton.Sloane@act.gov.au>
Subject: Citizens Jury

Hey Mark and Brenton,

Would it be possible to get a response from the Chief Minister about the ACT Law Society's concerns over the citizens jury process?

Their president Sarah Avery says the CTP issue shoudn't be dealt with in an "ad hoc and disjointed manner". She calls the jury process "shambolic".

"The process continues to labour under unnecessarily rushed deadlines. The jury is due to meet for the first time next weekend, and yet it appears that the timing, scheduling and identity of witnesses is yet to be determined," Ms Avery says.

"We have little confidence that the material to be presented to the jury will be fair, balanced or even relevant. The number and identity of witnesses who will be permitted to present their views to the jury has been severely limited. Those people most affected by the scheme — namely, innocent people injured as the result of motor vehicle accidents in the ACT — are increasingly being sidelined. Instead, the jury will directly hear from a plethora of ACT government officials, academics, and representatives from the NSW State Insurance Regulatory Authority."

Will include your response at length in our story.

Thanks for your help,

Tom

--

Tom McIlroy
Politics and public service reporter | Canberra Times, Fairfax Media
Sch 2 s2(a)(ii)
@TomMcIlroy

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 9 October 2017 7:36 PM
To: Holmes, Lisa
Subject: Re: Facebook post - observer tours and jury demographics [SEC=UNCLASSIFIED]

Thanks very much, Lisa.

In that last graphic (share of participants by road user type), the percentages sum to 101 - is that just a rounding issue or a typo?

Cheers,

Jen

Jennifer Rayner
0428 214 856

On 9 Oct 2017, at 7:26 pm, Holmes, Lisa <Lisa.Holmes@act.gov.au> wrote:

> Hi Jen
>
> FYI – the following Facebook post to announce the jury make up and observer tours will go out by midday tomorrow. Attached are the info graphics that comms have created to share on social media.
>
> Our citizens' jury on CTP insurance is ready to go! This is what the jury looks like. See them in action on an observer tour this coming weekend. Places are limited, register your interest now at www.yoursay.act.gov.au/ctp
>
> Thanks
>
> **Lisa Holmes |Director Financial Framework Management and Insurance**
> Phone: 6207 0207 | lisa.holmes@act.gov.au
> **Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government**
> Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au
>
> <Jury infographiocs draft_age 3.jpg>
> <Jury demo_gender.jpg>
> <Jury demo_living situation.jpg>
> <Jury demo_road use.jpg>

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 9 October 2017 1:19 PM
To: Sch 2 s2(a)(ii)
Subject: RE: REVIEW INTO MOTOR COMPENSATION INJURIES IN ACT (INITIATED 27/8/2017)

Dear Sch 2 s2(a)(ii)

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We are piloting a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. Over six full days of hearings, the jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury have had the opportunity to find out more about CTP and provide their views through the Your Say website during a month of public consultation which closed on 29 September. The perspectives and views provided by community members will be given in full to the jury to consider as part of their deliberations.

The jury members will also hear from a wide range of witnesses, including people with experience of the current CTP claims process, legal, insurance, government and healthcare professionals. These witnesses will be selected by the jury itself, from a short list of options prepared by a Stakeholder Reference Group made up of key bodies.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to the Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are able to be incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 5 October 2017 6:32 AM
To: BARR <BARR@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; COE <COE@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>
Cc: Sch 2 s2(a)(ii)
Subject: REVIEW INTO MOTOR COMPENSATION INJURIES IN ACT (INITIATED 27/8/2017)

TO ALL MEMBERS OF THE ACT LEGISLATURE,

Sch 2 s2(a)(ii)

Yours faithfully

Sch 2 s2(a)(ii)

PS If you receive a back copy of this post it is because I think you would also share these concerns. I encourage you to send your own concerns to our legislative representatives or log in to the public website https://www.yoursay.act.gov.au/ctp



Your Say ACT :: Your say on Compulsory Third Party (CTP ...

www.yoursay.act.gov.au

You can help inform a citizens' jury of everyday Canberrans who will consider priorities for our Compulsory Third Party (CTP) insurance scheme.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 10 September 2018 12:29 PM
To: Holmes, Lisa; Dynon, Kaarin; Linnane, Amy; Smith, Charlotte
Cc: Vroombout, Sue; Paviour, Mark; Cook, Michael
Subject: CTP - next week

Hi everyone,

There's been a few updates to the plan for next week's release of the CTP bill exposure draft, so just looping everyone in so we're on the same page.

Could you please take a look at the below and let me know if any concerns or issues?

Supporting materials

- Guide to bill (Lisa/CMO)
- Q&A (Lisa/CMO)
- Media release (CMO)
- Social content (CMO)
- Corro SR (CMO)

Schedule
Monday 17th – Exposure draft considered by Cabinet
Tuesday 18th – Briefing on bill content for Citizens' Jury members (12:30pm – Lisa's team to facilitate)
Wednesday 19th – Media briefing (early afternoon – CMO to facilitate with Lisa as subject matter expert). Bill goes online late afternoon/early evening.
Thursday 20th – Chief Minister media release out with link to bill online (AM); Manager of Government Business moves motion in the Assembly referring bill to JACS committee (timing TBC)

Happy to discuss further, as needed.

Thanks for all your help,

Jen

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong
P. (02) 6207 1201|M. 0428 214 856|E. jennifer.rayner@act.gov.au

Rayner, Jennifer

From:	Rayner, Jennifer
Sent:	Tuesday, 9 October 2018 10:20 AM
To:	BERRY; FITZHARRIS; RAMSAY; STEPHEN-SMITH; GENTLEMAN; STEEL; RATTENBURY; BURCH; ORR; CODY; PETTERSSON; CHEYNE
Cc:	Attridge, Vanessa; Ceramidas, Joshua; Thomas, Brooke; James, Melissa (LA EXEC); Landon, Daniel; Greenwood, Martin; Esguerra, Indra; Cook, Michael
Subject:	Updated SR - Motor Accident Injury scheme
Attachments:	MLA standard response - Motor Accident Injuries insurance - update October 2018.docx

Hi everyone,

We understand offices are starting to get a bit of corro in regarding the new Motor Accident Injury Bill (CTP reform), and that the main campaign from the legal community particularly emphasises concerns about insurance companies being able to decide what benefits people are entitled to.

This is not the case – insurers will have to work within a set of guidelines and criteria set by the Government is determining what people are entitled to. This will be regulated by the new Motor Accident Insurance Commissioner who will have expanded compliance and data gathering powers compared with the existing CTP Regulator. Decisions will also be open to external review through the legal system if injured people are not happy with the benefits they have been offered.

We've updated the standard response to include some further information on this – can offices please use the attached in responding to any corro going forward?

As always, feel free to give me a call or stop by if you've got questions or need anything further on this one.

Cheers,

Jen

Rayner, Jennifer

From: Cook, Michael
Sent: Tuesday, 9 October 2018 12:06 PM
To: Rayner, Jennifer
Subject: FW: Response to points raised in our CTP discussion

Ben is sad

From: Ben Hubbard [mailto:BHubbard@mauriceblackburn.com.au]
Sent: Tuesday, 9 October 2018 10:19 AM
To: Cook, Michael
Subject: RE: Response to points raised in our CTP discussion

Thanks for coming back to me Michael.

From: Cook, Michael [mailto:Michael.Cook@act.gov.au]
Sent: Tuesday, 9 October 2018 10:04 AM
To: Ben Hubbard <BHubbard@mauriceblackburn.com.au>
Cc: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Response to points raised in our CTP discussion

Ben –

Trust you are well and keeping busy.

Thanks for our discussion late last month about some of the concerns MBs holds regarding the ACT's CTP reforms – content and process.

We've undertaken some further work in light of that discussion. I've set out our views in response, below.

I've also cc'd our Head of Policy and Budget Jen Rayner who has carriage of this reform.

Once you've had a chance to consider, we are more than happy to continue the conversation on these or other aspects of CTP over coming weeks.

Cheers

MC

Issue – setting of premiums in the models provided to the jury

When the Government established the citizens' jury, the members were provided with a set of criteria within which to conduct their deliberations. The full list of criteria is available at the YourSay website – this included a requirement that premiums cannot rise as a result of any reforms recommended by the jury.

Therefore, current premium levels represented the maximum that could be presented to the jury in the models. In preparing model options on this basis, the scheme designer was working within the clear guidance provided publicly to the jury and detailed to the community at the commencement of the process.

Issue – Finity's commercial relationship with the ACT Government

A select tender process for actuarial services for the Citizens' Jury process took place and Ernst and Young was appointed. Given all the firms responding to the tender offered scheme design services, the scheme designer (Finity) was selected from the offers contained in the actuarial tender responses.

Finity are the current CTP scheme actuaries and review premium filings from insurers. This contract was awarded via a separate select tender process that was undertaken prior to the citizens' jury process. It is a different Finity office and staff who provide these services.

The Government stated from the outset of this reform process that it did not have a specific reform model in mind, and would pursue the recommendations made by the citizens' jury. The scheme designer (Finity) prepared four different model options which met the objectives set by the citizens' jury, which ranged in degree from close to the status quo, to larger-scale reform. The jury selected from these models after an extensive process of deliberation.

Issue – the involvement of Dr Dwight Dowda in the development of model options and scheme designs

Dr Dwight Dowda is one of Australia's leading Occupational and Environmental Physicians, a permanent impairment assessor and educator, with over 30 years of professional experience. He gained his medical degree from the University of Sydney, and later completed a Master of Public Health at the University. He went on to qualify for Fellowship with the Australasian Faculty of Occupational and Environmental Medicine (Royal Australasian College of Physicians), and continued with formal training overseas with the American Academy of Disability Evaluation Physicians (AADEP) and the International Academy of Independent Medical Evaluators (IAIME), formerly the American Academy of Disability Evaluating Physicians, in the use of AMA4, AMA5 and AMA6 Guides.

Dr Dowda has had significant involvement in the development, advisement and revision of impairment guidelines for a number of jurisdictions including NSW Motor Accident Authority and WorkCover NSW (now SIRA), and Motor Accident Injury Assessment Scheme SA.

Based on this extensive and highly specialised professional expertise, Dr Dowda was engaged to provide expert advice to support the development of model options by the scheme designer, with input and discussion by Stakeholder Reference Group. The scheme designer (Finity) had introduced the concept of using injury assessment tools and thresholds (either ISV or WPI) in the model designs before Dr Dowda was asked to provide advice to the Stakeholder Reference Group. Dr Dowda did not instigate or introduce the inclusion of this element into the model designs.

Ultimately it was the jury that selected its preferred model from the four models.

Issue – individual case studies where an injured person may not have met 10 per cent WPI threshold

The new CTP model chosen by the jury means anyone injured in an accident will be able to access up to five years of treatment, care and income support benefits, unless they were engaged in serious criminal activity at the time of the accident.

The jury heard from medical and healthcare consumer expert witnesses that full and early access to treatment can help people avoid longer term injuries that permanently reduce their quality of life. The jury's final report particularly noted the importance of shifting the CTP scheme's focus from large settlements to early recovery (p.3).

One of the factors that influenced the jury in selecting a scheme that offers up to five years of treatment, care and income support benefits was the opportunity this provides for re-training in cases where people are no longer able to work in their former profession because of their injuries. The jury heard that support for re-training may be available as part of the defined benefits provided, and this can help people in re-establishing their careers after an accident.

Some further points to consider:

- A WPI amount is determined by a clinical assessment undertaken by a medical professional – not by an insurance company. The jury specifically recommended: *"that an independent methodology (for example, a*

panel arrangement to assess WPI) should be used to neutralise bias and focus on the best health outcomes for injured people".

- WPI as an assessment tool is already in use in the ACT, through the Comcare scheme that applies to tens of thousands of local workers. It is also in use in various other insurance schemes around Australia.

- WPI is clinically assessed once the injured person's injury (or injuries) have reached Maximum Medical Improvement and the impairment is permanent; it is not assessed immediately after an accident.

- Your email refers to the use of AMA4. The jury's chosen model for the ACT CTP Scheme uses the Guides to the Evaluation of Permanent Impairment by the American Medical Association **5th edition** (AMA5), modified by the Safe Work Australia National Guidelines. Assessment of an injury under AMA5 may result in a higher whole person impairment (WPI) rating than the same injury under AMA4 (which is used by the NSW and Victorian CTP Schemes) but it depends on the type of injury.

- AMA5 (modified) includes an adjustment for Activities of Daily Living (ADL) when calculating WPI percentages for some injuries, for example those related to the lumbar spine, thoracic spine and cervical spine. This means there is some adjustment made for the impact of injuries on different people's lives.

- A Quality Of Life payment under the chosen model is available under defined benefits if a threshold of 5% WPI is met. Those who are not-at-fault and more seriously injured (10% WPI and above) are also still able to pursue a common law claim for further support.

- Under the jury's chosen model, psychological injuries will be clinically assessed using the Safe Work Australia National Guidelines to determine a WPI amount. The clinical assessment and calculation for an individual with psychological injuries depends on whether the psychological injuries are the only injury or 1 of multiple injuries.

Michael Cook
ACT Executive Chief of Staff
Office of the Chief Minister
Australian Capital Territory Government
Ph: +61 2 6205 0011
ACT Legislative Assembly - 196 London Circuit, Canberra ACT 2600
www.act.gov.au

From: Ben Hubbard [mailto:BHubbard@mauriceblackburn.com.au]
Sent: Tuesday, 2 October 2018 4:50 PM
To: Cook, Michael
Subject: further

Michael

I was obviously up in Canberra on 22/9 and raised with you both Dowda and the model calibrations by Finity.

Given the exposure draft has been released and it's Model D, we're now getting active in our Opposition.

However, I thought I'd do a final check to see if there's any feedback on the two issues? Let me know this week when you can.

Thanks

BH

Ben Hubbard | Chief Strategy Officer
E: BHubbard@mauriceblackburn.com.au | **T:** (03) 8102 2187 | **F:** (03) 9258 9600

Maurice Blackburn Lawyers
Level 21, 380 La Trobe Street, Melbourne VIC 3000
www.mauriceblackburn.com.au



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Rayner, Jennifer

From: Paviour, Mark
Sent: Monday, 10 September 2018 3:50 PM
To: Rayner, Jennifer; Dynon, Kaarin
Subject: RE: Suggested MR for CTP bill

I like it.

Some suggested changes below.

From: Rayner, Jennifer
Sent: Monday, 10 September 2018 2:22 PM
To: Dynon, Kaarin <Kaarin.Dynon@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: Suggested MR for CTP bill

Hiya,

Just getting this one moving early so we can align messaging across all the products and also get this through the various clearance processes – what do you think of the below?

Cheers,

Jen

New scheme to better protect Canberrans on the road

About 600 more Canberrans each year will be entitled to treatment, care and lost wages when they are hurt in a motor vehicle accident under the proposed new *Motor Accident Injuries Scheme*.

The new scheme will replace Canberra's existing Compulsory Third Party insurance arrangements. The ACT Government is reforming the scheme because our current arrangement does not go far enough to protect Canberrans who are involved in a motor vehicle accident on our roads.

Despite this, Canberrans pay some of the highest CTP premiums in the country.

The new scheme will cover everyone injured in a motor vehicle accident and will ensure that people involved in an accident don't have to wait for years to receive their payout.

The Government has released an exposure draft of the *Motor Accident Injuries Scheme Bill,* which delivers the new approach to accident insurance recommended by the CTP Citizens' Jury.

"Canberra's current CTP scheme doesn't protect people as well as it should when they are on the road," said ACT Chief Minister Andrew Barr.

"For example, if someone is injured because they hit a kangaroo or lose control on an icy patch and run off the road, they can't make a claim to cover their medical bills and lost income."

"Every one of Canberra's 290,000 drivers has to pay for CTP when they register their vehicle. So we believe everyone should be entitled to proper protection on our roads," the Chief Minister said.

Under the new scheme, everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and lost wages – as long as they're not breaking the law at the time of the accident.

“People who are drink driving or engaged in serious speeding offences at the time of an accident will be excluded because we don’t believe people who do the right thing should pay for those who knowingly put others in danger,” said the Chief Minister.

Canberrans who are seriously injured will still be able to pursue damages through the legal system if they need treatment and care long-term, after accessing up to five years of defined benefits.

The design of the new scheme was recommended by the Citizens’ Jury on CTP. The jury was made up of about 50 Canberrans who met several times over six months to hear evidence about how our current CTP scheme works from experts and people with experience of making claims through the scheme.

The jury recommended that Canberra’s CTP scheme be reformed to prioritise early access to treatment and care for everyone who gets injured, and reduce how often people have to go to court to get the help they need. Their final report and recommendations are available at: https://yoursay.act.gov.au/ctp

The Government will now refer the draft bill to the Justice and Community Safety Committee for further community consultation. The committee will report by the end of October and its input will inform the final bill that is set to be introduced to the Legislative Assembly by the end of 2018.

To provide input on the exposure draft or find out more about the new *Motor Accident Injuries Scheme* visit: [Committee page web link]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 11 September 2017 4:54 PM
To: Willis, Cecilia
Subject: RE: Changes to existing CTP Scheme [SEC=UNCLASSIFIED]

Hi Cecilia,

I don't read a specific query regarding retrospectivity in Sch 2 s2(a)(ii) email.

I'm happy to consider a form of words for if we're directly asked in future (which would need to be less categorical than your email below), but at this point we should avoid locking down any specifics.

Please feel free to call if you need to discuss, and thanks for flagging this one.

Cheers,

Jen

From: Willis, Cecilia
Sent: Monday, 11 September 2017 4:45 PM
To: Rayner, Jennifer
Subject: RE: Changes to existing CTP Scheme [SEC=UNCLASSIFIED]

Hi Jen

I just had a chat to Kylie and she asked me to clear responses to feedback on the CTP process with you (outside the key messages). I have had a couple of phone calls from people also worried about retrospectivity so I would like to address that for Sch 2 s2(a)(ii).

If you approve, I would like to send a message back to Sch 2 s2(a)(ii):

"Dear Sch 2 s2(a)(ii)

Thank you for your email. I understand that Dr Rayner in the Office of the Chief Minister has replied to you directly.

In addition to that information, please be assured that the citizens' jury process will not impact on any CTP claim you have as a result of your accident. Any changes that may arise from the process would only apply to future accidents.

Kind regards
YourSayonCTP Administration Team"

Many thanks

Cecilia Willis |Senior Manager
Phone: +61 2 6207 0292 | Email: cecilia.willis@act.gov.au
Financial Framework Management and Insurance
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre, Chief Minister, Treasury and Economic Development | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

---

From: Rayner, Jennifer
Sent: Friday, 8 September 2017 4:46 PM

To: Sch 2 s2(a)(ii)
Subject: RE: Changes to existing CTP Scheme

Dear Sch 2 s2(a)(ii)

Thank you for your email to Chief Minister Andrew Barr regarding the ACT's Compulsory Third Party insurance scheme.Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

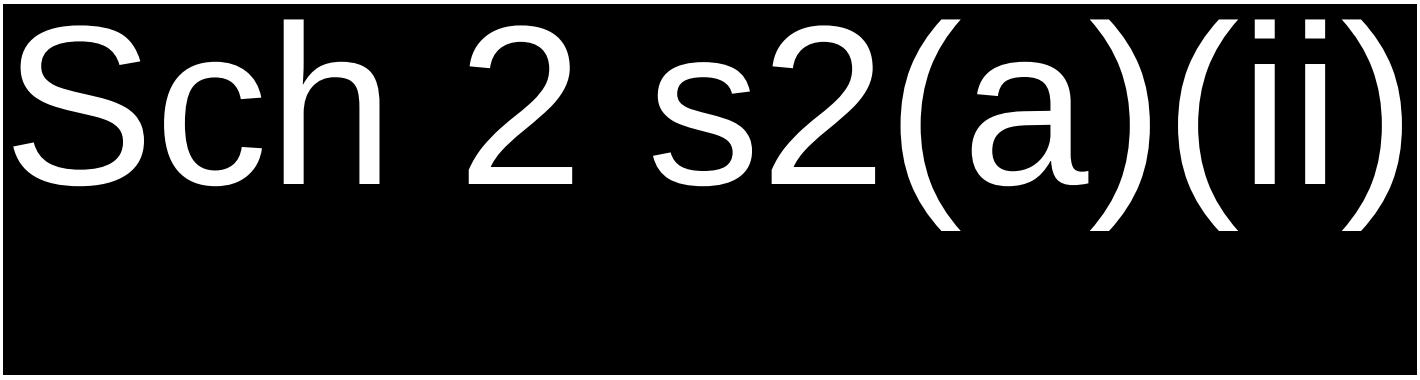
Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 7 September 2017 2:07 PM
To: YourSayonCTP <YourSayonCTP@act.gov.au>
Cc: BARR <BARR@act.gov.au>; COE <COE@parliament.act.gov.au>
Subject: Changes to existing CTP Scheme

Good afternoon.

I have been advised that the ACT Government is considering changes to the existing CTP Scheme and that this email is the best way to provide you with my concerns.



I look forward to hearing from you.

Kind regards

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Esguerra, Indra
Sent: Tuesday, 11 September 2018 3:43 PM
To: Rayner, Jennifer
Subject: Re: CTP update

Great, thanks Jen.
Seems fine to me.
Will run it by the MLAs and get back to you.

Cheers, Indra

Sent from my iPad

On 10 Sep 2018, at 2:42 pm, Rayner, Jennifer <Jennifer.Rayner@act.gov.au> wrote:

> Hi Indra,
>
> Just flagging another motion for next week with you: we plan to release the exposure draft of the *Motor Accident Injuries Bill* (the CTP reform bill) next Thursday. On that same day the Government will refer it to the Justice and Community Safety committee for inquiry.
>
> The proposed text for our referral motion is below – would you mind taking a look when you have a chance and let us know if Shane and Caroline would be comfortable to support the referral as drafted? Points i) to vi) have been taken from the objectives the Citizens' Jury set in their first round of work in October last year.
>
> FYI too since I know they're often in touch with your office, the Law Society and other stakeholders have been informed of this intended process and timeline.
>
> Happy to discuss further as needed…
>
> Cheers,
>
> Jen

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

NOTICE OF MOTION

Mick Gentleman MLA: I give notice that I shall move –

(1) That the Exposure Draft of the Motor Accident Injuries Bill 2018 be referred to the Standing Committee on Justice and Community Safety to inquire into and report on:

(a) The draft bill's alignment with the following objectives for the ACT's Compulsory Third Party insurance scheme:

i. early access to medical treatment, economic support and rehabilitation services;

ii. equitable cover for all people injured in a motor vehicle accident;

iii. a value for money and efficient system;

iv. promoting broader knowledge of the scheme and safer driver practices;

v. implementing a support system to better navigate the claims process;

vi. a system that strengthens integrity and reduces fraudulent behaviour.

(b) The draft bill's alignment with the model chosen by the CTP citizens' jury and the detailed design documents underpinning this model;

(c) The draft bill's consistency with other relevant insurance schemes operating in the Territory.

(2) The committee is to report by 26 October 2018; and

(3) If the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 11 October 2017 12:37 PM
To: Aguera, Jarrah
Subject: RE: Brief with DemocracyCo

Yep, no worries.

Thanks very much

From: Aguera, Jarrah
Sent: Wednesday, 11 October 2017 12:23 PM
To: Rayner, Jennifer
Subject: RE: Brief with DemocracyCo

Hi Jen,

Thanks for asking. We're happy to just meet with Emma and Emily, and follow up with you afterwards if we have any additional questions.

Are they ok to come to Shane's office for the meeting?

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Tuesday, 10 October 2017 6:40 PM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Subject: RE: Brief with DemocracyCo

Hi Jarrah,

Just checking whether Shane and Caroline would like/be expecting someone from our office to attend this briefing with democracyCo on Friday as well in case there are things Emma and Emily can't cover off about the government's end of the project; or are they keen to just speak with them directly?

We don't mind either way, just want to make sure Shane and Caroline get what they need...

Cheers,

Jen

From: Rayner, Jennifer
Sent: Thursday, 5 October 2017 5:12 PM
To: Aguera, Jarrah
Subject: RE: Brief with DemocracyCo

Excellent, thank you.

The meeting will be with Emma Lawson and Emily Jenke from democracyCo – they are the company's co-CEOs and leads on this project. Emily will also be the actual facilitator in the room for the jury hearing days.

Let me know if you need anything else...

Cheers,

Jen

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 4:59 PM
To: Rayner, Jennifer
Subject: RE: Brief with DemocracyCo

Confirming 9-9.30 next Friday 13th is fine—many thanks.

Would be great if you could send me the names and roles of the people we will be meeting from Democracy Co.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 1:38 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: Brief with DemocracyCo

Hi Jen,

Afraid not, and the Tuesday is out too as Caroline has a committee hearing all day.

What about Thursday 12 October from 4-4.30?

Thanks for your ongoing assistance.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Thursday, 5 October 2017 12:10 PM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Subject: RE: Brief with DemocracyCo

Sorry Jarrah, they're available later in the morning, between 11-1. Does anytime then work?

From: Aguera, Jarrah
Sent: Thursday, 5 October 2017 12:06 PM
To: Rayner, Jennifer
Subject: RE: Brief with DemocracyCo

Hi Jen,

Could we lock in 9-9.30 on Monday for our phone hook up with DemocracyCo?

Many thanks,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Aguera, Jarrah
Sent: Wednesday, 4 October 2017 4:10 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Brief with DemocracyCo

Hi Jen,

Hope this finds you well.

Shane and Caroline are being lobbied extensively by parties who are deeply concerned about the legitimacy of the CTP citizens' jury.

In order to continue to defend the process, we would like more information and the opportunity to ask DemocracyCo a range of questions first hand.

Would it be possible for you to help us set up a briefing with DemocracyCo asap? Next Monday 9th October from 2-3pm would work well for Shane and Caroline.

Appreciate your ongoing assistance.

Cheers,

Jarrah

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 11 October 2017 10:16 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Changes to CTP in the ACT

Dear Sch 2 s2(a)(ii) ,

Thank you for your email regarding the CTP citizens' jury.

Submissions to the jury were open from 22 August to 29 September, through the YourSay website. During this time over 100 detailed submissions were made, 725 Canberrans completed the short survey and 328 people provided feedback on their priorities for a CTP scheme. All of this material will be provided to the jury to help inform their deliberations.

The first sittings of the CTP citizens' jury will be held this weekend, on Saturday 14th and Sunday 15th September. Because of the need to compile and prepare submissions for the jury, we are no longer able to accept public submissions.

If you want to stay engaged with the CTP citizens' jury process, you can register for an observer tour during the sittings or sign up for ongoing electronic updates here.

Thank you for your interest in the CTP citizens' jury process.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au

---

From: Sch 2 s2(a)(ii)
Sent: Tuesday, 10 October 2017 6:16 PM
To: BARR <BARR@act.gov.au>
Subject: Fwd: Changes to CTP in the ACT

Good evening team

Please see my email below. I left a phone message with your office this afternoon.

I would like the opportunity to provide feedback on the importance of maintaining the current CTP scheme in the ACT.

Regards
Sch 2 s2(a)(ii)

Sent from my iPad

Begin forwarded message:

From: RATTENBURY <RATTENBURY@act.gov.au>
Date: 6 October 2017 at 5:02:00 pm AEDT
To: Sch 2 s2(a)(i) [redacted]
Subject: RE: Changes to CTP in the ACT

Dear Sch 2 s2(a)(ii) [redacted],

Thanks for your email. I have forwarded your email to the office of the Chief Minister, who is responsible for this process. They will make contact with you next week. Alternatively, you can contact their office at barr@act.gov.au or 6205 0011.

Kind Regards,
Christian Dent | Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety;
Minister for Corrections; Minister for Mental Health
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

-----Original Message-----
From: Sch 2 s2(a)(ii) [redacted]
Sent: Friday, 6 October 2017 3:18 PM
To: RATTENBURY
Subject: Changes to CTP in the ACT

Could someone please contact me regarding providing feedback on possible changes to the existing CTP scheme in the ACT?

I just received a letter from Snedden Hall & Gallop Lawyers. I understand it is now too late to provide public feedback. I had not been aware of a review.

Regards
Sch 2 s2(a)(ii) [redacted]

Sent from my iPhone

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 12 September 2017 8:50 AM
To: Ferguson, David
Subject: RE: CTP SR

Legend ☺

From: Ferguson, David
Sent: Tuesday, 12 September 2017 8:49 AM
To: Rayner, Jennifer
Cc: Thomas, Brooke; White, Michael
Subject: RE: CTP SR

Thanks Jen, we'll keep you up to date with feedback from the legal profession

---

From: Rayner, Jennifer
Sent: Tuesday, 12 September 2017 8:47 AM
To: Ferguson, David
Cc: Thomas, Brooke; White, Michael
Subject: CTP SR

Morning Dave,

We've started to get a bit of corro from constituents on the CTP reform process, and imagine you guys may have too. So I just wanted to pass on the SR we've prepared which explains the process pretty flatly and encourages people to make a submission via the Your Say page.

Please let me know if any issues or concerns...

Cheers,

Jen

Dear XX,

Thank you for your email to Chief Minister Andrew Barr, and for your interest in the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 12 September 2017 3:20 PM
To: Sloane, Brenton
Cc: O'Daly, Edward
Subject: For Katie and Daniel

Suggest:

Not sure if you caught the line of questioning from the Libs in QT earlier about the upcoming CTP citizens' jury, but it might just be worth remembering this going forward:

http://www.canberratimes.com.au/act-news/act-election-2016/forrest-couple-craig-and-eva-edwards-give-95000-to-the-canberra-liberals-20161002-grt505.html

No doubt it is entirely unrelated that of the 1,779 CTP claims within the ACT scheme that were open at 30 June 2017, Blumers Personal Injury Lawyers, Maurice Blackburn Lawyers, **Maliganis Edwards Johnson**, Slater & Gordon Lawyers and Snedden Hall & Gallop collectively represent 52 per cent of the total open claims...

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 12 September 2017 4:52 PM
To: Aguera, Jarrah
Subject: CTP details
Attachments: Signed by Minister.pdf

Hiya,

Here's the letter the CM sent back to the Bar Association in response to their letter raising concerns about the timeframes for the citizen's jury, plus our current response lines. FWIW, the important thing is to help them understand that the Government genuinely doesn't have a specific reform in mind, and will be guided by the deliberations of the citizen's jury.

Let me know if you need anything further...

Cheers,

Jen

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au


CANBERRA

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 12 September 2017 8:45 AM
To: Sch 2 s2(a)(ii)
Subject: Re: Proposed CTP Reforms

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, and for your interest in the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

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If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

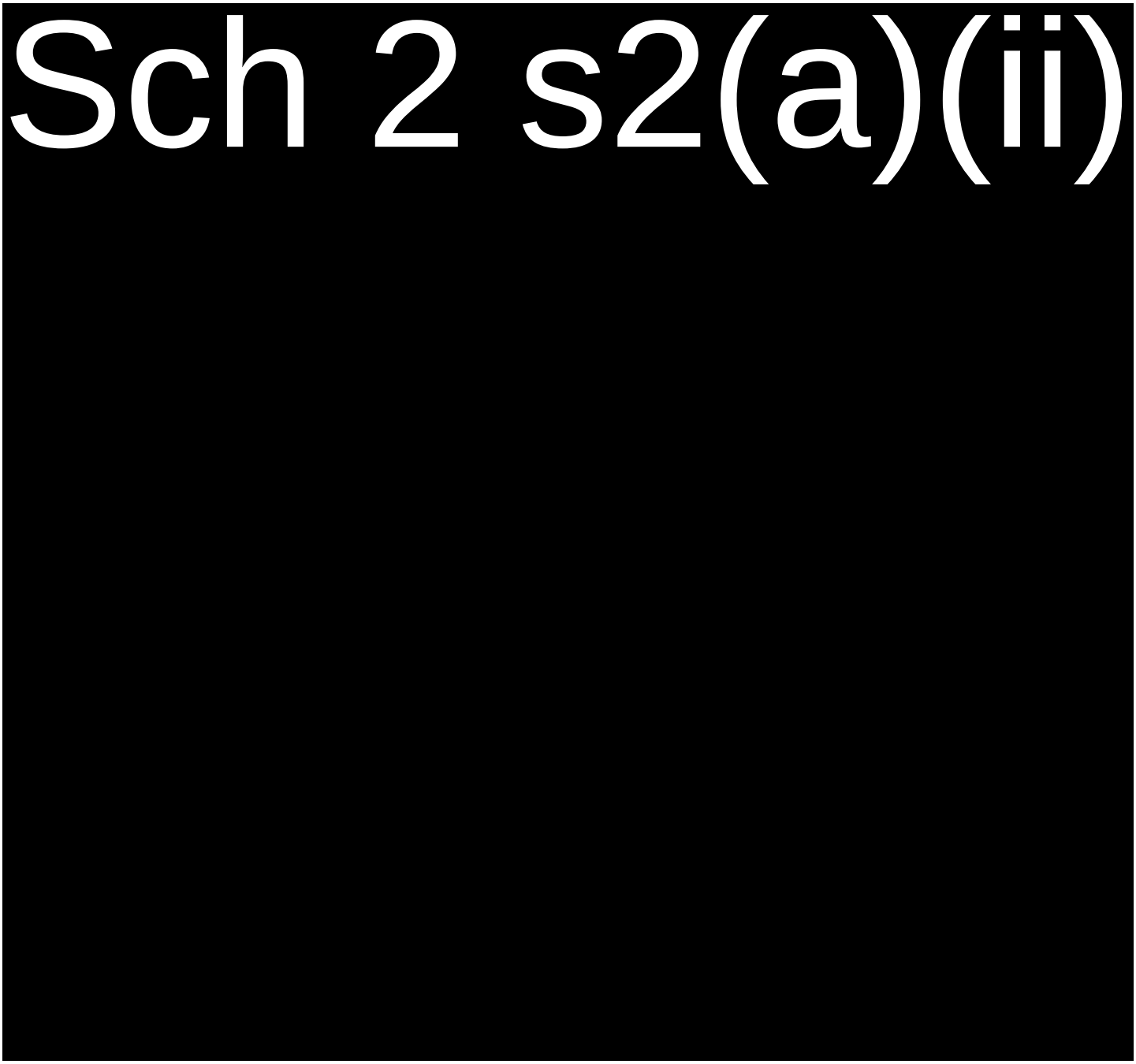
Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

CANBERRA

-----Original Message-----
From: Sch 2 s2(a)(ii)
Sent: Friday, 8 September 2017 7:28 PM

To: BARR <BARR@act.gov.au>
Subject: Proposed CTP Reforms

Dear Mr Barr



Kind regards

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Holmes, Lisa
Sent: Wednesday, 12 September 2018 9:02 PM
To: Rayner, Jennifer
Cc: Vroombout, Sue; Treasury DLO; Smith, Charlotte
Subject: RE: Guide to MAI bill [DLM=Sensitive: Cabinet]
Attachments: Motor Accident Injuries Bill Explanatory Guide - Exposure Draft - CMO (002).docx

Hi Jen

I've gone through all your edits and have accepted the changes with a couple of exceptions. I have added comments in a couple of places either in answer to some of your comments / requests and to indicate what I've changed, or where I am suggesting slightly different wording. I'm happy to discuss these with you in the morning if you'd like.

Thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

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From: Rayner, Jennifer
Sent: Wednesday, 12 September 2018 5:21 PM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Treasury DLO <TreasuryDLO@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
Subject: Guide to MAI bill

Hi Lisa,

Thanks for getting the draft Guide across, it's looking really good – certainly comprehensive enough to accompany an exposure draft.

I've marked up edits and comments in the attached. I'd like to give it another read from the point of view of thinking about whether there is anything not yet in here that needs to be in terms of the public explanation, but wanted to get these amendments back to you asap so we can keep moving head.

Happy to discuss any/all of them.

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 12 October 2017 10:09 PM
To: Holmes, Lisa; Masters, Nicole; Stewart-Moore, Karen
Cc: O'Daly, Edward
Subject: Citizens' jury

Hi all,

I was a bit distracted at this morning's catch-up and so don't think I said thank you for the enormous amount of work that has gone into getting things ready for the first days of jury hearings this weekend.

I know it's been a big push with lots of complications and unexpected things to work around along the way, but we really appreciate the creative and responsive approach your teams have taken to delivering on the project's requirements.

I know we're really only just getting to the starting line, but thank you for all the work you've done to build a stadium, paint the lines, round up the spectators and set up the race! :p

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 12 October 2017 10:00 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We are piloting a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. Over six full days of hearings, the jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury have had the opportunity to find out more about CTP and provide their views through the Your Say website during a month of public consultation which closed on 29 September. The perspectives and views provided by community members will be given in full to the jury to consider as part of their deliberations.

The jury members will also hear from a wide range of witnesses, including people with experience of the current CTP claims process, legal, insurance, government and healthcare professionals. These witnesses will be selected by the jury itself, from a short list of options prepared by a Stakeholder Reference Group made up of key bodies.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to the Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Tuesday, 10 October 2017 9:06 PM
To: BERRY <BERRY@act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Ms Yvette Berry MLA

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 13 March 2018 9:42 AM
To: Stubbs, Joseph
Subject: RE: CTP Citizens' Jury - Observer registrations

Hi Joseph,

The CTP citizen's jury will be held at CIT Reid. The hearings will run from 9am to approximately 4:30pm on both Saturday 24th and Sunday 25th of March, however observer tours will be arranged for specific times during these days to minimise the disruption for the jury members.

If Mrs Kikkert is keen to attend, I'd encourage her to register via the website as more information can then be provided about the available times for observer tours.

Please let me know if we can be of any further assistance.

Best regards,

Jennifer

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong

ACT Government CANBERRA

From: KIKKERT
Sent: Friday, 9 March 2018 12:50 PM
To: BARR <BARR@act.gov.au>
Subject: RE: CTP Citizens' Jury - Observer registrations

Good afternoon,

Thank you for the invitation to attend and observe the Citizen's jury hearings.

Mrs Kikkert has a mixture of events occurring during those days and in order to organise her calendar we have a few questions about timing specifics of the event. We would appreciate any assistance you could lend with the following questions.

- What time will the hearings start and finish?
- Where is the location of the hearings?

Kind regards,

Joseph Stubbs | Adviser
Office of Elizabeth Kikkert MLA
Member for Ginninderra

Shadow Minister for Families, Youth and Community Services
Shadow Minister for Multicultural Affairs

ACT Legislative Assembly

GPO Box 1020 Canberra ACT 2601

P 02 6205 1405
E Joseph.Stubbs@parliament.act.gov.au



From: Bron, Benjamin **On Behalf Of** BARR
Sent: Wednesday, 7 March 2018 5:45 PM
To: BERRY <BERRY@act.gov.au>; CANDICE <CANDICE@parliament.act.gov.au>; BURCH <BURCH@parliament.act.gov.au>; CHEYNE <CHEYNE@parliament.act.gov.au>; CODY <CODY@parliament.act.gov.au>; COE <COE@parliament.act.gov.au>; Dunne, Vicki <Vicki.Dunne@parliament.act.gov.au>; FITZHARRIS <FITZHARRIS@act.gov.au>; GENTLEMAN <GENTLEMAN@act.gov.au>; HANSON <HANSON@parliament.act.gov.au>; Jones, Giulia <Giulia.Jones@parliament.act.gov.au>; KIKKERT <KIKKERT@parliament.act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>; LEE <LEE@parliament.act.gov.au>; Milligan, James <James.Milligan@parliament.act.gov.au>; ORR <ORR@parliament.act.gov.au>; PARTON <PARTON@parliament.act.gov.au>; PETTERSSON <PETTERSSON@parliament.act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; STEEL <STEEL@parliament.act.gov.au>; STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; WALL <WALL@parliament.act.gov.au>
Subject: CTP Citizens' Jury - Observer registrations

Good afternoon,

The final sitting of the CTP citizens' jury will be held over the weekend of 24 & 25 March.

The jury developed their priorities for an improved CTP scheme during two weekends of hearings in October 2017. At the upcoming session, the jury will consider a range of models prepared by the expert Stakeholder Reference Group and select the model which best aligns with these priorities.

Members of the Legislative Assembly are invited to attend and observe these hearings along with members of the Canberra community and interested stakeholders.

An information kit about the jury process is attached here, along with information about the role and obligations of observers.

If you would like to attend the hearings, you will need to register in advance through the website here.

If you have any queries about registering or participating as an observer for this sitting of the jury, please contact Emma Lawson at democracyCo: emma@democracyco.com.au

For more information on CTP insurance in the ACT or the citizens' jury project, please visit: https://www.yoursay.act.gov.au/ctp

Ben Bron
Office Manager
Office of the Chief Minister
Australian Capital Territory

P: **02 6205 9481**

Rayner, Jennifer

From: Holmes, Lisa
Sent: Thursday, 13 September 2018 2:40 PM
To: Rayner, Jennifer
Cc: Smith, Charlotte; Vroombout, Sue
Subject: CTP SR - for MLAs [SEC=UNCLASSIFIED]

Hi Jen,

We just have one minor comment, which is not technical. The green highlighted sentence below might imply that the Government is either running a separate consultation process to the committee process or will consider directly ourselves all submissions to the committee. If that is not the intent, perhaps slightly reword to put this sentence in the context of the committee report?

Thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

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From: Rayner, Jennifer
Sent: Monday, 10 September 2018 12:03 PM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
Subject: CTP SR - for MLAs

Hi Lisa,

We are anticipating another flood of corro associated with the release of the CTP exposure draft, so have prepared the below for distribution to MLAs to use as needed (alongside the Q&A, when it is available).

Could you please take a look and suggest any edits that may be needed to improve the technical accuracy? I should have a draft media release through for you to review later on today as well.

Thanks very much,

Jen

Dear XX,

Thank you for your email regarding the new Motor Accident Injuries Scheme.

The ACT Government is reforming Canberra's Compulsory Third Party insurance arrangements because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get a full payout, but Canberrans still pay some of the highest premiums in the country.

For example, if you are the driver and get injured in a single car accident, you can't claim under Canberra's current CTP scheme. That means if you hit a kangaroo, or lose control on an icy patch of road, you can't make a claim to cover your medical bills and lost income.

Under the new scheme, everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and income replacement benefits – as long as they're not breaking the law at the time of the accident. People who are very seriously injured will still be able to make a claim through the legal system if they need treatment and care long-term.

The design of the new scheme was recommended by the Citizens' Jury on CTP. The jury was made up of about 50 Canberrans who met several times over six months to hear evidence about how our current CTP scheme works from experts and people with experience of making claims through the scheme.

The jury recommended that Canberra's CTP scheme be reformed to prioritise early access to treatment and care for everyone who gets injured, and reduce the need to go to court just to get the help people need. You can read the jury's full report and reasons for recommending reform here: https://yoursay.act.gov.au/ctp

The Government has released an exposure draft of legislation which closely follows the recommendations of the Citizens' Jury. You can find out more about the details of the new scheme and provide feedback by making a submission to the Justice and Community Safety committee here: [WEB LINK]

The Government will consider all of the feedback from stakeholders and members of the Canberra community before introducing a final bill to the Legislative Assembly by the end of 2018.

By introducing the new Motor Accident Injuries Scheme, the Government is working to ensure all Canberrans are better protected on our roads.

I trust this information is of assistance.

Warm regards,

XX

Rayner, Jennifer

From: Holmes, Lisa
Sent: Thursday, 13 September 2018 1:07 PM
To: Rayner, Jennifer
Cc: Treasury DLO; Smith, Charlotte; Vroombout, Sue
Subject: RE: Guide to MAI bill [DLM=Sensitive: Cabinet]
Attachments: Motor Accident Injuries Bill Explanatory Guide - Exposure Draft - CMO v2 (002).docx

Hi Jen

I've updated the words to say Comcare.

Re thresholds, other jurisdictions do have exclusions for similar types of offences but everyone has different levels of exclusions / limitations and different offences included in each of these various levels. The exact offences and infringements included in the bill reflect what offences we have in the ACT and the 3 tiers of exclusion and limitation categories specified included in the Finity paper. These 3 levels and what is in each level does not exactly line up with other jurisdictions. I've included the following words.

Other jurisdictions also have various exclusions for these types of offences. The exclusions reflect offences and infringements set out in the *Crimes Act 1900,* the *Criminal Code 2002,* the *Road Transport (Alcohol and Drugs) Act 1977,* the *Road Transport (Safety and Traffic Management) Act 1999,* the *Road Transport (Driver Licensing) Act 1999,* the *Road Transport (Driver Licensing) Regulation 2000* and the *Road Transport (Road Rules) Regulation 2017.*

Thanks

Lisa

From: Rayner, Jennifer
Sent: Thursday, 13 September 2018 11:26 AM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Treasury DLO <TreasuryDLO@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
Subject: RE: Guide to MAI bill [DLM=Sensitive: Cabinet]

Hi,

Thanks for this.

Regarding the workers compensation change, is there a reason we can't refer to the specific scheme? It just reads as though we're obfuscating about where it is operating, at the moment.

On the point about thresholds, I was attempting to pick up your point that came out of the last Cabinet discussion on this, where Ministers were quibbling with whether 0.08 to 0.15 was the right range for drink driving offences, etc – I understood from your advice at the time that these were already in use as different categories in other legislation and we'd just carried them over. If this is not the case, we can remove. But if it is, can you please suggest a suitable alternative form of words?

Thanks,

Jen

From: Holmes, Lisa
Sent: Thursday, 13 September 2018 10:48 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Treasury DLO <TreasuryDLO@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
Subject: RE: Guide to MAI bill [DLM=Sensitive: Cabinet]

Hi Jen

I've included 2 comments on your edits in the document – one in relation to which workers compensation scheme in the ACT currently uses WPI and other in relation to the use of the word 'threshold' to describe the exclusions.

Thanks

Lisa

From: Rayner, Jennifer
Sent: Thursday, 13 September 2018 9:24 AM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Treasury DLO <TreasuryDLO@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
Subject: RE: Guide to MAI bill [DLM=Sensitive: Cabinet]

Hi Lisa,

Thanks again for this – after another read through there's just a handful of further small edits I'd suggest, marked up in the attached.

If you're able to take a look and confirm you're happy with them or amend, I can then print a copy at this end for inclusion in the CM's submission pack authorising the ABP.

Cheers,

Jen

From: Holmes, Lisa
Sent: Wednesday, 12 September 2018 9:02 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>; Treasury DLO <TreasuryDLO@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>
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Hi Jen

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Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

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Happy to discuss any/all of them.

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 13 October 2017 8:21 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Concerns about the ACT Government's proposed CTP changes

Dear Sch 2 s2(a)(ii) ,

Thank you for your email to Deputy Chief Minister Yvette Berry regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

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People who are not on the jury have had the opportunity to find out more about CTP and provide their views through the Your Say website during a month of public consultation which closed on 29 September. The perspectives and views provided by community members will be given in full to the jury to consider as part of their deliberations.

The jury members will also hear from a wide range of witnesses, including people with experience of the current CTP claims process, legal, insurance, government and healthcare professionals. These witnesses will be selected by the jury itself, from a short list of options prepared by a Stakeholder Reference Group made up of key bodies.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to the Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Saturday, 7 October 2017 12:06 PM
To: BERRY <BERRY@act.gov.au>
Subject: Concerns about the ACT Government's proposed CTP changes

Dear Ms Berry

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. The CTP scheme is a safety net for every motorist, and in fact every person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully,

Sch 2 s2(a)(ii)

Sent from my iPhone

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 13 October 2017 8:32 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

Thank you for your email to Deputy Chief Minister Yvette Berry regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

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People who are not on the jury have had the opportunity to find out more about CTP and provide their views through the Your Say website during a month of public consultation which closed on 29 September. The perspectives and views provided by community members will be given in full to the jury to consider as part of their deliberations.

The jury members will also hear from a wide range of witnesses, including people with experience of the current CTP claims process, legal, insurance, government and healthcare professionals. These witnesses will be selected by the jury itself, from a short list of options prepared by a Stakeholder Reference Group made up of key bodies.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to the Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Thursday, 12 October 2017 7:06 PM
To: BERRY <BERRY@act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Ms Yvette Berry MLA

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 13 October 2017 2:50 PM
To: Stewart-Moore, Karen; O'Daly, Edward
Subject: RE: #flyonawall [SEC=UNCLASSIFIED]

Hahaha – I like the top one, "Text ur m8s, see whose keen...for the citizen's jury" ;o)

The middle one could be construed as us having a shot at the lawyers, imho (I may be overthinking this now)

From: Stewart-Moore, Karen
Sent: Friday, 13 October 2017 2:40 PM
To: O'Daly, Edward; Rayner, Jennifer
Subject: RE: #flyonawall [SEC=UNCLASSIFIED]

Ok – we will stick to the original straight post.

These were some of the other options ☺







From: O'Daly, Edward
Sent: Friday, 13 October 2017 2:27 PM
To: Rayner, Jennifer
Cc: Stewart-Moore, Karen
Subject: Re: #flyonawall [SEC=UNCLASSIFIED]

I quite strongly dislike both the hashtag and image.

Ed O'Daly
communications director
ACT Chief Minister's Office
+61 (0)408 829 618

This email has been 'thumb-typed' on a mobile device at the mercy of autocorrect. Please forgive brevity and typos.

On 13 Oct 2017, at 12:47 pm, Rayner, Jennifer <Jennifer.Rayner@act.gov.au> wrote:

To be honest I don't like it, but I won't die in a ditch over it.

From: Stewart-Moore, Karen
Sent: Friday, 13 October 2017 12:34 PM
To: Rayner, Jennifer; O'Daly, Edward
Subject: RE: #flyonawall [SEC=UNCLASSIFIED]

Hi
How about if we make the tile #flyonawall (as below) – which won't be searchable and then the accompanying post as you've suggested (with no use of the fly hashtag)…..

From: Rayner, Jennifer
Sent: Friday, 13 October 2017 12:12 PM
To: Stewart-Moore, Karen; O'Daly, Edward
Subject: RE: #flyonawall [SEC=UNCLASSIFIED]

That hashtag has been used for all sorts of random things on Twitter, so suggest we don't use that.

Since it's really just about alerting people to the fact that it'll be streamed, what about something more like 'What does a citizens' jury even do? Find out tomorrow on the live stream' (not the most inspired, but functional :p)

From: Stewart-Moore, Karen
Sent: Friday, 13 October 2017 11:40 AM
To: O'Daly, Edward; Rayner, Jennifer
Subject: FW: #flyonawall [SEC=UNCLASSIFIED]

Hi Ed/Jen
A couple of things to fix on the below but in terms of concept are you happy for us to use this today on FB and Twitter? We just need something a bit more engaging to promote the livestream….
Post will be call to action to go to the live-streaming page. Also just fyi we have about 9 jurors currently who don't want to be photographed/filmed Depending on how they feel tomorrow we may have to reassess live streaming the witness selection.
Thanks
Karen

From: Rooney, Joseph
Sent: Friday, 13 October 2017 10:48 AM
To: Stewart-Moore, Karen
Cc: Nutt, Teone; Brennan, Bernadette; Navarro, Tania
Subject: #flyonawall [SEC=UNCLASSIFIED]

<image001.png>
Joseph Rooney | Digital Communications Officer
Communications | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 |
www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 14 March 2018 4:12 PM
To: Aguera, Jarrah
Cc: Esguerra, Indra
Subject: FW: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects
Attachments: CM embargoed Report letter.pdf; CTP DD Workshop_Final_LowRes_SinglePage.pdf

Hi again,

Here's the report from the lawyers' CTP process.

The key things that stood out for me:

- The report does make clear that it was commissioned by lawyers and the participants were all nominated by lawyers, so this should set expectations appropriately to some degree – at least for media.

- It appears to be primarily an opportunity to get a lot of 'human interest' stories out – the majority of the report is just describing people's situations and how lawyers helped get them compensation.

- A consistent theme through the report is questioning whether it is 'fair' that not-at-fault people should have their potential coverage changed in order to better cover people who are at fault. This seems likely to be where the lawyers attack the potential reform models going forward.

  At the jury hearings it was emphasised that in many cases of single-vehicle accidents, the driver will be technically at fault –e.g. foot slipped, sneezed, temporary moment of inattention, etc. This seemed to be a compelling point for the jury members when they first discussed it as it changes what people think of as 'at fault'. Also worth noting that in the new models proposed, benefits are either reduced or entirely unavailable for people where there is active negligence (driving drunk, unlicensed, etc).

- The stories do actually underline a couple of the same issues we've raised from the start: that the current scheme takes too long to assist people, and is too adversarial because of the need to go to court to get assistance. Even the workshop participants who are generally happy with the current scheme would like to see some reform in these areas.

Also a heads up that the full pack of models, costings etc has gone out to members of the jury today. These will be available online via *YourSay* from Monday 19 March, but we'd expect some coverage earlier than this as the Stakeholder Reference Group already has them too.

Let me know if any issues or concerns at your end…

Cheers,

Jen

From: Nicole Anne Seils [mailto:nicole@cnsprojects.com]
Sent: Wednesday, 14 March 2018 3:09 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects

Dear Jen and Michael,

Please see attached an embargoed copy of the Final CTP Deliberative Democracy Workshop Report – entitled 'Your Experiences are Important' with cover letter to the Chief Minister.

Warm Regards,

Regards,

Nicole Seils GAICD / Director / Consultant
+61438536118

From: "Rayner, Jennifer" <Jennifer.Rayner@act.gov.au>
Date: Wednesday, 14 March 2018 at 10:46 am
To: "nicole@cnsprojects.com.au" <nicole@cnsprojects.com.au>
Cc: "Cook, Michael" <Michael.Cook@act.gov.au>
Subject: CTP report?

Morning Nicole,

Hope you're well, and thanks again for your time last Friday.

Further to your conversation with Michael about getting a copy of the CTP workshop report to the Government as soon as practical, we understand the Canberra Times has already been provided with a copy. On that basis, would it be possible for us to also receive this today?

Many thanks for your help,

Jen

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong
P. (02) 6207 1201|M. 0428 214 856|E. jennifer.rayner@act.gov.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 14 March 2018 4:44 PM
To: Leslie, Nate; O'Daly, Edward
Cc: Stewart-Moore, Karen
Subject: RE: For Approval: Draft Media Alert - Release of models for Compulsory Third Party insurance [SEC=UNCLASSIFIED]
Attachments: Draft Media Alert - Public Release Date for CTP Models - 140318 - CMO.dotx

Hi Nate,

Our edits in the attached, thank you.

And good to go with the cards, we'll sort out the signing at this end. I assume you've got a full list of all the juror's names? We don't, currently…

Cheers,

Jen

From: Leslie, Nate
Sent: Wednesday, 14 March 2018 3:56 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>
Cc: Stewart-Moore, Karen <Karen.Stewart-Moore@act.gov.au>
Subject: For Approval: Draft Media Alert - Release of models for Compulsory Third Party insurance [SEC=UNCLASSIFIED]

Hi Jen and Ed,

We are keen to get out a media alert tomorrow morning which will inform the press when we are releasing the four potential CTP models.

Can you please take a quick look and send me your feedback?

I have also included the CM's thank you card for final approval. Are we still able to get him to personally address each one? Once this is confirmed I will organise to have them printed.

If you have any questions please let me know.

Kind regards,

Nate

Nate Leslie | Senior Strategic Engagement & Communications Officer
Phone: 02 6207 0280
Communications & Engagement|Chief Minister Treasury and Economic Development Directorate |
ACT Government
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au


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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 14 March 2018 3:55 PM
To: Holmes, Lisa; Perkins, Anita; Stewart-Moore, Karen
Cc: Vroombout, Sue
Subject: FW: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects
Attachments: CM embargoed Report letter.pdf; CTP DD Workshop_Final_LowRes_SinglePage.pdf

FYI – here's the report from the lawyers' CTP process.

The key things that stood out for me:

- The report does make clear that it was commissioned by lawyers and the participants were all nominated by lawyers, so this should set expectations appropriately to some degree – at least for media.

- It appears to be primarily an opportunity to get a lot of 'human interest' stories out – the majority of the report is just describing people's very sad situations and how lawyers helped get them compensation.

- A consistent theme through the report is questioning whether it is 'fair' that not-at-fault people should have their potential coverage changed in order to better cover people who are at fault. This seems likely to be where the lawyers attack the models going forward.

  We can counter this as we move into the next phase post-jury by emphasising that in many cases of single-vehicle accidents, the driver will be technically at fault –e.g. foot slipped, sneezed, temporary moment of inattention, etc. This seemed to be a compelling point for the jury when they first discussed it. Also that in the new models proposed, benefits are either reduced or entirely removed for people where there is active negligence (driving drunk, unlicensed, etc)

- The report helps underline a couple of our own points: that the current scheme takes too long to assist people, and is too adversarial because of the need to go to court to get assistance. While we wouldn't promote their report by noting this directly, we should continue building these elements into our comms/public case as we go forward with the jury's recommended model since clearly even people who are happy with the current scheme agree with this.

Let me know if any issues or concerns at your end…

Cheers,

Jen

From: Nicole Anne Seils [mailto:nicole@cnsprojects.com]
Sent: Wednesday, 14 March 2018 3:09 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects

Dear Jen and Michael,

Please see attached an embargoed copy of the Final CTP Deliberative Democracy Workshop Report – entitled 'Your Experiences are Important' with cover letter to the Chief Minister.

Warm Regards,

Regards,

Nicole Seils GAICD / Director / Consultant
+61438536118

From: "Rayner, Jennifer" <Jennifer.Rayner@act.gov.au>
Date: Wednesday, 14 March 2018 at 10:46 am
To: "nicole@cnsprojects.com.au" <nicole@cnsprojects.com.au>
Cc: "Cook, Michael" <Michael.Cook@act.gov.au>
Subject: CTP report?

Morning Nicole,

Hope you're well, and thanks again for your time last Friday.

Further to your conversation with Michael about getting a copy of the CTP workshop report to the Government as soon as practical, we understand the Canberra Times has already been provided with a copy. On that basis, would it be possible for us to also receive this today?

Many thanks for your help,

Jen

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong
P. (02) 6207 1201|M. 0428 214 856|E. jennifer.rayner@act.gov.au

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Rayner, Jennifer

From: KRAUSMANN, Jake <jake.KRAUSMANN@suncorp.com.au>
Sent: Monday, 14 May 2018 5:00 PM
To: Rayner, Jennifer
Cc: Holmes, Lisa; Willis, Cecilia; RAHMAN, Surayez
Subject: First Party CTP information for Wednesday meeting
Attachments: First party CTP in the ACT - May 2018.docx

Hello Jen

Attached is a one-page information sheet regarding first party CTP in preparation for Sch 2 s2(a)(ii) meeting with Sch 2 s2(a)(and Sch 2 s2(a)(on Wednesday. FYI, we're currently working on a proposal with more detail on the mechanics of how a first party scheme could operate in the ACT that we expect to provide to Lisa later this month.

Please call me if you have any questions.

And just confirming the meeting is at 196 London Circuit.

Thanks
Jake

SUNCORP

Jake Krausmann
Policy & Regulation Advisor
Personal Injury Portfolio
M 0411 409 074
T 02 8182 0469

Suncorp Place
Level 12, 10 Shelly Street
SYDNEY NSW 2000
jake.krausmann@suncorp.com.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 14 June 2018 2:19 PM
To: Holmes, Lisa
Cc: Vroombout, Sue
Subject: FW: Draft terms of reference - June 2018
Attachments: image001.jpg; ATT00001.htm; Draft terms of reference - June 2018.docx; ATT00002.htm

Hi Lisa,

FYI – the Law Society are pressuring the Greens to call a PAC inquiry into CTP, and have even been so kind as to draw up terms of reference (attached).

I had a sit-down with the Greens yesterday to try and get an updated understanding of where they're at on the whole CTP issue. They don't have any appetite for a really broad inquiry which re-prosecutes the idea of reform or the jury's decision-making processes. They will definitely want an inquiry on the bill though, which is fine because we intend to refer it straight away upon introduction as discussed.

Another one to discuss tomorrow morning ☺

Jen

From: Georgeson, Matthew
Sent: Thursday, 14 June 2018 1:47 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Fwd: Draft terms of reference - June 2018

Hi Jen. FYI, in case you didn't get these too.
Matt

Begin forwarded message:

> **From:** Sch 2 s2(a)(ii) @actlawsociety.asn.au>
> **Date:** 14 June 2018 at 1:17:00 pm AEST
> **To:** "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
> **Subject: Draft terms of reference - June 2018**
>
> Hi Matt
>
> Further to our brief discussion last week, and following from the meeting between one of my colleagues and Shane and Carolyn, I attach some draft terms of reference for a reference of the CTP matter to a PAC for your consideration.
>
> Please let me know if you require any clarification of the draft.
>
> Regards
>
> Sch 2
>
> Sch 2 s2(a)(ii)
> T. 02 6274 0300 | E. Sch 2 s2(a)(ii) @actlawsociety.asn.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 14 September 2017 3:46 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Third Party Compensation - Rights to fair compensation.

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

CANBERRA

From: Sch 2 s2(a)(ii)
Sent: Tuesday, 12 September 2017 7:33 PM

To: BARR <BARR@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>
Subject: Third Party Compensation - Rights to fair compensation.

Dear Mr's Barr, Berry and Ramsay

I would like to raise the following points in regard to Third Party Compensation.

1) **The rights of innocent victims of road traffic accidents should be preserved**

   They should not be eroded for the benefit of the people who have caused an accident.
   If the Government intends to introduce compensation entitlements for those who are at fault, that should not be done at the expense of innocent victims.

2) **Even minor and whiplash injuries can have a devastating effect on the individual victims and their families, especially for low-income families.**

   Time off work, treatment expenses, pain and suffering, and domestic assistance needs can all result in losses to an individual which seriously disrupt their life.
   These losses and damages should be compensable. The Government should not consider introducing thresholds as a minimum requirement of all compensation claims.

3) **The CTP fees paid by road users in the ACT also benefit a wide range of Canberrans who do not pay the fees, such as pedestrians, children, bicycle users etc.**

   The small reduction in premiums which might flow to households will be greatly outweighed by the loss in compensation benefits for all family members available in the event of an accident.
   Further, research in other jurisdictions suggests that changes of the type supported by the Government do not usually result in a significant reduction in premiums.
   In fact, in NSW premiums have continued to rise despite the very large reduction in benefits to injured people. Now those premiums are amongst the highest in the country.

4) **If the government proceeds with a citizens' jury, the process must be open and transparent, and the jury members must be informed about the rights which ordinary Canberrans would lose in the event of changes.**

   The jury should be presented with models based on amendments to the current scheme in the interests victims of road accidents, not limited to types of CTP schemes from other jurisdictions in which the bulk of rights have been slashed.

5) **The Government should investigate ways to make the current system fairer and more efficient.**

   For example, the current complicated rules for the recovery of costs in court for small claims put too much negotiating power in the hands of the insurers. These rules are arbitrary. They make it unfair, expensive, and difficult for innocent victims to recover proper compensation for their injuries. This aspect of the current scheme should be reviewed, with a view to creating a fairer playing field between claimants and insurers.

   Please take these views into consideration.

Sch 2 s2(a)(ii)

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 14 September 2018 2:28 PM
To: Holmes, Lisa
Subject: RE: MAI Q&As [DLM=Sensitive: Cabinet]
Attachments: CTP Exposure Draft Bill - FAQs - CMO.docx

Hiya,

Here's the FAQs back with some edits and questions/comments. Looking really good – they may be lengthy but I think we'll be grateful in the long run to have anticipated all these questions in advance.

Cheers,

Jen

From: Holmes, Lisa
Sent: Friday, 14 September 2018 10:54 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: MAI Q&As [DLM=Sensitive: Cabinet]

Morning Jen

Please find attached draft Q&As for the MAI exposure draft for your review. Sorry, most of them are longer than a paragraph and will depend on how detailed an explanation you want in these. Happy to discuss any of the answers with you.

After you've done your edits, we need to double check the wording early next week to make sure it still aligns with the final version of the exposure draft being released. This applies to the Guide as well.

We received the next version of the draft bill last night and are now reviewing. Some of the contents of chapters have moved around and we have made changes to the Guide this morning to reflect this – attached for your information. There is no content change only removal of a chapter header on costs and fees and moving the content to other chapter headings. We will have this version loaded onto Minister's iPads once the Chief Minister clears the ABP.

Is there anything else that you were expecting today?

Thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 15 March 2018 5:15 PM
To: Leslie, Nate; O'Daly, Edward
Subject: RE: For Approval: CTP Media Release & Observer Video for Facebook [SEC=UNCLASSIFIED]
Attachments: DRAFT MR - Models Released For Jury Consideration - CMO.docx

Thanks Nate – my edits in the attached.

Ed may have comments on the video.

Cheers,

Jen

From: Leslie, Nate
Sent: Thursday, 15 March 2018 4:40 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>
Subject: For Approval: CTP Media Release & Observer Video for Facebook [SEC=UNCLASSIFIED]

Hi Jen & Ed,

As discussed can you please take a look over the media release and observer video?

- Media release - Models for Compulsory Third Party insurance released for Citizens' Jury selection
- Final push for observers on Facebook video: https://app.wipster.io/Review/CW68EQAZZR5kxKvbSVUTl-ssmHjakZ-hJvOrDlp-AAvUSZCUPw

Kind regards,

Nate

Nate Leslie | Senior Strategic Engagement & Communications Officer
Phone: 02 6207 0280
Communications & Engagement|Chief Minister Treasury and Economic Development Directorate |
ACT Government
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 15 March 2018 10:23 AM
To: Holmes, Lisa
Cc: Leslie, Nate; Smith, Charlotte; Sadrani, Sonia; Vroombout, Sue; O'Daly, Edward
Subject: RE: updated CTP FAQs [SEC=UNCLASSIFIED]
Attachments: CTP FAQ Refreshers - updated 14.03.2018 - CMO.docx

Hi Lisa,

Thank you for this. I've made some further edits and suggestions in the attached.

Two points of substance:

Given how long they now are, I think we should split this into two – one on 'Understanding CTP' and one on 'Understanding the citizens' jury'. I've marked up in the document where there seems like a natural break in the content.

Also, let's hold those last two new questions as back pocket until we see how much of an issue these become; it's leading with our chins a bit to add them now, I think.

Let me know if any issues or concerns with these edits.

Thanks again,

Jen

From: Holmes, Lisa
Sent: Wednesday, 14 March 2018 7:41 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Leslie, Nate <Nate.Leslie@act.gov.au>; Smith, Charlotte <Charlotte.Smith@act.gov.au>; Sadrani, Sonia <Sonia.Sadrani@act.gov.au>; Vroombout, Sue <Sue.Vroombout@act.gov.au>
Subject: updated CTP FAQs [SEC=UNCLASSIFIED]

Hi Jen

Attached for your comment are the proposed updated CTP FAQs to be put on Your Say on Monday when the jury documents are made publicly available. The FAQs are in track changes so you can review the changes from the original set of FAQs. We have not reordered them – the new FAQs are at the end.

Comms will separately advise you on the proposed wording changes for the Your Say website. I thought I'd sending through these FAQs now to give you more time to go through them.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 15 September 2017 3:05 PM
To: Sch 2 s2(a)(ii)
Subject: RE: threat to Compulsory Third Party [CTP] Fair Compensation

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

The Your Say website has more information on how the jurors, facilitators and stakeholder reference group members will be selected. All written briefing materials provided to the jurors will also be made available online at this website at the same time as they are given to the jury. The Government is keen to ensure the entire process is transparent and accountable, with plenty of opportunities for all views to be heard.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 14 September 2017 4:41 PM
To: letter.editor@canberratimes.com.au
Subject: threat to Compulsory Third Party [CTP] Fair Compensation

August 22 2017 the Labour Party announced they would lead a REVIEW into the rights of Canberrans CLAIMING compensation for injuries sustained in motor vehicle accidents. This step if implemented would result in changes to the current CTP scheme resulting in lower compensation for innocent road users. Canberrans your rights to damages for pain and suffering, loss of income, medical expenses and domestic care and assistance could be unjustly eroded.
The Government proposes to establish a "citizens' jury" as a model for adopting changes to the CTP scheme. This plan could work if truly transparent and fair, but the Barr Governments plan is to select a jury excluding those with experience in CTP, secondly to appoint a facilitator, and last but by no means least, is for them to control the decision on information provided.
The Barr government is all about self 'glory' overlooking the deserved rights of Canberrans, and putting injured innocent victims on the same level as the perpetrator, after all, receiving compensation is to help pay for treatment for injuries suffered, pain, trauma, medical expenses and if applicable loss of earnings post settlement.

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 15 September 2017 2:21 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) - concerns re proposed motor vehicle accident laws

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

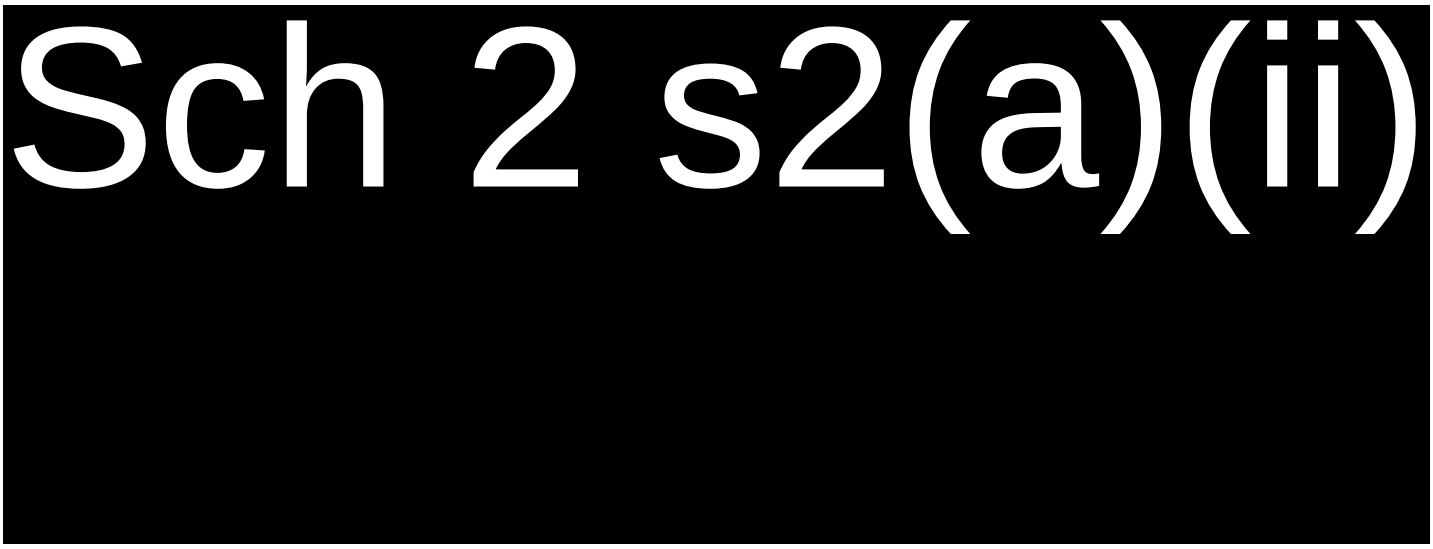
Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Friday, 15 September 2017 9:45 AM
To: BARR <BARR@act.gov.au>
Subject: Sch 2 s2(a)(ii) - concerns re proposed motor vehicle accident laws

Hello,



I sincerely hope that my voice will be heard.

Thank you
Regards
Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 16 March 2018 3:19 PM
To: Nicole Anne Seils; Cook, Michael
Subject: RE: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects

Hi Nicole,

Thanks for your email.

Our position on this hasn't changed from that conveyed to you at our meeting of 9 March.

The citizens' jury is a multi-stage progress. The jurors met over two weekends in October last year to hear and deliberate on evidence regarding the current CTP scheme and the trade-offs involved in any potential reform. During this evidence gathering phase they heard from a range of witnesses – including people who had been involved in accidents and experienced the current CTP claims system, legal representatives, insurers and other experts. At the conclusion of this evidence-gathering period, the jury identified their objectives for an improved CTP scheme.

The next stage of their process is to deliberate on a series of models prepared by the Stakeholder Reference Group, and decide which of these best meets their shared objectives. To ask them to go back to considering evidence at this stage would not be respectful of their process or understanding of what is being asked of them as jury members.

I would also note that the report is available online for jurors to read themselves, should they choose to do so.

Best regards,

Jennifer

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong
P. (02) 6207 1201|M. 0428 214 856|E. jennifer.rayner@act.gov.au

ACT Government CANBERRA

From: Nicole Anne Seils [mailto:nicole@cnsprojects.com]
Sent: Friday, 16 March 2018 2:55 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: Re: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects

Dear Jen / Michael,

I am writing to see if you have further considered the request to put the Report to the CJ?
Creative CT Headlines aside, it remains my sincere wish that this Report be taken on-board as a value add to the current process.
Please let me know of your decision either way as soon as practical.

Warm Regards,

Nicole S

Nicole Seils GAICD / Director / Consultant
+61438536118

From: "Rayner, Jennifer" <Jennifer.Rayner@act.gov.au>
Date: Wednesday, 14 March 2018 at 3:49 pm
To: Nicole Anne Seils <nicole@cnsprojects.com>
Subject: RE: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects

Thanks Nicole.

Jen

From: Nicole Anne Seils [mailto:nicole@cnsprojects.com]
Sent: Wednesday, 14 March 2018 3:09 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: EMBARGOED UNTIL 1200am 15 March 2018 - CTP DD WORKSHOP REPORT - CNS Projects

Dear Jen and Michael,

Please see attached an embargoed copy of the Final CTP Deliberative Democracy Workshop Report – entitled 'Your Experiences are Important' with cover letter to the Chief Minister.

Warm Regards,

Regards,

Nicole Seils GAICD / Director / Consultant
+61438536118

From: "Rayner, Jennifer" <Jennifer.Rayner@act.gov.au>
Date: Wednesday, 14 March 2018 at 10:46 am
To: "nicole@cnsprojects.com.au" <nicole@cnsprojects.com.au>
Cc: "Cook, Michael" <Michael.Cook@act.gov.au>
Subject: CTP report?

Morning Nicole,

Hope you're well, and thanks again for your time last Friday.

Further to your conversation with Michael about getting a copy of the CTP workshop report to the Government as soon as practical, we understand the Canberra Times has already been provided with a copy. On that basis, would it be possible for us to also receive this today?

Many thanks for your help,

Jen

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong
P. (02) 6207 1201|M. 0428 214 856|E. jennifer.rayner@act.gov.au





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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 16 May 2017 8:04 AM
To: Holmes, Lisa
Cc: Doran, Karen
Subject: RE: CTP Project Timelines [DLM=Sensitive: Cabinet]

Morning Lisa,

Sorry for the delay in getting back to you on this; I've now discussed with the Chief and he's broadly happy with the proposed timeline.

Two things to flag though: we may move forward the announcement of the whole project to around August this year, depending on how a range of other government projects are rolling out. We'll obviously work closely with Anita and co. on this if so.

And depending on what the 2018 sitting calendar looks like, we'd like to aim to have the bill introduced in the last week of the October sittings/first week of November so that it can be passed in the last week of the year. Appreciate there's a lot of moving parts that may interfere with that, but let's aim for that from the start and see where we get to.

Otherwise, all looks fantastic and there's no problem with starting the RFQ process. As previously discussed, the Chief is keen for our office to be closely involved on this one on the way through, so can you please let me know about relevant meetings etc as these are coming up?

Thanks very much for your help and patience in pulling all this together,

Jen

From: Holmes, Lisa
Sent: Friday, 12 May 2017 3:07 PM
To: Rayner, Jennifer
Cc: Doran, Karen
Subject: CTP Project Timelines [DLM=Sensitive: Cabinet]

Hi Jen

I know you are very busy with all things budget at the moment but I was wondering if you had a chance to discuss the proposed CTP reform timeline with the Chief Minister? We are about to go out with a request for quote for a deliberative democracy expert to provide us a strategy document. The RFQ document will be provided on a confidential basis.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

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From: Holmes, Lisa
Sent: Friday, 28 April 2017 4:45 PM

To: Rayner, Jennifer
Cc: Doran, Karen
Subject: CTP Project Timelines [DLM=Sensitive: Cabinet]

Hi Jen

As requested, please find attached a timeline for the CTP reform project which is our best estimate in advance of deliberative democracy (DD) consultant advice. A couple of things to note:

- The timeline assumes that the questions posed to the citizens' jury and the process of deliberation will allow for work to be undertaken in parallel (i.e. it is assumed the government will be able to ascertain the direction of deliberations throughout the process allowing for the creation of a framework that can be finalised once the final report is received).

- The timeline is a best case scenario. If the jury recommendations go in an unexpected direction then additional time will likely be required for extra Cabinet processes and scheme design.

- This timeline allows for actuarial modelling of limited scheme design examples (such as the existing Victorian scheme and new NSW scheme) in advance of the jury deliberations. To meet deadlines, the actuary procurement will need to commence prior to the DD consultant commencing work. Ultimately though, what we ask the successful actuary to model for inclusion in the jury briefing will be informed by advice from the DD consultant (once engaged) and internal discussions.

I think it would be useful to talk through the timeline together sometime next week, in particular, to help us understand the Chief Minister's expectations about approvals at the various stages.

Regards

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 17 August 2017 10:07 AM
To: O'Daly, Edward
Subject: FW: Announcement docs [DLM=Sensitive]
Attachments: FAQs v2.doc; Key messages.doc; Understanding CTP and making a claim - CTP regulator site.doc; 170810-CTP-Diagram-Update.pdf

Heya,

Do you have a copy of the script Karen has referred to here?

Thanks heaps

From: Stewart-Moore, Karen
Sent: Thursday, 17 August 2017 10:00 AM
To: Rayner, Jennifer
Cc: O'Daly, Edward; Holmes, Lisa; Willis, Cecilia; Chakma, Smita
Subject: Announcement docs [DLM=Sensitive]

Hi Jen

Attached are FAQs and key messages, also the Understanding CTP booklet and the factsheet (this will all go on Your Say) which is currently in design.

Currently being cleared are:

Media package for Tuesday (including media release, alert, speaking notes, social media for CM)
Stakeholder group letters and request for submissions are coming
Your Say text content

I think we probably still need a Q&A for the Cm that I'll work on today.

Short video is being filmed today (Ed cleared the script) so hopefully we'll have that ready for Tuesday.

CATI survey is in train, likely to be available a couple of days after announcement.

Anything else, just let us know.

Thanks
Karen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 17 September 2018 4:41 PM
To: Kandola, Shobaz
Cc: Cavanagh, Linda; Cook, Michael
Subject: MGB speaking notes - Motor Accident Injuries Bill 2018 exposure draft
Attachments: MGB speaking notes - Motor Accident Injuries exposure draft.docx

Hiya,

As promised – please see attached for suggested speech notes for MGB.

Sending over now so there's still a chance to discuss/review tomorrow if there's anything further you think needs adding or amending; there should be a little under 10 minutes' worth of content here at this stage.

Let me know if there's anything else we can provide for this one ☺

Cheers,

Jen

From: Kandola, Shobaz
Sent: Monday, 17 September 2018 12:50 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Cavanagh, Linda <Linda.Cavanagh@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: RE: Updated CTP referral motion

Thanks Jen.

Assuming you will send through a speech/talking points for MGB on the exposure bill and/or motion?

From: Rayner, Jennifer
Sent: Monday, 17 September 2018 10:01 AM
To: Kandola, Shobaz <Shobaz.Kandola@act.gov.au>
Cc: Cavanagh, Linda <Linda.Cavanagh@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: Updated CTP referral motion

Hiya,

There's been a small addition to the referral motion for the CTP exposure draft bill (highlighted), so please see below for the latest version for Thursday.

(MC/LC, also on file here: G:\Barr\Assembly\2018\07. September\Motions\Motion of referral to JACS committee - CTP Exposure Draft.docx)

Indra reports the Greens comfortable with this at present. Assuming Cabinet clears the bill today though, I'll go around and see Caroline's office directly to make sure she's definitely in the cart and not going to spring any changes on us last minute particularly re. the reporting date.

Thanks again for your help with this one.

Jen

Rayner, Jennifer

From: Holmes, Lisa
Sent: Monday, 17 September 2018 5:20 PM
To: Rayner, Jennifer
Subject: Proposed Your Say wording [DLM=Sensitive: Cabinet]
Attachments: Email to jurors on day of release.docx; Your Say EDM.docx; CTP YourSay page text 17092018.docx; FAQs for Your Say.docx

Hi Jen

Please find attached the proposed wording for Your Say for the release of the exposure draft of the MAI bill.

- Your Say CTP website Text
- Your Say FAQs – this is mainly to change the tense of previous wording on the jury process + a couple of new ones from a process perspective. They do not go the detailed FAQs prepared for the Chief Minister on the exposure draft of the bill.
- Update email to jurors, to send once the motion is moved
- Your Say Subscribers update email, to send once the motion is moved

Thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 17 October 2017 8:51 AM
To: Treasury DLO
Subject: QTB updates

Heya,

I know you'll be all over this but I just had a few thoughts about updates for the Chief's QTB for next sittings:

Can you please check that the QTB on the citizens' jury is being updated with the latest on the hearings last weekend, and the extra info that was in those QoNs to Lee about the recruitment of the jury members?

Can you please also ask CSD if they've got a QTB on the NDIS with basic stats about what we pay, number of people serviced, and current status of our funding bilateral with the Commonwealth? There's a PC report due out on Thursday which may raise some uncomfortable issues about funding and I'd like him to have that in his pack for reference.

If Treasury have not already done one, can they please add a QTB on the various GST reviews that are around (CGC and PC), the timelines for these and some response lines on the recent draft report on HFE? John Purcell's area sent up a brief last week; they should be able to pull a lot of the information from that.

Thanks heaps ☺

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 18 August 2017 1:26 PM
To: Stewart-Moore, Karen; Willis, Cecilia; Holmes, Lisa
Cc: Perkins, Anita; Doran, Karen
Subject: CMO comments - CTP docs
Attachments: Key messages - CMO.DOC; FAQs v2 - CMO.DOC; Understanding CTP and making a claim - CTP regulator site - CMO.DOC; Your say engagement CTP - V5 170817 - CMO.doc; The other Stakeholder letter No 2 - CMO.doc; Stakeholder reference group letter - CMO.doc

As promised, Karen – here's the docs with our comments.

Ed will provide the media release closer to the day.

Thanks very much,

Jen

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 18 September 2017 11:09 AM
To: Sch 2 s2(a)(ii)
Subject: RE: A concerned constituent from your electorate has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

Thank you for your email. Your contribution to the ACT's CTP citizens' jury process is noted and acknowledged.



Regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

CANBERRA

From: actctp@gmail.com [mailto:actctp@gmail.com]
Sent: Friday, 15 September 2017 11:18 AM
To: enquiries@actctp.org; Sch 2 s2(a)(ii); BARR <BARR@act.gov.au>
Subject: A concerned constituent from your electorate has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Mr Andrew Barr MLA,

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully,

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 18 September 2017 10:25 AM
To: O'Daly, Edward; Sloane, Brenton; Cook, Michael
Subject: RE: It begins [SEC=UNCLASSIFIED]

This is the SR we've been using to date – open to suggestions if you think it needs more 'factual' content. On the basis of that website, I'm inclined to now include something about the share of premiums that go to the legal fraternity...

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. I'm very sorry to hear about your accident and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

From: O'Daly, Edward
Sent: Monday, 18 September 2017 10:19 AM
To: Sloane, Brenton; Cook, Michael
Cc: Rayner, Jennifer
Subject: RE: It begins [SEC=UNCLASSIFIED]

Agreed. Getting a letter is a great opportunity for us to go back to people with the facts.

From: Sloane, Brenton
Sent: Monday, 18 September 2017 10:15 AM
To: Cook, Michael <Michael.Cook@act.gov.au>

Cc: O'Daly, Edward <Edward.O'Daly@act.gov.au>; Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: It begins [SEC=UNCLASSIFIED]

Even more inspiration:

https://actctp.org/wp-content/uploads/2017/09/Letter-to-MLA.pdf

More seriously though, probably best our correspondence people are made aware of this form letter, and that we have a pre-prepared response letter to this campaign.

Cheers,

Brenton Sloane
Media and Communications Adviser
Office of ACT Chief Minister Andrew Barr

T 02 6205 7402 | M 0431 252 698

From: Cook, Michael
Sent: Monday, 18 September 2017 9:57 AM
To: Sloane, Brenton <Brenton.Sloane@act.gov.au>
Cc: O'Daly, Edward <Edward.O'Daly@act.gov.au>; Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: Re: It begins [SEC=UNCLASSIFIED]

Inspirational stuff

Sent from my iPad

On 18 Sep 2017, at 9:48 am, Sloane, Brenton <Brenton.Sloane@act.gov.au> wrote:

> Hey all,
>
> Funnily enough, and following on from a chat I had with her last week, Katie Burgess alerted me to this one:
>
> https://actctp.org/
>
> Cheers,
>
> **Brenton Sloane**
> Media and Communications Adviser
> **Office of ACT Chief Minister Andrew Barr**
>
> **T 02 6205 7402 | M 0431 252 698**
>
> <image001.jpg>

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 18 September 2018 3:06 PM
To: Barr, Andrew
Cc: Cook, Michael
Subject: *drumroll* Motor Accident Injuries insurance pack
Attachments: Motor Accident Injuries Bill Explanatory Guide - Exposure Draft.pdf; Motor Accident Injuries Bill Exposure Draft - Detailed FAQs.pdf; Motor Accident Injuries insurance - Short FAQs - September 2018.pdf; MLA standard response - Motor Accident Injuries insurance - September 2018.docx

We've put together a whole bunch of stuff to support the release of the draft CTP bill, since this is a sort-of launch for the new Motor Accident Injuries scheme.

Media will be briefed under embargo at 2:30pm tomorrow, and be given copies of the Guide along with the media release they can use for your quotes (Kaarin to provide shortly).

The detailed FAQ pack is not for public release, but has answers to as many technical-type questions as we could think of both for your use and for the media guys to cut and paste from as needed in the coming days/weeks.

On Thursday, all Labor MLAs will receive a pack which has:

- Short FAQs
- SR for constituent corro
- A copy of the Guide for reference

The existing YourSay CTP reform page is being updated with new content and FAQs that reflect all of the above as well – this will go live on Thursday once the bill has been referred to the JACS committee.

Comms are working on two short social media videos as we speak – one explaining what is changing, and one focusing on why we need to change.

Hopefully this covers enough bases to get us through the first few days of the bill going out :p

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 18 October 2017 8:48 PM
To: KRAUSMANN, Jake
Subject: RE: CTP citizens' jury - Suncorp contact

Hi Jake,

Nice to meet you too.

Thanks for following up with your contact details – no doubt we'll bump into each other again as the CTP process rolls on!

Cheers,

Jen

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au

---

From: KRAUSMANN, Jake [mailto:jake.KRAUSMANN@suncorp.com.au]
Sent: Wednesday, 18 October 2017 3:25 PM
To: Rayner, Jennifer
Cc: RAHMAN, Surayez
Subject: CTP citizens' jury - Suncorp contact

Hi Jennifer

Good to meet you at the citizens' jury on Saturday. Just a quick follow up email to provide my contact details.

I will be covering for Surayez later in the process [redacted].

Regards
Jake

Jake Krausmann
Policy & Regulation Advisor
Personal Injury Portfolio
M 0411 409 074
T 02 8182 0469

Suncorp Place
Level 12, 10 Shelly Street
SYDNEY NSW 2000
jake.krausmann@suncorp.com.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 19 March 2018 2:46 PM
To: Barr, Andrew
Cc: Cook, Michael; O'Daly, Edward
Subject: CTP models - QT materials?
Attachments: Summary_of_the_Proposed_Models.pdf

As the possible models for the CTP jury to consider are now online, you may get some questions about what's in and out of these in QT during the week (if it goes ahead).

Do you want us to put together summaries or anything for you to use in this case, or are you comfortable to stick to a response along the lines of:

The details of the models have been prepared by experts in CTP scheme design, assisted by members of the Stakeholder Reference Group which represented key views. We will leave the jury to conduct their deliberations on the models this coming weekend, and look forward to receiving their recommendation on which best meets the objectives they've already identified.

Purely for your interest, attached is a summary of the models and main differences between them.

Thanks,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 19 September 2017 3:58 PM
To: Sch 2 s2(a)(ii)
Subject: RE: proposed changes to CTP compensation

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

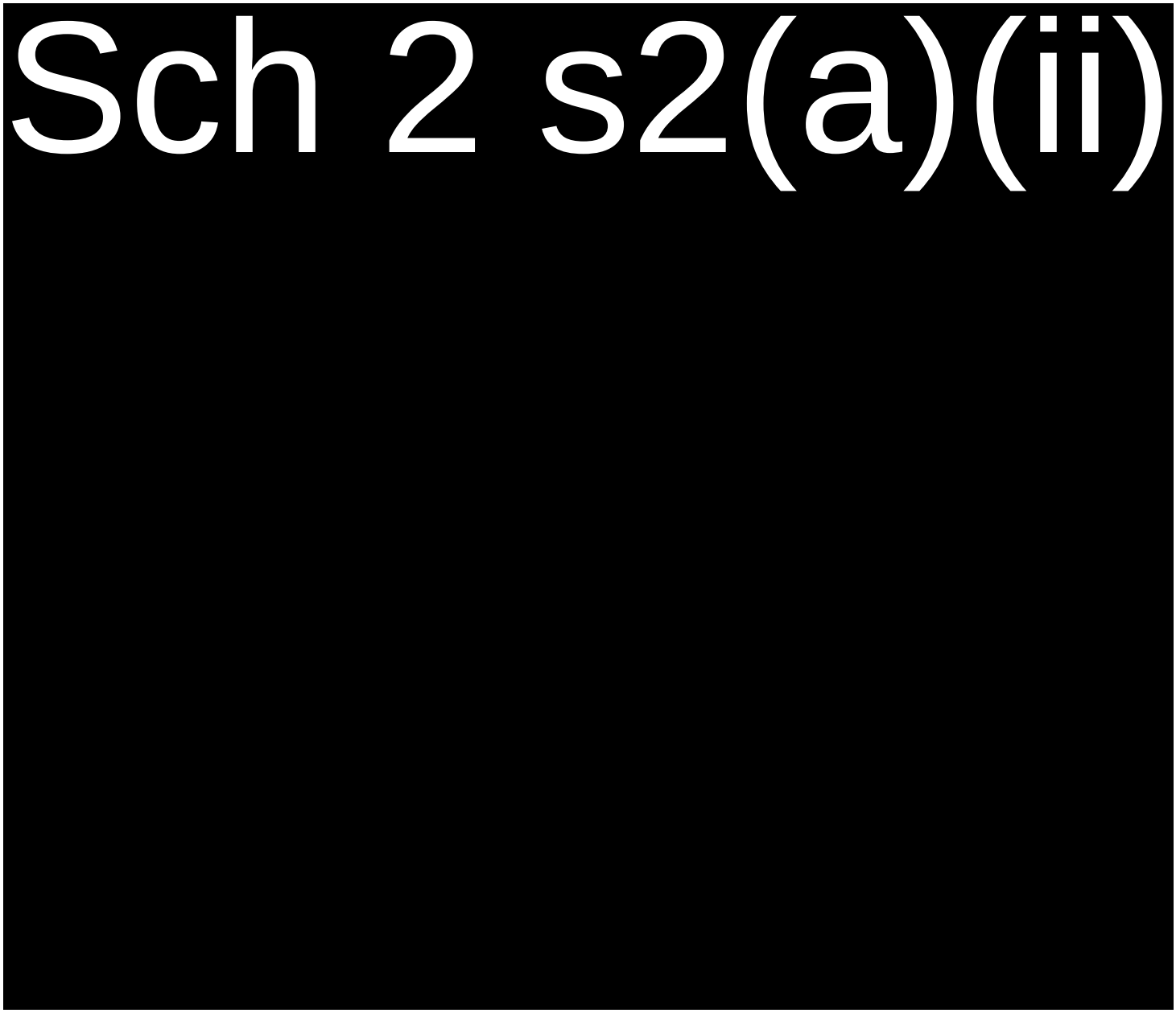
From: Sch 2 s2(a)(ii)
Sent: Monday, 18 September 2017 5:36 PM
To: YourSayonCTP
Cc: BARR
Subject: proposed changes to CTP compensation

To Whom it May Concern,

I am writing to have my say on a matter that causes me great concern I.e. the plan for the Barr Government to review the rights of Canberrans to claim compensation for injuries sustained in motor vehicle accidents.

My understanding of this review is that under a new CTP scheme the premiums we pay will supposedly be less but our rights for proper compensation will be substantially diminished.

Like with any insurance, we pay a premium to protect ourselves in the, hopefully, unlikely event that something happens that requires us to make claim.



Sch 2 s2(a)(ii) [redacted]

Don't take away the right for people to be fairly compensated!

Yours faithfully,

Sch 2 s2(a)(ii) [redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 19 September 2017 11:36 AM
To: Barr, Andrew
Cc: Cook, Michael; O'Daly, Edward
Subject: CTP jury recruitment - for QT

In case today's CT story comes up in QT later:

- Invitations to participate in the CTP Citizens' Jury were mailed to 6,000 randomly-selected Canberra households.

- To date, 76 expressions of interest have been received in response.

- The Government has brought in expert consultants in deliberative democracy to run the citizens' jury process and they have responsibility for recruiting the jury to ensure this happens at arms' length from government.

- If, on the advice of these consultants, additional recruitment efforts are needed to deliver a suitably representative jury, these will be undertaken.

Why are CTP claimants and personal injury lawyers ineligible to sit on the jury?

- It is important that the jury's deliberations are balanced and not unfairly influenced in any direction by people with a particularly stake in the CTP scheme. For this reason, people who receive an income from the CTP system, such as a personal injury lawyer, a CTP insurance company employee or a person who works for government in personal injury compensation, or anyone in their households, will not be eligible to be on the jury.

  These professions will be represented within the Stakeholder Reference Group, which includes representatives of the ACT Law Society, the ACT Bar Association and insurance companies.

- People who are currently in the process of having a CTP claim considered and their household members will also be unable to participate on the jury.

  People who have had experiences with the CTP scheme – including people who have pursued claims under the current system and those who were ineligible to do so because of its current design – will have the opportunity to give evidence before the jury as witnesses. This will ensure their views and perspectives are taken into account by the jury as an important part of their deliberations.

Let us know if you need anything else on this one.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 20 April 2018 9:46 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Citizens' Jury - When is our contribution on complimentary policies most useful?

Hi Sch 2 s2

Hope you're well.

Thanks for getting in touch with the Chief Minister to follow up on the conversation you had when your delegation came to hand over the jury report.

As flagged on the final day of the jury sittings, we are keen to ensure there are avenues for ongoing consultation with those members of the jury who are interested to stay involved in the next phase of the CTP reform process. While this won't be in a formal consultative capacity like the jury, it will be really useful to be able to test issues and ideas with members of your group given your now-detailed knowledge of the CTP schem, as well as further discuss some of the issues we need to work on in parallel with developing the legislation.

To facilitate this, DemocracyCo will shortly be sending out an email to all jury members, inviting them to express interest in this ongoing conversation. Once we have heard back on this, we will seek to bring people together for a discussion about some of the complimentary processes in particular. This will likely be after the ACT Budget, so around June – before the legislation is drafted and presented.

I've noted your keenness to continue the conversation, but it would be helpful if you also respond to DemocracyCo's email when it comes around, just so all of the information is corralled in one place.

Thanks again for following this up,

Jen

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong

ACT Government

CANBERRA

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 11 April 2018 12:38 PM
To: BARR <BARR@act.gov.au>
Subject: Citizens' Jury - When is our contribution on complimentary policies most useful?

Dear Andrew Barr and team,

Sch 2 s2(a)(ii)

I asked the Chief Minister when would be the best time for the jury to speak out about those complimentary processes - e.g. if it would be too late by the time that the legislation is drafted and presented for discussion.

He said he'd have to think about it and get back to me. I forgot to follow up, but I'm asking now if he's had a chance to consider this and when our intervention would contribute the most.

Thank you,

Sch 2 s2(a

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 21 August 2017 4:33 PM
To: O'Daly, Edward
Subject: RE: release on CTP

Well played.

From: O'Daly, Edward
Sent: Monday, 21 August 2017 4:33 PM
To: Rayner, Jennifer
Subject: RE: release on CTP

Nah. I'm pretty comfortable with it, but I'll see if the CM makes changes first, the flick to the two Karens for a fact check – noting the CM is already OK with it.

From: Rayner, Jennifer
Sent: Monday, 21 August 2017 4:30 PM
To: O'Daly, Edward <Edward.O'Daly@act.gov.au>
Subject: RE: release on CTP

Just checking if Treasury has fact-checked this? It looks fine to me but they may have tedious/fiddly concerns...

Here's the cleaned up and final versions of the FAQs and key messages too.

From: O'Daly, Edward
Sent: Monday, 21 August 2017 3:48 PM
To: Barr, Andrew
Cc: Rayner, Jennifer; Sloane, Brenton
Subject: release on CTP

Chief,
Here's the draft release.
Propose to send out mid-morning ahead of lunchtime media.
Ed

Community to help improve Compulsory Third Party insurance to better protect Canberrans

The ACT Government's first citizens' jury will explore how the ACT's Compulsory Third Party (CTP) insurance scheme can be improved.

Many Canberrans who are in an accident are not covered by CTP and even if you are covered it can take two years or more to get your full payout, but we still pay some of the highest premiums in the country. The Government believes our CTP scheme should be improved to better protect Canberrans.

Because CTP insurance affects all of Canberra's 285,000 drivers and is compulsory, the Government wants to involve the community in exploring how the scheme can be improved. A citizens' jury is an ideal model to work through a complex issue like CTP, so we're taking the opportunity to trial this 'deliberative democracy' process for the first time.

The ACT's current CTP scheme does not cover everyone injured in a motor vehicle accident, leaving too many Canberrans exposed to big medical bills and other costs. For example, if you hit a kangaroo you cannot claim under the CTP scheme for your injuries because no-one was at fault.

It can also take two years or longer to negotiate and receive a full payout after an accident, preventing Canberrans getting the treatment and care they need right away.

Despite these gaps, ACT drivers pay some of the most expensive premiums in the country.

We will set up a representative jury of 50 Canberrans who will come together to understand the scheme and the trade-offs involved. They will be advised by experts and hear the views of industry stakeholders and the wider community.

We understand the pressure on household budgets so one of the most important instructions to the jury will be that premiums cannot go up as a result of any package of improvements.

The jury's first task will be to identify the priorities for a CTP scheme that best balances the interests of all road users. The jury's priorities will then be given to a Stakeholder Reference Group made up of legal representatives, healthcare providers, consumers and ACT Government officials. The reference group will develop a number of workable models for consideration. The jury will then come together again and assess which of the models best meets those priorities.

The ACT Government is committed to pursuing the model the jury prefers, on the basis that it meets the community's priorities.

This jury process is one of the ways we are delivering on our 2016 election commitment to improve the way the Government engages with our community.

Invitations to participate in the citizens' jury will be mailed out in early September. Members of the Canberra community and stakeholders can also provide feedback on CTP by visiting: www.yoursay.act.gov.au/ctp.

Ed O'Daly | Director, Government Communications Unit | Office of the ACT Chief Minister

T: (02) 6205 0384 | M: 0408 829 618 | E: edward.o'daly@act.gov.au

Rayner, Jennifer

From: Cook, Michael
Sent: Tuesday, 21 August 2018 4:54 PM
To: Rayner, Jennifer
Subject: RE: CTP notes

Awesome thanks. Will let you know how I go with Hubbard. More veiled/jovial threats I assume!

From: Rayner, Jennifer
Sent: Tuesday, 21 August 2018 4:53 PM
To: Cook, Michael
Subject: CTP notes

Hi,

A few notes as promised on where we're up to with CTP:

The model

The citizens' jury has selected its recommended new scheme to deliver improved coverage that will better protect Canberrans, which the government has committed to implement.

The model chosen by the jury delivers a number of improvements, including:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

The jury decided this model best meets the objectives they set: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

The process

The Government is currently drafting legislation to give effect to the jury's chosen model. Detailed information about the drafting instructions was provided to stakeholders – including the Law Society and Bar Association – for their initial feedback.

We intend to table an exposure draft of the bill in the Assembly during the September sittings period. The bill will then be referred to committee for scrutiny on how closely it aligns with the recommendations of the jury, and any issues associated with its implementation. Stakeholders will have an opportunity both to participate in this committee's review and engage with the government directly on the detail of the bill during this process.

We then plan to incorporate any feedback or necessary amendments arising from the committee and introduce a final bill to the Assembly before the end of 2018.

Let me know if you need anything else…

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 21 September 2017 9:23 AM
To: Sch 2 s2(a)(ii) [redacted]
Subject: RE: CTP changes proposed by ACT government

Dear Sch 2 s2(a)(ii) [redacted],

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process. Sch 2 s2(a)(ii) [redacted]

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii) [redacted]
Sent: Monday, 18 September 2017 4:04 PM
To: BARR
Subject: CTP changes proposed by ACT government

Dear Mr Barr,

Sch 2 s2(a)(ii) [redacted]

Please use wisdom Mr Barr,

yours sincerely
Sch 2 s2(a)(ii) [redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 22 February 2018 10:04 AM
To: Aguera, Jarrah
Cc: Esguerra, Indra
Subject: RE: Coe referral of CTP CJ to committee
Attachments: Amendment to Coe motion - CTP Jury - February 2018.doc

Something like this?

From: Aguera, Jarrah
Sent: Thursday, 22 February 2018 9:58 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

Fantastic, thanks

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Thursday, 22 February 2018 9:57 AM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

No problem – will have some words to you in five mins

From: Aguera, Jarrah
Sent: Thursday, 22 February 2018 9:56 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

Hi Jen,

Caroline would prefer to move the amendment if possible?

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Thursday, 22 February 2018 7:55 AM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

Morning Jarrah,

Thanks for this. We'd support deferring an inquiry until after some of the other new deliberative processes are up and running also, with a view to examining how well these are working as an approach to engagement and incorporating community views.

Let's be honest: the current referral by Mr Coe is intended to undermine confidence in the CTP jury process as an attempt to slow or prevent legislative reform, but at wider look at how deliberative approaches are being incorporated by government and where there is room for improvement or lessons to be learned is definitely worthwhile.

Our current thinking is for the participatory budgeting trial to be carried out in the last quarter of this year (so that it can feed into the 2019 Budget cycle) – that would likely facilitate an inquiry in early 2019. Would you guys be comfortable with that?

Cheers,

Jen

From: Aguera, Jarrah
Sent: Wednesday, 21 February 2018 5:14 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

Hi Jen,

Keen to get your thoughts on the timing of a potential committee inquiry.

Our initial feeling is that if it was to be before the model is chosen (Q3 according to your timeline), it could still undermine the outcome of the CTP process.

Perhaps it could work to wait until a few more deliberative democracy processes have been undertaken (the online panel and potentially the participatory budgeting trial if not too late)—and then examine the suite of deliberative strategies together?

What do you think?

Cheers,

Jarrah

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Aguera, Jarrah
Sent: Monday, 19 February 2018 3:32 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

Many thanks for this info Jen.

We'll come back to you on the question of Shane receiving the report, as well as considerations for the evaluation.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Monday, 19 February 2018 3:23 PM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: RE: Coe referral of CTP CJ to committee

Hi Jarrah,

Thanks for this. We'd be more than happy to have the jury process referred to committee as there's a really good story to tell here about the government working to do engagement differently; but do agree with you that giving time for the process to conclude first would be more respectful to the jury and everyone who has contributed.

In terms of the process for reporting, you're correct that the jury will hand its report to the Government at the end of their final weekend of deliberations on 24 & 25 March. As I mentioned to Indra earlier today, the CM now has to be out of town that weekend so we were actually hoping Shane would be available to receive it, given his role as Minister for Road Safety. Perhaps that's one to discuss at your end?

But from there, the plan is that the report will be made public (either by the Sunday evening or Monday, depending on how long it takes to get it online), and the Government will nominate when we intend to respond to it with draft legislation. It's a little up-in-the-air at the moment how long we'll need between the report and draft legislation because although detailed models are being prepared by the Stakeholder Reference Group, the jury's recommendations may not perfectly mirror any single model.

But we've been clear that we intend to have legislation introduced to the Legislative Assembly which reflects the jury's recommendations by the end of calendar 2018, so that means keeping up a pretty steady flow of activity at this end to achieve that deadline.

On evaluation, Treasury are having some ongoing discussions with the Canberra Alliance for Participatory Democracy and also the Institute for Governance and Policy Analysis at the University of Canberra about options for this. We haven't landed a specific plan yet but certainly do intend to complete an evaluation – is there anything in particular you guys think needs to be factored in here?

Happy to chat further about any of this as needed ☺

Cheers,

Jen

From: Aguera, Jarrah
Sent: Monday, 19 February 2018 2:51 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: Coe referral of CTP CJ to committee

Hi Jen,

Hope you had a lovely weekend.

As Indra has advised, we intend to adjourn Coe's referral of the CTP citizen's jury to committee.

We don't think it's reasonable to conduct an Inquiry while the jury process is still underway.

It would be great if you could clarify how the jury with report back to the Government. Is it just as per the 'Your Say' timeline, whereby the Chief Minister attends the final session (on 25 March) to receive the jury's recommendations on workable models? I assume they will be in the form of a public report?

Also, it would be appreciated if you could provide some info about how and when the whole process is going to be evaluated by the Government.

Many thanks,

Jarrah

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 22 August 2017 8:04 AM
To: Barr, Andrew
Cc: O'Daly, Edward; Sloane, Brenton
Subject: CTP materials
Attachments: Key messages - FINAL.doc; FAQ - FINAL.doc

Here's the full CTP messaging materials, including the FAQs that will go online.

We'll provide these to other Ministerial and backbench offices later today so that everyone is on the same page regarding the citizen's jury.

Also in case it comes up in the presser, over the last five years we've averaged just under 950 claims a year through the current CTP scheme.

Hard copies are in your tray; let us know if you need anything else for today ☺

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 22 September 2017 10:20 AM
To: O'Daly, Edward
Subject: FW: Vote Compass invitation email [SEC=UNCLASSIFIED]
Attachments: Vote Compass invitation copy.doc

Importance: High

No issues from me on this one ☺

From: Stewart-Moore, Karen
Sent: Friday, 22 September 2017 10:16 AM
To: O'Daly, Edward; Rayner, Jennifer
Cc: Willis, Cecilia; Kingham, Amy; Masters, Nicole
Subject: FW: Vote Compass invitation email [SEC=UNCLASSIFIED]
Importance: High

Hi
Can you please approve the invitation copy. This does not differ except in minor details on RSVP and the order of the information and adding the video link, from the print invitation. This will be formatted by the provider.
If you could let us know asap that would be great.
Happy to discuss
Thanks
Karen

From: Nutt, Teone
Sent: Thursday, 21 September 2017 1:50 PM
To: Willis, Cecilia; Emma Lawson
Cc: Stewart-Moore, Karen; Vivienne Lambert
Subject: Vote Compass invitation email [SEC=UNCLASSIFIED]

Hi Cecilia and Emma,

Please see attached copy for the Vote Compass invitation email.

Most of this is ripped straight from the printed invitation; I've made a few minor changes and included the new registration date.

Let me know what you both think – once we're happy we can send up the line for approvals.

Kind regards,
Teone

Teone Nutt | Digital Communications Officer
Phone | 02 6205 0771
Communications & Engagement |Chief Minister Treasury and Economic Development Directorate | ACT Government
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 22 September 2017 11:26 AM
To: RAHMAN, Surayez
Cc: Stewart-Moore, Karen; Masters, Nicole
Subject: RE: CTP Citizens' Jury

Hi Surayez,

I'm glad to hear you're interested and engaged with the process, and it's good to have the insurance industry represented on the Stakeholder Reference Group.

The government is keen to just let the process run its course now that the jury and reference group has been established, so our office isn't taking too active a role in the comms and other facilitation efforts.

But the Chief Minister's Directorate Comms team is putting together a program of activities to help Canberrans better understand CTP, the jury process and how they can engage, so I've cc-ed a couple of contacts here so that they can be in touch to discuss opportunities for your team to feed in there.

Hope your weekend is great also,

Jen

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au



From: RAHMAN, Surayez [mailto:Surayez.RAHMAN@suncorp.com.au]
Sent: Friday, 22 September 2017 10:30 AM
To: Rayner, Jennifer
Subject: CTP Citizens' Jury

Hi Jen,

Hope you're well. I was actually meaning to touch base with yourself as the citizens' jury process has kicked off. It's a very interesting process and I'm actually really excited to be part of it.

I would really like to set up a meeting to see if there was anything we can do to support the process further. Please let me know if you have any time in the next few weeks.

Have a great weekend.

Thanks
Surayez

Surayez Rahman
Executive Manager, ACT CTP
—
M +61 0413 655 582
T +61 (02) 8121 3162

Level 2, Cnr Melrose Dr and Brewer St
Woden ACT 2606
surayez.rahman@suncorp.com.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 22 September 2017 9:07 AM
To: Sch 2 s2(a)(ii)
Cc: YourSayonCTP
Subject: RE: Submission to Proposed Changes to the Compulsory Third Party (CTP) Scheme by the ACT Government - I WANT MY VOICE HEARD!

Dear Sch 2 s2(a)(ii)

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it sounds like you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

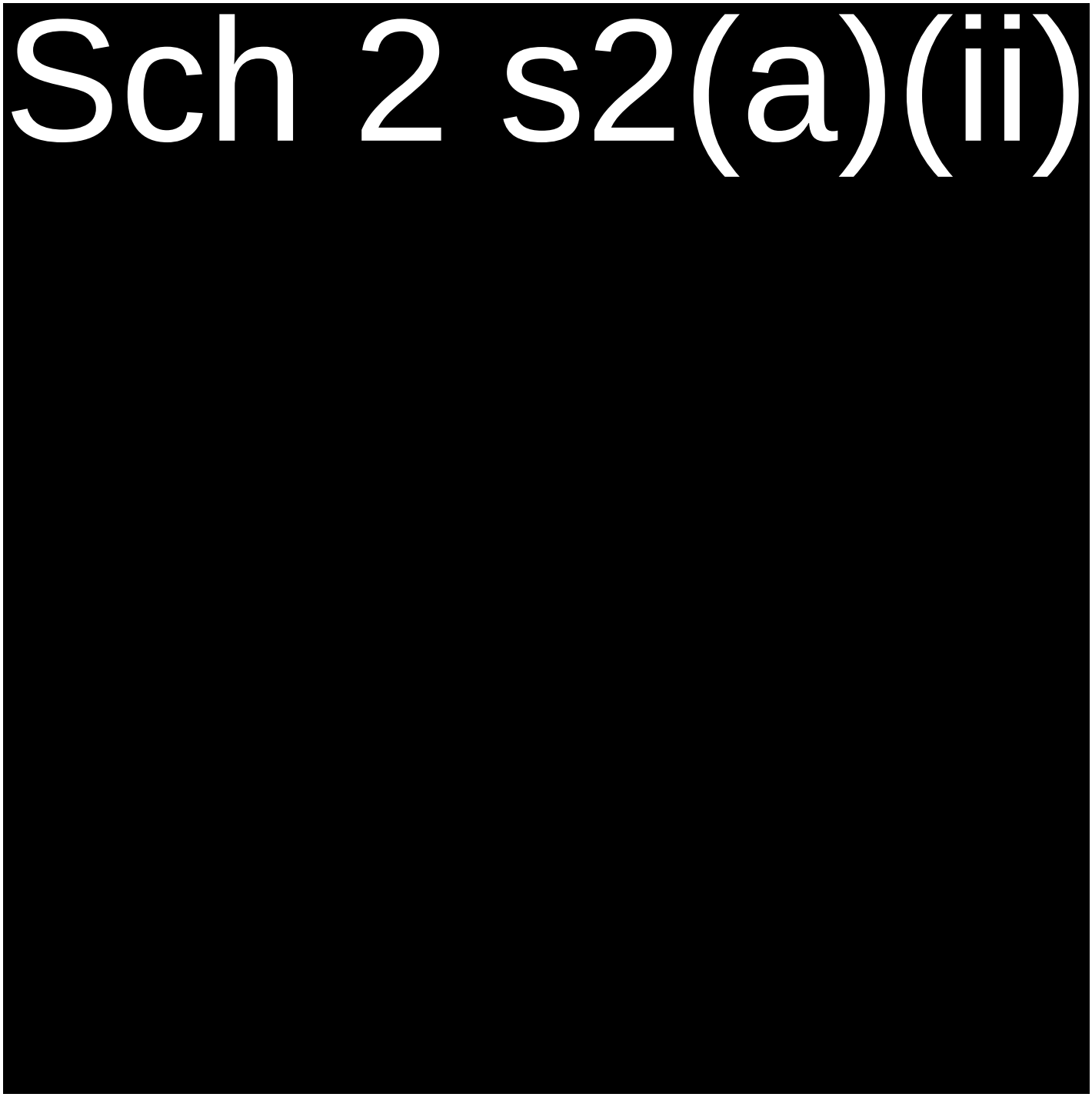
I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From Sch 2 s2(a)(ii)
Sent: Thursday, 21 September 2017 5:22 PM
To: YourSayonCTP <YourSayonCTP@act.gov.au>
Cc: BARR <BARR@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>; COE <COE@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; mparton@canberraliberals.org.au; gai.brodtmann.mp@aph.gov.au
Subject: Submission to Proposed Changes to the Compulsory Third Party (CTP) Scheme by the ACT Government - I WANT MY VOICE HEARD!



Sch 2 s2(a)(ii)

Sch 2 s2(a)(ii)

The Government really needs to think again and think very carefully.

Yours sincerely

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 23 October 2017 10:20 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Concerned Constituent

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We are piloting a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

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People who are not on the jury have had the opportunity to find out more about CTP and provide their views through the Your Say website during a month of public consultation which closed on 29 September. The perspectives and views provided by community members have been given in full to the jury to consider as part of their deliberations.

The jury members are also hearing from a wide range of witnesses, including people with experience of the current CTP claims process, legal, insurance, government and healthcare professionals. These witnesses have been selected by the jury itself, from a short list of options prepared by a Stakeholder Reference Group made up of key bodies.

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This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 19 October 2017 9:58 AM
To: BARR <BARR@act.gov.au>
Cc: Sch 2 s2(a)(ii)
Subject: Concerned Constituent

Dear Chief Minister Barr,

I am worried that your Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT. I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who have been injured through no fault of their own. Sch 2 s2(a)(ii) The CTP scheme is a safety net for every motorist, and in fact every person, in Canberra.

The intention your Government to trade off CTP scheme protections is a serious concern for me and my family. It will also encourage more people not to register vehicles and take the risk of driving/riding unregistered if no compensation is attached to this compulsory fee. I urge you to ensure that our CTP scheme is protected.

Kind Regards,

Sch 2 s2(a)(ii)

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 23 October 2017 10:23 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Preserve Our CTP Rights

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We are piloting a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

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I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 18 October 2017 1:00 PM
To: YourSayonCTP <YourSayonCTP@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; lecouteura@parliament.act.gov.au; BARR <BARR@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; COE <COE@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>
Subject: Preserve Our CTP Rights

Please preserve our CTP rights by reading the attachment.

Yours
Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 23 October 2017 10:26 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Open letter to Andrew Barr, ACT Chief Minister

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We are piloting a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

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This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister



From: Sch 2 s2(a)(ii)
Sent: Monday, 16 October 2017 12:58 PM
To: BARR <BARR@act.gov.au>
Subject: Open letter to Andrew Barr, ACT Chief Minister

Open letter to Andrew Barr, ACT Chief Minster.

16.10.2017

Dear Sir,

The following sentence was transcribed thankfully, via the ACT CTP Facebook page at : https://www.facebook.com/actctp/. Form a “Jury driven” and controlled process around changing the structure of the Compulsory Third Party Insurance system, to which every registered motor vehicle user has to pay inside the ACT, no ifs, buts or maybe’s

“Emily then gives the c jury a pre-written form with the unfinished sentence, pre-cursing it with if Andrew Barr ACT Chief Minister was in the room, he would ask, 'It would be great if the Scheme aimed for...'” – A Facebook page that, by the way, every road use in the state should read.

Can I please table my suggestions at the completion of this statement, in spite of not being allowed to attend or contribute to “the process” conducted over the last weekend.

'It would be great if the Scheme aimed for...'”taking in honest genuine feedback from victims of motor vehicle accidents as the first basis for any change. As unbiased, real, honest, full of pain and suffering feedback as corner stone material through which any change might be measured against. Does “this change” whatever it might be help prevent this pain and suffering?, as the critical benchmark.”

'It would be great if the Scheme aimed for...'”holding itself accountable that any change will have huge positive benefits against situations and the unnecessary pain and suffering cited by those providing said feedback. More, that anything unnecessary or not contributing to these benefits be made at best secondary, or maybe discarded altogether”

'It would be great if the Scheme aimed for...'”Getting the injured parties back to full health or as close as possible to it, as quickly as possible. As the single prime focus of why everyone is forced to pay compulsory for the CTP levy.”

'It would be great if the Scheme aimed for...'”Treating those injured and those suffering as a result of those injuries as people. Living breathing people. Not as many are today, namely: Not as a risk, but as someone to be distrusted, against the profits being made by interested parties connected to this process.”

'It would be great if the Scheme aimed for...'”using people, honest, ungroomed suffers of Motor Vehicle accidents, and all they have learnt, as key stake holders in process reform. Not seemingly as afterthoughts as appears to be the case today”.

'It would be great if the Scheme aimed for...'”Putting in place practical measurement and service level targets to ensure the Insurers are tasked with achieving these targets, paying plenty if they are not achieved”

'It would be great if the Scheme aimed for...'"Putting down political agenda and focused on real outcomes for injured parties rather than lip service for political gain"

'It would be great if the Scheme aimed for...'"Transparency about the real profits being made by The Insurers.

'It would be great if the Scheme aimed for...'"the absolute privacy of injured parties" As today, leaks in the system see private individuals personal information being presented to off shore interests.

My list Andrew, and the lists of many others, could go on and on.

Andrew, we the voting living breathing tax payers forced to pay the CTP levy have expectations.

Expectations that our needs will be heard. That people will be passionate about working together to achieve those expectations. That our voice, our needs will be met. That we will not be preyed upon for the profit interests of large corporations.

Expectations that you will carry this serious responsibility carefully on your shoulders.

Can I please sir, beg you to stop the current reform process, for what I am witnessing today is sheer madness.

It seems ridiculous in the extreme, that those involved or thrust into the CTP system as victims of Motor Vehicle Accidents and the lessons learnt is not being used as the very cornerstone, the very start point, for change.

Please hold yourself and those that work for you (and me therefore) accountable that whatever change that might be introduced will in fact result in measurable, real measurable benefits for those injured in Motor Vehicle Accidents. Physically, mentally, emotionally and whenever necessarily at least mean that victims of motor vehicle accidents do not suffer financially either.

You sir today, (and those that work for you) have a great opportunity to get this right.

You also (and those that work for you) have great opportunity to get this wrong at the real cost of human life.

The CTP system is not and should never have been about profits. It should be about supporting those suffering as a result of Motor Vehicle accidents. Physically, mentally and financially.

It is about or should be about the wellbeing of those injured as a result of Motor Vehicle Accidents and getting them back to good health as quickly as possible.

I beg you sir, to make your decision wisely.

I welcome your response.

Signed

Sch 2 s2(a)(ii)
[redacted]

Best Regards

Sch 2 s2(a)(ii) [redacted]

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N.S.A / C.F.R. or Google using or monitoring this email and/or email address, You must obtain my notarized written consent/permission to utilize any of my information, or any of the content contained herein including, but not limited to my personal information, photos/images, and/or any of the information found within any email from this email address. The contents of this email are private and privileged and confidential information. If you are not the intended recipient, you should note that the reading, use, disclosure, copying or distribution of this email is prohibited. If you are not the intended addressee, please notify the sender by return email immediately as the violation of my personal privacy is punishable by law. **PRIVACY ACT 1988 - ALL RIGHTS RESERVED WITHOUT PREJUDICE**

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 23 October 2017 11:57 AM
To: Orchard, Joshua
Subject: Updated CTP SR

Hi Josh,

Hope you had a good weekend?

As promised, here's an updated SR on the CTP citizens' jury. I'll be updating it again in the next couple of weeks after we have the next jury sittings this coming weekend, but this should work until then.

Cheers,

Jen

Thank you for your email regarding the CTP citizens' jury process. I'm very sorry to hear about your accident, and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

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This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 23 October 2017 5:29 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

Thank you for your email to Deputy Chief Minister Yvette Berry regarding the CTP citizens' jury process. As this matter falls within the responsibilities of Chief Minister Andrew Barr, we have been asked to respond on her behalf.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

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I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Monday, 23 October 2017 2:54 PM
To: BERRY <BERRY@act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Ms Yvette Berry MLA

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully

Sch 2 s2(a)(ii)
[redacted]
[redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 23 October 2017 10:17 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

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I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Thursday, 19 October 2017 3:59 PM
To: BERRY <BERRY@act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

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The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully

Sch 2 s2(a)(ii)
[redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 24 July 2018 4:18 PM
To: Dynon, Kaarin
Subject: RE: CTP [SEC=UNCLASSIFIED]

No worries, you can tell her that:

Moving to the no-fault CTP scheme chosen by the citizen's jury requires significant amendments to existing legislation. The Government is working towards releasing an exposure draft of the bill by the end of September.

Lemme know if you need anything else ☺

From: Dynon, Kaarin
Sent: Tuesday, 24 July 2018 4:08 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: CTP [SEC=UNCLASSIFIED]

Hi Jen,

Katie Burgess sent me a whole lot of questions on a variety of topics today in one email, at the end she asked:

One more thing - can you tell me when we're going to see legislation on the new CTP scheme? Is it coming soon or is there still a whole bunch to do?

Is there a quick update I can give her on this/next steps. Am I right that draft legislation needs to go to the Assembly? I asked CMTEDD and they suggested you might have the best info on this.

Cheers, Kaarin

Kaarin Dynon
Communications Adviser to Andrew Barr MLA
Chief Minister | Treasurer | Minister for Economic Development | Minister for Tourism & Events
Mobile: 0422 772 215 | Email: kaarin.dynon@act.gov.au
www.andrewbarr.com.au



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 24 August 2017 4:28 PM
To: Treasury DLO
Cc: BARR
Subject: FW: Compulsory Third Party
Attachments: DOC240817-24082017152236.pdf

Can we please have a Treasury response to this, Kylie?

Not sure they'd trust me to write a suitably measured reply ;o)

From: Bron, Benjamin **On Behalf Of** BARR
Sent: Thursday, 24 August 2017 3:35 PM
To: Rayner, Jennifer
Cc: Cavanagh, Linda
Subject: FW: Compulsory Third Party

For advice please Jen

Ben

From: ACT Bar Association [mailto:ceo@actbar.com.au]
Sent: Thursday, 24 August 2017 3:24 PM
To: BARR <BARR@act.gov.au>
Subject: Compulsory Third Party

Dear Chief Minister Barr,

Please find attached letter from Sch 2 s2(a)(ii) , ACT Bar Association.

Regards,

Sch 2 s2(a)(ii)
Sch 2 s@actbar.com.au
actbar.com.au

ACT BAR ASSOCIATION

This e-mail, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 24 August 2017 11:51 AM
To: Ferguson, David
Subject: CTP details

Hiya,

Just confirming that the Law Society of the ACT and the ACT Bar Association have both been briefed (ahead of the announcement on Tuesday) and received their invitations to participate in the Stakeholder Reference Group.

The wider legal/insurance/health fraternity will be receiving letters in the next few days inviting them to contribute to the jury by making a submission – a copy of this text is below if GR wants to include any of these details in his speech.

Let me know if you need anything else ☺

Jen

Dear Sch 2 s2(a)(ii)

I am writing to invite your organisation's input into a deliberative engagement process that will commence later this year on Compulsory Third Party (CTP) Insurance in the ACT.

CTP Insurance affects all Canberrans who use ACT roads. As you may be aware, CTP schemes in every state and territory are different in design and offer different levels of coverage and benefits. My Government considers that the ACT's scheme could be improved and wants to give the community the opportunity to look at their CTP scheme in depth and consider whether it best meets the needs of all road users, balancing eligibility and benefits with affordability.

The Government has chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like. Although the Government considers that the CTP scheme in the ACT could be improved, it is not set on what those improvements should be or on any particular model or design. The Government wants to understand what the community's priorities are for the scheme after they have had the opportunity to understand and explore the issue in-depth.

In the deliberative engagement strategy developed for CTP, around 50 residents, broadly matching the demographics of the community, will be randomly selected to participate in a two-part citizens' jury with deliberations supported by a Stakeholder Reference Group.

The first jury sitting on 14-15 and 28-29 October 2017 will consider the question of: *What should the objectives of an improved CTP scheme be to best balance the interests of all road users?* The jury will be provided with information from a variety of sources, including expert witnesses on matters relevant to their deliberations on CTP. They will have the opportunity to learn about the aspects of CTP from a range of different perspectives. Broader consultation including a phone or online survey and a community feedback process will also feed into the jury process.

A Stakeholder Reference Group will then develop a number of workable models that are consistent with the jury's priorities for an actuary to cost. The Stakeholder Reference Group will be comprised of representatives of government, legal groups, insurers, health consumers and rehabilitation researchers together with an actuary and scheme design expert.

At their second sitting on 24-25 March 2018, the jury will consider the costed options and determine which model best meets their identified priorities. Following this process, my Government has committed to pursuing the jury's preferred model.

I invite your organisation to provide feedback for inclusion in the jury's deliberations. More information about the CTP scheme and deliberative engagement process and strategy is available at www.yoursay.act.gov.au/ctp. Feedback can be provided through the website, by email as a PDF to YourSayonCTP@act.gov.au or posted to Citizens' Jury on CTP, c/o Financial Framework Management and Insurance Branch, Chief Minister, Treasury and Economic Development Directorate, GPO Box 158, Canberra ACT 2601.

Feedback channels close on 29 September 2017 and will be published unless otherwise requested by you. It is vital that your feedback is clear, to the point and easy to understand. Most importantly your feedback should help the jury to answer the question that they have been asked. It is suggested by the facilitators that your feedback be no longer than 3 pages to make it easy for the jury to consider your feedback within their deliberations. Clearly outline your view and provide examples to support your feedback.

The CTP deliberative engagement process reflects this government's commitment to involve the community in significant decisions in a meaningful way. I am confident that this process, combining an informed community voice with contributions from experts and representative groups, will result in an improved CTP scheme that best meets the needs of all road users in Canberra.

Yours sincerely

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Sunday, 25 March 2018 4:36 PM
To: Leslie, Nate; O'Daly, Edward
Cc: Stewart-Moore, Karen; Holmes, Lisa
Subject: RE: CTP YourSay text and EDM [SEC=UNCLASSIFIED]
Attachments: YourSay page text - 250318 - CMO.docx

Thanks – some very minor changes to the description marked up in the attached.

Can we please amend the EDM text to more closely reflect the wording from the media release? I've already cleared that and think it gives a better rundown of what subscribers would want to know.

Thanks again,

Jen

From: Leslie, Nate
Sent: Sunday, 25 March 2018 3:43 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>
Cc: Stewart-Moore, Karen <Karen.Stewart-Moore@act.gov.au>; Holmes, Lisa <Lisa.Holmes@act.gov.au>
Subject: CTP YourSay text and EDM [SEC=UNCLASSIFIED]

Hi Jen and Ed,

Can you please take a quick look at the updated text for YourSay and the EDM for our subscribers?

Thanks,

Nate

Nate Leslie | Senior Strategic Engagement & Communications Officer
Phone: 02 6207 0280
Communications & Engagement|Chief Minister Treasury and Economic Development Directorate |
ACT Government
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Sunday, 25 March 2018 2:26 PM
To: Barr, Andrew
Cc: Cook, Michael; Nelson, Mark; O'Daly, Edward
Subject: CTP - next steps

Hi there,

The CTP jury is in and they have gone for Model D:

- Treatment, care and income support available for up to five years for all drivers regardless of fault
- After five years people can transfer to the common law system for lump sum payments only if their injury meets set severity criteria (10 per cent Whole Person Impairment); once in common law most benefits are still uncapped but 'quality of life' or non-economic loss pay outs are capped at $500,000
- Potential premium reduction in the vicinity of $90 -$170.

This model represents the greatest change from the status quo and provides the most coverage/benefits to all drivers regardless of fault – i.e. minimises the role of lawyers the most. So, we can expect them to now come at us fairly hard.

Here's my sense of how that plays out and what we can do to mitigate it.

Public campaigning

The lawyers are likely to ramp up their campaign against the process – flawed, stacked, government always had an outcome in mind, etc etc. The argument will be that we should not make *any* change because the status quo offers people better 'rights' and the citizens' jury didn't know what they were doing in recommending a change.

This will likely give the Liberals enough cover to oppose the legislation when we put it to the Assembly, despite their very compromised position re. donations.

We are going to need to engage more directly now in defending the merits of proceeding with reform at all, and the benefits of the particular scheme we're taking forward.

The benefits of the new proposed scheme that the jury found most compelling are: better coverage for everyone – especially people in blameless accidents; faster care and treatment to get you back on your feet sooner; a less aggro experience because treatment and benefits are automatic and don't depend on a legal fight.

We can potentially talk about premiums as a secondary benefit, but in doing so we should be mindful that this plays into the lawyers' argument: that this is taking from the seriously injured just to make premiums a few bucks cheaper. It was also a relatively minor part of the jury's discussions and their reasoning in choosing this scheme.

Direct campaigning - MLAs

If the Liberals act as predicted, that ups the pressure on the Greens as the key Assembly votes in play. They strongly support the process and so are unlikely to be amendable to the argument that no change is needed or that a citizens' jury isn't competent to propose reforms.

However, they may be vulnerable to arguments that the legislation we present doesn't accurately represent the wishes of the jury, or that individual components need further work/scrutiny. Delay is the enemy of progress here – if we allow the legislation to get bogged down or pushed off into next year we significantly reduce our chances of actually delivering the reform.

We can deal with this by pushing the bureaucracy hard to get the legislation ready asap, and by working closely with the stakeholders (primarily the insurers and lawyers) on the technical drafting to ensure it does line up with the recommended model. We should also be aiming for maximum exposure of the legislation before it actually hits the Assembly so that anything problematic can be identified and addressed in advance.

One thing to discuss is the merits of building in a committee inquiry to our own process. We should expect the Liberals will move to refer it anyway, so giving the Greens a nod that we'd support them doing so early on may assist in keeping the legislative process moving. This depends a little on timing though as we'd need to have it introduced by September if we were going to do this and still have the bill passed by the end of the year.

Anyway, things should be fairly interesting from here. **GAME ON**.

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 25 July 2017 10:20 AM
To: O'Daly, Edward
Subject: FW: CTP Strategy [DLM=Sensitive: Cabinet]
Attachments: Strategy CTP_FINAL.pdf; Stakeholder reference group.doc

Have you seen this overall strategy doc via Anita yet?

From: Holmes, Lisa
Sent: Monday, 24 July 2017 5:26 PM
To: Rayner, Jennifer
Cc: Doran, Karen; Willis, Cecilia
Subject: CTP Strategy [DLM=Sensitive: Cabinet]

Hi Jen

As discussed, attached is the CTP deliberative strategy that we have just received. We are reviewing it but in the interests of time I'm forwarding it through to you now.

I have also attached the proposed Stakeholder Reference Group for your comment.

- We are currently confirming with JACS having the Law Council of Australia as the 2nd legal representative on the group (although it was JACS who suggested the Council when we were discussing options). We have not approached the Council to gage their interest.
- We have also not approached the Health Care Consumers' Association although we have made enquiries about them from Health. Health said they are very active and engaged and positively contribute to debate on issues.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 25 August 2017 1:36 PM
To: Holmes, Lisa
Cc: Willis, Cecilia; Doran, Karen
Subject: RE: Advising that I'm away for the next 4 weeks [SEC=UNCLASSIFIED]

Thanks for letting me know, Lisa.

Hope you enjoy the time off (if that's what it is!).

Cheers,

Jen

From: Holmes, Lisa
Sent: Friday, 25 August 2017 12:02 PM
To: Rayner, Jennifer
Cc: Willis, Cecilia; Doran, Karen
Subject: Advising that I'm away for the next 4 weeks [SEC=UNCLASSIFIED]

Hi Jen

Just to let you know that from Monday I will be on leave for the next four weeks. I'll be back at work from 26 September, well before the first jury. During that time the CTP deliberative democracy project will be in the capable hands of Cecilia Willis (the project senior manager in my Branch) who you've already met a number of times. If you have any questions on the project while I'm away, please feel free to contact Cecilia. Her contact details are Cecilia.willis@act.gov.au or by phone ext. 70292.

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 25 August 2017 1:24 PM
To: Ferguson, David
Subject: RE: Australian Lawyers Alliance this morning

Thanks very much for this.

For future reference if it comes up again, the facilitator is part of the team delivered by the deliberative democracy provider (DemocracyCo) and we haven't had any role in their selection. This ensures they are someone who is skilled at the process but has no stake or view about the actual issue.

From: Ferguson, David
Sent: Friday, 25 August 2017 11:48 AM
To: Rayner, Jennifer
Subject: Australian Lawyers Alliance this morning

Good morning Jen,

Just a brief note – the Minister's presentation to ALA went extremely smoothly. He used your talking points on CTP. In the QA session Sch 2 s2(a)(ii) (local lawyer) noted that he was concerned about CTP reform becoming an attack on lawyers, but he appreciated the Attorney explaining the Citizen Jury process to them. There was one other question about how the facilitator would be chosen (said the facilitator would be experienced at getting a full range of information before the jury to consider.)

In short, it was a positive reception for the Attorney with no new concerns raised about CTP that you haven't already heard.

Thanks

David

David Ferguson
Legal Adviser
Office of Gordon Ramsay MLA | Member for Ginninderra
Attorney-General
Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors
Phone: 6205 3018| Email: david.ferguson@act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 12:46 PM
To: STEEL; CHEYNE; CODY; ORR; PETTERSSON
Cc: Steel, Chris; Cheyne, Tara; Cody, Bec; Orr, Suzanne; Pettersson, Michael
Subject: CTP standard response - new
Attachments: Jury's preferred CTP insurance scheme.pdf

Hi there,

Please see below for an updated standard response on the Government's CTP citizens' jury and the process from here. As the jury has now provided its recommendation to the Government, you may see an uptick in corro on this issue.

We would also like to offer you a briefing on the new CTP model, the citizens' jury process and next steps.

If you or your office would like a briefing, please let me know some suitable times.

Cheers,

Jen

Dear XX,

Thank you for your email regarding Compulsory Third Party insurance reform.

The ACT Government undertook a citizens' jury to examine CTP because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country.

A group of jurors who were representative of the Canberra community spent three weekends and many hours in between considering the scheme from all perspectives, including hearing from people injured in motor vehicle accidents. The process was supported by many experts and involved key stakeholders in the scheme, such as lawyers, insurers and health care advocates, through a Stakeholder Reference Group.

The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans.

The model chosen by the jury delivers a number of improvements, including:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

The jury's full report is available now at www.yoursay.act.gov.au/ctp so Canberrans can see for themselves how and why members of our community have chosen this new model. A summary of the key improvements compared with our current scheme is also attached here.

The ACT Government has committed to delivering the jury's chosen scheme and will now commence work with stakeholders to draft legislation and present it to the ACT Legislative Assembly. It is expected the new scheme will commence in Canberra in the second half of 2019.

Thank you again for taking the time to write to us. I trust this information is of assistance.

Warm regards,

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 12:50 PM
To: Aguera, Jarrah
Cc: Esguerra, Indra
Subject: CTP briefing?
Attachments: MEDIA RELEASE: Citizens' Jury selects preferred Compulsory Third Party insurance scheme for the ACT [SEC=UNCLASSIFIED]

Hi Jarrah,

Hope you're well.

No doubt you saw that the CTP citizens' jury has provided their recommendation to the Government following last weekend's final sittings. It's been an interesting (and long!) process but they landed on a clear outcome which had strong support among the jurors.

We wondered if Caroline would like a briefing from the CTP team on how the new model differs from the current scheme, the second half of the jury process and the next steps from here?

If so, please let me know some times that suit and we'll set something up.

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 10:09 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

Thank you for your email to Minister Mick Gentleman regarding Compulsory Third Party insurance reform. Our office has been asked to respond as this area falls under the Chief Minister's portfolio responsibilities.

The ACT Government undertook a citizens' jury to examine CTP because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country.

A group of 50 jurors who were representative of the Canberra community spent three weekends and many hours in between considering the scheme from all perspectives, including hearing from people injured in motor vehicle accidents. The process was supported by many experts and involved key stakeholders in the scheme, such as lawyers, insurers and health care advocates, through a Stakeholder Reference Group.

The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans.

The model chosen by the jury delivers a number of improvements, including:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

The jury's full report is available now at www.yoursay.act.gov.au/ctp so Canberrans can see for themselves how and why members of our community have chosen this new model.

The ACT Government has committed to delivering the jury's chosen scheme and will now commence work with stakeholders to draft legislation and present it to the ACT Legislative Assembly. It is expected the new scheme will commence in Canberra in the second half of 2019.

Thank you again for taking the time to write to the ACT Government. I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Sunday, 18 March 2018 9:25 AM
To: GENTLEMAN <GENTLEMAN@act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Mr Mick Gentleman MLA

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully

Sch 2 s2(a)(ii)
[redacted]
[redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 26 July 2018 6:27 PM
To: Holmes, Lisa
Subject: RE: CTP consultation proposed wording [DLM=Sensitive: Cabinet]

Thanks Lisa, this looks good. The description of the committee process is spot on – clear enough about what's happening but non-specific on the details of which committee, as we don't need to advise stakeholders of this until closer to the tabling of the bill.

As an aside, Caroline has specifically said she does not want it to be referred to a select committee because she believes the workload for those in the Assembly at present is already very high. So it's looking like we may send it to the JACS committee instead (PAC also already has a large workload of open inquiries). Are there any issues with that from your point of view?

Cheers,

Jen

From: Holmes, Lisa
Sent: Thursday, 26 July 2018 5:14 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: CTP consultation proposed wording [DLM=Sensitive: Cabinet]
Importance: High

Hi Jen

As previously discussed, below is the proposed wording to the legal profession and insurers about the CTP consultation process and timing. Can you please review and advise any edits as soon as possible, particularly about how the committee process is described.

The consultation document for stage 1 is currently with Sue and I'll provided it to you as soon as I can.

Dear xx

Thank-you for agreeing to participate in further targeted consultations with government officials on the technical legislative drafting to implement the compulsory third-party insurance citizens' jury's chosen model. I am writing to provide you further information in relation to the process and timing for consultation. In order to provide multiple opportunities for feedback, consultation will occur in two stages.

For the first stage we will be providing you information on the detailed policy settings that are currently being developed for inclusion in the draft Bill. This information will be provided to you by Wednesday of next week. There are some elements of the detailed policy settings however that are still being developed and will be either provided at a slightly later date or will not be provided as part of this first stage of consultation. Any comments you may like to provide as part of this stage of the consultation will be required by close of business 14 August 2018. If it would be of assistance, we are happy to meet with you prior to this date to discuss these policy settings and any questions or comments you may have.

The Government then intends to table an exposure draft of the Bill in the Legislative Assembly during the September 2018 sitting period and to refer the exposure draft to a committee process. This committee process will provide a second stage of consultation on the Bill itself.

The Government has committed to pursuing the preferred model and the Chief Minister intends to introduce legislation during the November 2018 sitting period in keeping with his public commitment to introduce legislation to implement the citizens' jury's chosen model before the end of the year.
If you have any questions about this process I can be contacted either by email or by telephone. My contact details are below.

Yours sincerely

Thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 26 September 2017 5:04 PM
To: YourSayonCTP
Subject: FW: Letter from the Chief Minister
Attachments: 20170824154131199_0006.pdf; Chief Minister letter Sep 17.jpeg

FYI

From: Sch 2 s2(a)(ii)
Sent: Monday, 25 September 2017 5:19 PM
To: BARR
Cc: Sch 2 s2(a)(ii)
Subject: Re: Letter from the Chief Minister

Dear Chief Minister,

Please find attached a response in relation to the Citizens Jury on our inability to assist in this matter.

Regards

Sch 2 s2(a)(ii)

Weston Creek Community Council

From: Bron, Benjamin <Benjamin.Bron@act.gov.au> on behalf of BARR <BARR@act.gov.au>
Sent: Friday, 25 August 2017 4:06 PM
To: info@wccc.com.au
Subject: Letter from the Chief Minister

Dear Sch 2 s2(a)(ii),

Please see the attached letter from the Chief Minister.

Kind regards,

Ben.

Ben Bron

Office Manager

Office of the Chief Minister

Australian Capital Territory

P: **02 6205 0011**

F: 02 6205 0157

E: benjamin.bron@act.gov.au

www.chiefminister.act.gov.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 26 September 2017 11:03 AM
To: CODY
Cc: STEEL
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Hi,

Yep it's the Chief/me – this is the standard email being generated by the Lawyer's Alliance anti-reform campaign.

Please use the below SR in responding if that's ok – we're keen to ensure that there is a consistent response going back out which emphasises that the government does not have a particular reform model in mind and addresses some of the concerns people have about the process.

If you get any more individual corro which is not just auto-generated, feel free to flick it on to me for response.

Cheers,

Jen

Thank you for your email to [MEMBER], regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

From: CODY
Sent: Tuesday, 26 September 2017 10:55 AM
To: Rayner, Jennifer
Subject: FW: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Hi Jen

This came through last week – matters relating to CTP come under the Chief's portfolio right?

Are you the correct contact person to ask for dotties so as to respond to this?

Thanks Jen,

Leah Dwyer

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Tuesday, 19 September 2017 8:11 PM
To: enquiries@actctp.org; CODY <CODY@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>; STEEL <STEEL@parliament.act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Ms Rebecca Cody MLA, Mr Jeremy Hanson MLA, Ms Giulia Jones MLA, Ms Caroline Le Couteur MLA and Mr Chris Steel MLA

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully,

Sch 2 s2(a)(ii)
[redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 27 April 2018 3:34 PM
To: Mehrton, Andrew; O'Daly, Edward
Subject: RE: CTP video [DLM=Sensitive: Cabinet]

Thanks Andrew. I can't see an issue with it as long as it's only internal.

A small thing, but can the team please just double check one of the jury member's names? The chap with the beard introduced himself as Sch 2 s2(a)(ii) not Sch 2 s2(a)(ii) as it is here…

Cheers,

Jen

From: Mehrton, Andrew
Sent: Friday, 27 April 2018 3:24 PM
To: O'Daly, Edward <Edward.O'Daly@act.gov.au>; Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP video [DLM=Sensitive: Cabinet]

Hi Ed and Jen,

I understand Anita was arranging for a short video on the citizens' jury process to go with the CTP discussion paper at the Human Services and Social Inclusion subcommittee meeting on Monday.

This is what the team has put together:
https://app.wipster.io/Review/CS2eEgAcjSg_25OlSQED7SnUZe8Y2yWitHtv4mwvw_a9BCIkFA

Can you take a look and let me know if you're comfortable with it being used in the meeting? This is just for internal use, not a public release.

Thanks.
-Andrew

ANDREW MEHRTON | A/g Deputy Director, Strategic Engagement
Communications
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
GPO Box 158 Canberra ACT 2601 | www.act.gov.au
Phone: 02 6205 8507 | email: andrew.mehrton@act.gov.au

Rayner, Jennifer

From: ODonoghue, Yersheena
Sent: Wednesday, 27 June 2018 10:09 AM
To: Cook, Michael
Cc: Rayner, Jennifer
Subject: RE: Media Release: ACT Law Society calls on government to prohibit claims harvesting [SEC=UNCLASSIFIED]
Attachments: NEW MINISTERIAL: Letter from ACT Law Society - Sarah Avery - CTP Insurance citizens jury [DLM=For-Official-Use-Only]; Letter from the Law Society - Feb 2018.pdf; CMTEDD2018-702 Signed letter.pdf; Letter from ACT Law Society - S Avery - CTP Stakeholder Reference Group.pdf; CMTEDD2017-3788 Signed letter to Ms Avery.pdf; CMTEDD2017-3788 Signed letter to Ms Avery.pdf; Letter from ACT Law Society - S Avery - CTP Stakeholder Reference Group.pdf

Hi All,
Attached are the three most recent correspondence from the Law Society to the CM (and responses).
I will check with JACS to see if they have anything else.

Yersheena O'Donoghue| Directorate Liaison Officer – Chief Minister's Office
Office of the Chief Minister
Chief Minister, Treasury and Economic Development Directorate | ACT Government
☎ (02) 6205 3029 | ✉ CMCDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601

From: Cook, Michael
Sent: Wednesday, 27 June 2018 9:59 AM
To: ODonoghue, Yersheena <Yersheena.ODonoghue@act.gov.au>
Cc: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: FW: Media Release: ACT Law Society calls on government to prohibit claims harvesting

Hi Y – can you check Trim to see if the letter referred to below came to the CM/Treasurer (unlikely) – and if confirmed not, can you check in with the JACS DLO (more likely)

Michael Cook
Ph: +61 2 6205 3855

Sent from my iPhone

Begin forwarded message:

From: ACT Law Society Sch 2 s2(a)(ii)@actlawsociety.asn.au>
Date: 27 June 2018 at 9:47:25 am AEST
To: Mark Paviour <mark.paviour@act.gov.au>
Subject: Media Release: ACT Law Society calls on government to prohibit claims harvesting

Don't see graphics in this email? Click here to view it in your browser.

media release

actlawsociety

WEDNESDAY 27 JUNE 2018

ACT Law Society calls on government to prohibit claims harvesting

The President of the ACT Law Society, Sarah Avery, today again urged the ACT Government to legislate to prohibit claims harvesting practices in the Territory.

The Society wrote to the ACT Government over 10 months ago on this issue and is yet to receive a response.

"The Society does not support claims harvesting and believes that legislative amendment is required in order to prevent this practice in the Territory," said Ms Avery. "The Society believes a similar provision to Regulation 24 of the NSW *Motor Accidents Compensation Regulation 2015* should be included in the *Road Transport (Third Party Insurance) Act 2008* (ACT) or its associated Regulation.

"While the Society has consistently offered to work with the Government to ensure the ACT's CTP scheme remains the most effective in the country, it appears the Government is only interested in measures that will reduce the level of compensation available to injured people. Other suggested measures are largely ignored.

"Banning claims harvesting is of significant benefit, so we are surprised that this relatively simple request has not been actioned by Government."

For further information contact:
Ms Sarah Avery, President, ACT Law Society, T 02 6274 0300

THE LAW SOCIETY OF THE ACT
Level 4, 1 Farrell Place, Canberra City ACT 2601
T: (02) 6274 0300
E: mail@actlawsociety.asn.au
www.actlawsociety.asn.au

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 27 September 2017 1:56 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Please protect and preserve the rights of innocent victims and not change Compulsory Third Party

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. This will ensure the community's views are combined with the specialist expertise of lawyers, insurers and healthcare advocates. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it seems that you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission along the same lines as your letter to the Chief Minister so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: [redacted]]
Sent: Tuesday, 26 September 2017 8:31 PM
To: BARR
Subject: Please protect and preserve the rights of innocent victims and not change Compulsory Third Party

Dear Mr Barr

Please find attached my personal response to proposed changes to CTP scheme.

Kind regards
[redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 27 September 2017 1:58 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Concern about the CTP changes and the citizens jury

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. This will ensure the community's views are combined with the specialist expertise of lawyers, insurers and healthcare advocates. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it seems that you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 27 September 2017 11:40 AM
To: BARR
Subject: Concern about the CTP changes and the citizens jury

Dear Mr Barr,

Sch 2 s2(a)(ii)

I am worried that changing the scheme is going to make us worse off - to me this is just the ACT Government trying to pull the wool over our eyes, saying that these changes are needed to reduce the cost of CTP premiums. In reality, for the tiny bit that we might save, the trade off is that we won't be covered to the same extent under our current system - that is what we pay insurance for!

I also think the Citizen's Jury process is ludicrous. The jury is going to be provided with a very one-sided version of what is right and wrong with our scheme and then be asked to make changes to it without being given a balanced view. We elect governments to make decisions for us - not to make policy based on the views of a jury who is only provided propaganda anyway.

I urge you to reconsider this issue and reconsider what you believe to concerns of the ACT constituents to be. We aren't concerned about the price of our CTP premiums in return for what we get.

Sincerely concerned,

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 27 September 2017 2:01 PM
To: Sch 2 s2(a)(ii)
Subject: RE: CPI Insurance changes

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. This will ensure the community's views are combined with the specialist expertise of lawyers, insurers and healthcare advocates. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it seems that you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 27 September 2017 1:41 PM
To: BARR
Subject: CPI Insurance changes

Dear Mr.Andrew Barr,

My name is Sch 2 s2(a)(ii), I am writing to you regarding the intended changes to the CTP Insurance in the ACT. I have read about the changes and understood that they are not going to help to have fairer CTP system in Canberra. I am deeply concerned about the possible changes and I believe that you are going to support our rights at the parliament.
For instance, the new changes do not consider the minor injuries to be entitled to compensation claims which in Canberra not everyone carrying medicare (only citizens and permanent residents have access to the Medicare and government concessions) and there are many low-income families (even citizens) that will be affected negatively by this changes.

Please make the life in Canberra fairer and better.
Your Sincerely
,

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 27 September 2017 4:51 PM
To: O'Daly, Edward
Subject: CM script for CTP jury video
Attachments: Chief Minister Message.doc; CM welcome to jurors Shootsta script.doc

More fun with CTP – this is the draft script for the Chief's video message on Jury Day 1, and written message for inclusion in the pack.

Any concerns?

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 27 September 2017 1:50 PM
To: Sch 2 s2(a)(ii)
Subject: RE: CTP Citizens Jury

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process. I'm very sorry to hear about your accident and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. This will ensure the community's views are combined with the specialist expertise of lawyers, insurers and healthcare advocates. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it seems that you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Tuesday, 26 September 2017 9:37 PM
To: BARR
Subject: CTP Citizens Jury

Good Evening

Sch 2 s2(a)(ii)

However these plans to create a citizens jury are ill thought out and lack any kind of expertise in the area of CTP claims. I would urge the ACT government to take on board what drastic changes this would result in for people simply seeking the compensation they are entitled too. The following points are of particular concern to me:

1. The rights of innocent victims of road traffic accidents should be preserved.
They should not be eroded for the benefit of the people who have caused an accident. If the Government intends to introduce compensation entitlements for those who are at fault, that should not be done at the expense of innocent victims.

2. Even minor and whiplash injuries can have a devastating effect on the individual victims and their families, especially for low-income families.
Time off work, treatment expenses, pain and suffering, and domestic assistance needs can all result in losses to an individual which seriously disrupt their life. These losses and damages should be compensable. The Government should not consider introducing thresholds as a minimum requirement of all compensation claims.

3. The CTP fees paid by road users in the ACT also benefit a wide range of Canberrans who do not pay the fees, such as pedestrians, children, bicycle users, etc.

The small reduction in premiums which might flow to households will be greatly outweighed by the loss in compensation benefits for all family members available in the event of an accident. Further, research in other jurisdictions suggests that changes of the type supported by the Government do not usually result in a significant reduction in premiums. In fact, in NSW, premiums have continued to rise despite the very large reduction in benefits to injured people. Now, those premiums are amongst the highest in the country.

4. If the government proceeds with a citizens' jury, the process must be open and transparent, and the jury members must be informed about the rights which ordinary Canberrans would lose in the event of changes.

The jury should be presented with models based on amendments to the current scheme in the interests of innocent victims of road accidents, not limited to types of CTP schemes from other jurisdictions in which the bulk of rights have been slashed.

5. The Government should investigate ways to make the current system fairer and more efficient.

For example, the current complicated rules for the recovery of costs in court for small claims put too much negotiating power in the hands of the insurers. These rules are arbitrary. They make it unfair, expensive, and difficult for innocent victims to recover proper compensation for their injuries. This aspect of the current scheme should be reviewed, with the view to creating a fairer playing field between claimants and insurers.

Sch 2 s2(a)(ii)

Regards

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 28 March 2018 1:28 PM
To: Cheyne, Tara
Subject: RE: CTP standard response - new

Yep, all good. See you then

From: Cheyne, Tara
Sent: Wednesday, 28 March 2018 1:17 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP standard response - new

Yes, can do I think if the offer still stands!

Tara Cheyne MLA
Member for Ginninderra

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 5:17 PM
To: Cheyne, Tara <Tara.Cheyne@parliament.act.gov.au>
Subject: RE: CTP standard response - new

Great, how about first thing then – 9am?

Cheers,

Jen

From: Cheyne, Tara
Sent: Monday, 26 March 2018 2:32 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP standard response - new

Keen, this Thursday is good all day

Tara Cheyne MLA
Member for Ginninderra

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 12:46 PM
To: STEEL <STEEL@parliament.act.gov.au>; CHEYNE <CHEYNE@parliament.act.gov.au>; CODY <CODY@parliament.act.gov.au>; ORR <ORR@parliament.act.gov.au>; PETTERSSON <PETTERSSON@parliament.act.gov.au>
Cc: Steel, Chris <Chris.Steel@parliament.act.gov.au>; Cheyne, Tara <Tara.Cheyne@parliament.act.gov.au>; Cody, Bec <Bec.Cody@parliament.act.gov.au>; Orr, Suzanne <Suzanne.Orr@parliament.act.gov.au>; Pettersson, Michael <Michael.Pettersson@parliament.act.gov.au>
Subject: CTP standard response - new

Hi there,

Please see below for an updated standard response on the Government's CTP citizens' jury and the process from here. As the jury has now provided its recommendation to the Government, you may see an uptick in corro on this issue.

We would also like to offer you a briefing on the new CTP model, the citizens' jury process and next steps.

If you or your office would like a briefing, please let me know some suitable times.

Cheers,

Jen

Dear XX,

Thank you for your email regarding Compulsory Third Party insurance reform.

The ACT Government undertook a citizens' jury to examine CTP because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country.

A group of jurors who were representative of the Canberra community spent three weekends and many hours in between considering the scheme from all perspectives, including hearing from people injured in motor vehicle accidents. The process was supported by many experts and involved key stakeholders in the scheme, such as lawyers, insurers and health care advocates, through a Stakeholder Reference Group.

The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans.

The model chosen by the jury delivers a number of improvements, including:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

The jury's full report is available now at www.yoursay.act.gov.au/ctp so Canberrans can see for themselves how and why members of our community have chosen this new model. A summary of the key improvements compared with our current scheme is also attached here.

The ACT Government has committed to delivering the jury's chosen scheme and will now commence work with stakeholders to draft legislation and present it to the ACT Legislative Assembly. It is expected the new scheme will commence in Canberra in the second half of 2019.

Thank you again for taking the time to write to us. I trust this information is of assistance.

Warm regards,

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Wednesday, 28 March 2018 12:10 PM
To: RATTENBURY
Subject: RE: CTP briefing?

Perfect; shall we do it in Shane or Caroline's office?

Jen

From: Dent, Christian **On Behalf Of** RATTENBURY
Sent: Wednesday, 28 March 2018 12:04 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP briefing?

Sorry just realised Caroline is not available at that time. Can we do 3pm that day?

Thanks,
Christian

From: Dent, Christian **On Behalf Of** RATTENBURY
Sent: Wednesday, 28 March 2018 12:03 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP briefing?

Thanks Jen,

Can we do Tuesday 1 May at 2pm?

Thanks,

Christian Dent | Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety;
Minister for Corrections; Minister for Mental Health
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

From: Rayner, Jennifer
Sent: Wednesday, 28 March 2018 11:30 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: RE: CTP briefing?

Hi,

No problem. Let me know what suits out of the Tuesday, Wednesday or Thursday afternoons that week, and what time, and I'll organise the Treasury people to come across.

Cheers,

Jen

From: Dent, Christian **On Behalf Of** RATTENBURY
Sent: Wednesday, 28 March 2018 10:06 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP briefing?

Hi Jen,

Shane and Caroline would very much appreciate a briefing. Would we be able to do it one afternoon in the first week of May? Unfortunately Shane's diary is pretty packed until then.

Thanks,

Christian Dent | Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety;
Minister for Corrections; Minister for Mental Health
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

From: Aguera, Jarrah
Sent: Monday, 26 March 2018 3:07 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>
Subject: RE: CTP briefing?

Hi Jen,

Many thanks for the offer of a briefing—both Caroline and Shane would find this valuable.

Christian (cc'd) will be in touch with suitable times.

Cheers,

Jarrah Aguera | Senior Communications Adviser | **ACT Greens MLAs**
Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health
Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services
t: 02 6205 4115

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 12:50 PM
To: Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
Cc: Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: CTP briefing?

Hi Jarrah,

Hope you're well.

No doubt you saw that the CTP citizens' jury has provided their recommendation to the Government following last weekend's final sittings. It's been an interesting (and long!) process but they landed on a clear outcome which had strong support among the jurors.

We wondered if Caroline would like a briefing from the CTP team on how the new model differs from the current scheme, the second half of the jury process and the next steps from here?

If so, please let me know some times that suit and we'll set something up.

Cheers,

Jen

Rayner, Jennifer

From: Paviour, Mark
Sent: Tuesday, 28 August 2018 10:39 AM
To: Rayner, Jennifer
Cc: Cavanagh, Linda; Cook, Michael
Subject: Re: CTP Jury Briefing [DLM=Sensitive: Cabinet]

Ok, Tuesday is probably safer in that case.

Mark Paviour
Director, Government Communications Unit
Office of the ACT Chief Minister
0466 521 634

On 28 Aug 2018, at 10:23 am, Rayner, Jennifer <Jennifer.Rayner@act.gov.au> wrote:

> The bill itself won't be made public until Thursday when it's tabled (except under embargo to media on Wednesday afternoon)
>
> ---
>
> **From:** Paviour, Mark
> **Sent:** Tuesday, 28 August 2018 10:21 AM
> **To:** Cavanagh, Linda <Linda.Cavanagh@act.gov.au>
> **Cc:** Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
> **Subject:** Re: CTP Jury Briefing [DLM=Sensitive: Cabinet]
>
> Depends if we decide to have it available on Tuesday morning. Can we get cabinet agreement for a pre-briefing? They can then raise potential issues at that stage...
>
> Mark Paviour
> Director, Government Communications Unit
> Office of the ACT Chief Minister
> 0466 521 634
>
> On 28 Aug 2018, at 10:04 am, Cavanagh, Linda <Linda.Cavanagh@act.gov.au> wrote:
>
> > From my perspective, I think it would be more appropriate to have them briefed after Cabinet, but that depends on whether you foresee any issues being raised by the members that would benefit a briefing prior to Cabinet.
> >
> > ---
> >
> > **From:** Rayner, Jennifer
> > **Sent:** Tuesday, 28 August 2018 8:42 AM
> > **To:** Cook, Michael <Michael.Cook@act.gov.au>; Cavanagh, Linda <Linda.Cavanagh@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>
> > **Subject:** CTP Jury Briefing
> >
> > Hoping to get your thoughts on something: we're going to offer members of the CTP citizens' jury a briefing on the CTP bill before the exposure draft is released. In addition to providing a report-back to them, it's also an opportunity to hear about anything they might raise in advance so we can prepare for this ahead of the bill being released.

We weren't planning to give them the full bill (which is over 350 pages) but just a presentation on its main features and how we've addressed their recommendations.

Do you reckon it's an issue to do this on Friday 14th September before Cabinet signs off the draft bill on Monday 17th? (Bearing in mind Cabinet has already agreed to the *content* through their consideration of the drafting instructions). Or would it be better to schedule this for Tuesday 18th, on the off chance there are issues arising when Cabinet sees the full bill?

Thanks for your thoughts,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 28 September 2017 2:23 PM
To: Sch 2 s2(a)(ii)
Subject: RE: CTP Scheme.

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process. I'm very sorry to hear about your accident and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. This will ensure the community's views are combined with the specialist expertise of lawyers, insurers and healthcare advocates. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

As it seems that you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Wednesday, 27 September 2017 6:49 PM
To: BARR <BARR@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>
Subject: CTP Scheme.

Dear Andrew/Yvette/Gordon,
I have pleased attached my suggestion in relation to the CTP review. Thank you.
Yours sincerely,
Sch 2 s2(a)(ii).

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 28 September 2017 3:11 PM
To: Holmes, Lisa
Cc: Willis, Cecilia
Subject: RE: Canberra Times request - Citizen's jury modelling [SEC=UNCLASSIFIED]

Thanks for this; I've suggested some edits to avoid creating an opportunity for the CT or others to fixate on any one alternative model.

Feel free to call to discuss if you think these changes lead to a loss of technical accuracy.

Cheers,

Jen

From: Holmes, Lisa
Sent: Thursday, 28 September 2017 2:59 PM
To: Rayner, Jennifer
Cc: Willis, Cecilia
Subject: Canberra Times request - Citizen's jury modelling [SEC=UNCLASSIFIED]
Importance: High

Hi Jen

Please see below the proposed response to Katie Burgess's questions for your clearance. If you are happy with the response, we will send it back to Comms who will provide to Ed.

Ernst and Young is contracted to the government to provide actuarial services to support the citizens' jury considering Compulsory Third Party insurance. Under the contract, the actuary has been asked to prepare some initial modelling both to inform the deliberations of the jury and undertake detailed analysis of ACT data in preparation for modelling the specific options that will be developed by the Stakeholder Reference Group later in the process.

The government has said that premiums cannot rise as a result of the process. To help the jury understand how their deliberations on priorities for the scheme might affect scheme costs, the government has also requested that the actuary provide a report comparing the ACT scheme to other scheme designs, with a focus on which elements can put more or less pressure on premiums.

The actuary has been contracted to then cost up to four models developed by the Stakeholder Reference Group that respond to the priorities set by the jury. These costings will be taken back to the jury in March 2018 and will be one piece of information provided to help them decide which of the Stakeholder Reference Group's models best meets the priorities that they, the jury, had set.

The process is responsive to the needs of the jury for information, therefore further ad-hoc modelling requests have been built into the contract. The government may also need to call on technical advice from the consultant in the process of preparing legislation for introduction to Parliament.

The government has committed to pursuing the model preferred by the jury on the basis that it meets the priorities developed to reflect those of the Canberra community.

Many thanks

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

From: Paviour, Mark
Sent: Thursday, 28 September 2017 11:45 AM
To: Stewart-Moore, Karen
Cc: Rayner, Jennifer; O'Daly, Edward
Subject: FW: Citizen's jury modelling

Hi karen,

After that update, see before from the Canberra Times. I've advised that we could probably sort out a response by COB today. Let me know if that's an issue.

From: Katie Burgess [mailto:katie.burgess@fairfaxmedia.com.au]
Sent: Thursday, 28 September 2017 11:36 AM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: Citizen's jury modelling

Hey Mark!

I think you're the right person to ask about this but if you are not,

I've been looking at the Ernst and Young contract for the citizen's jury CTP schemes however I note they've been asked to model scenarios based on other states, particularly no fault hybrid schemes before September 30.

Why have they been asked to model scenarios before the jury even sits? I thought the priorities for the scheme were supposed to come from the jurors? Some more cynical than me might think it's an attempt to influence the jury.

The company will also have to do other ad-hoc requests from CMTEDD. Will these be related to the citizen's jury? If so what requests could these be?

Do you think you can get me an answer on these today please?

Thank you so much!

Katie Burgess
Reporter - The Canberra Times
Australian Community Media

m Sch 2 s2(a)(ii)
katie.burgess@fairfaxmedia.com.au
www.canberratimes.com.au

The Canberra Times

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Thursday, 28 September 2017 2:20 PM
To: Sch 2 s2(a)(ii)
Subject: RE: change to ctp scheme

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

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If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 28 September 2017 12:21 PM
To: JONES <JONES@parliament.act.gov.au>; hanson@parliament.actgov.au; BARR <BARR@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>
Subject: FW: change to ctp scheme

Sch 2 s2(a)(ii)

From: Sch 2 s2(a)(ii)
Sent: Thursday, 28 September 2017 11:36 AM
To: jones@parliament.act.gov.au hanson@parliament.act.gov.au barr@act.gov.au ramsay@act.gov.au '
Subject: change to ctp scheme

Dear Members A.C.T.government,

I am very worried that the A.C.T. Government is considering changing the Existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the A.C.T.
I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who"ve
Been injured through no fault of their own. The CTP scheme is a safety net for every motorist , in fact every person, in Canberra.
The intention of the Government to trade off CTP scheme protections is a serious concern for me and my Family as I have children and grandchildren here in the A.C.T.
I urge you to ensure that our CTP scheme is PROTECTED.
Yours Faithfully

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Ferguson, David
Sent: Tuesday, 29 May 2018 5:37 PM
To: Rayner, Jennifer
Subject: RE: CTP process dot points

Awesome many thanks Jen

From: Rayner, Jennifer
Sent: Tuesday, 29 May 2018 5:36 PM
To: Ferguson, David <David.Ferguson@act.gov.au>
Subject: CTP process dot points

As discussed – pretty brief but there's not heaps to say until we've got a bill…

General TPs:

- The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans, which the government has committed to implement.

- The model chosen by the jury delivers a number of improvements, including:
    - everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
    - quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

- Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

- The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

Process:

- The ACT Government has started drafting legislation to give effect to the jury's chosen model. We will present it to the ACT Legislative Assembly before the end of this year.

- We will be undertaking further targeted consultation with stakeholders about specific elements of the legislation over the next few months as this is drafted. A number of jury members have also indicated their interest in staying involved during the drafting process and we will consult with them where necessary to confirm or clarify the jury's intent on specific elements of the new scheme.

- There will be various opportunities for scrutiny of the legislation, including through the Legislative Assembly's committee process and during Parliamentary debate.

Let me know if you need anything further, and/or if there's anything specific you're hearing from them that we should be gearing up to respond to.

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Sunday, 29 July 2018 6:23 PM
To: Holmes, Lisa
Cc: Vroombout, Sue
Subject: Drafting doc

Hi Lisa,

Thanks for the chance to look over the drafting instructions document.

Ahead of sharing this with stakeholders just had a handful of queries/suggestions, for further discussion.

p.13, para 55) Is it necessary to flag the first/third party issue in this document? Might it be better just to mention directly to the interested insurers that this question is still being explored? Also goes for the note on p.16.

p.20, para 107) The third line of this reads: *The Guidelines may limit the amount of benefits payable for any particular treatment and care* – is there a way to contextualise this further or provide additional information? E.g. is it the case that the guidelines will apply limits 'in line with the detailed model design considered and selected by the citizens jury' or something similar? Bit concerned about the potential for a statement like that to be taken out of context.

p. 21, para 117) What is an example of a situation where this may apply?

p.22, para 122) What is the functional distinction between points a) and b)?

p.27, para 168) The list of procedures insurers must follow in making decisions about post-accident earning capacity doesn't make any mention of a requirement to draw on advice or recommendations by medical experts – should it?

p.42, para 275, item d) Why is the entitlement to loss of earnings limited to the defined benefit amount for the first 12 months even in cases where someone is accessing common law?

Happy to just discuss all this by phone if that's easiest.

Thanks again,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 3:54 PM
To: Sch 2 s2(a)(ii)
Subject: RE: ACT CTP Proposed Changes [SEC=UNCLASSIFIED]

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

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If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury. Submissions close at midnight on Friday 29 October, so I would encourage you to submit this as soon as possible.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Friday, 29 September 2017 9:11 AM
To: BARR <BARR@act.gov.au>
Cc: Benning, Dannielle <Dannielle.Benning@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>; COE <COE@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; mparton@canberraliberals.org.au; gai.brodtmann.mp@aph.gov.au; YourSayonCTP <YourSayonCTP@act.gov.au>
Subject: ACT CTP Proposed Changes [SEC=UNCLASSIFIED]

UNCLASSIFIED

I want to provide my feedback to the citizens' jury. I want to be heard.

Sch 2 s2(a)(ii)

Changes to caps and thresholds will not only take away my rights to fair compensation, but it will also increase the insurers' profits.

Currently when I pay my CTP I know this goes towards my ability to receive fair compensation if I am ever in an another accident. If we change this scheme to capped compensation, I lose my rights, and for what? So insurance companies can make larger profit margins?

It seems to me that the CTP focus is shifting. A system that introduces mandatory caps disregards my circumstances and those of my family. This is unfair.

If we go ahead with these proposed changes, sure the insurance companies MAY decrease their premium fees, but will the Government ensure this? I do not think so, and I would rather not take the chance. I would rather know that my children, my parents, my friends and myself are protected and covered fully if we are ever in an accident.

Insurance companies will always make a profit. Please let us keep the focus on us victims and allow us to fight for our right to fair compensation for our individual circumstances.

Thank you

Sch 2 s2(a)(ii)

UNCLASSIFIED

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 4:00 PM
To: Sch 2 s2(a)(ii)
Subject: RE: ACT CTP Proposed Changes [SEC=UNCLASSIFIED]

My apologies – I indicated that submissions close on 29 October in the email below, that should have read 29 September.

Best regards,

Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 3:54 PM
To: Sch 2 s2(a)(ii)
Subject: RE: ACT CTP Proposed Changes [SEC=UNCLASSIFIED]

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. Sch 2 s2(a)(ii)

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

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Office of the ACT Chief Minister

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Sent: Friday, 29 September 2017 9:11 AM
To: BARR <BARR@act.gov.au>
Cc: Benning, Dannielle <Dannielle.Benning@act.gov.au>; BERRY <BERRY@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>; COE <COE@parliament.act.gov.au>; JONES <JONES@parliament.act.gov.au>; HANSON <HANSON@parliament.act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; mparton@canberraliberals.org.au; gai.brodtmann.mp@aph.gov.au; YourSayonCTP <YourSayonCTP@act.gov.au>
Subject: ACT CTP Proposed Changes [SEC=UNCLASSIFIED]

UNCLASSIFIED

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If we go ahead with these proposed changes, sure the insurance companies MAY decrease their premium fees, but will the Government ensure this? I do not think so, and I would rather not take the chance. I would rather know that my children, my parents, my friends and myself are protected and covered fully if we are ever in an accident.

Insurance companies will always make a profit. Please let us keep the focus on us victims and allow us to fight for our right to fair compensation for our individual circumstances.

Thank you

Sch 2 s2(a)(ii) [redacted]

UNCLASSIFIED

Out of Scope [redacted]

[redacted]

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 3:57 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Improving the CTP scheme in the ACT - preserving the rights of innocent victims of motor vehicle accidents

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. I'm very sorry to hear about your accident and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

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Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 28 September 2017 2:35 PM
To: BARR <BARR@act.gov.au>
Subject: Improving the CTP scheme in the ACT - preserving the rights of innocent victims of motor vehicle accidents

Dear Mr Barr,

I understand that the Government has chosen to pilot a citizens' jury to consider with the community and other key stakeholders how to improve the CTP scheme in the ACT.

Sch 2 s2(a)(ii)

1. **The rights of innocent victims of road traffic accidents should be preserved.** They should not be eroded for the benefit of the people who have caused an accident. If the Government intends to introduce compensation entitlements for those who are at fault, that should not be done at the expense of innocent victims.

2. **Even minor and whiplash injuries can have a devastating effect on the individual victims and their families, especially for low-income families.** Time off work, treatment expenses, pain and suffering, and domestic assistance needs can all result in losses to an individual which seriously disrupt their life. These losses and damages should be compensable. The Government should not consider introducing thresholds as a minimum requirement of all compensation claims.

   Some minor and whiplash injuries can be initially under diagnosed or not fully understood, resulting in more pain and suffering. Not all whiplash injuries are simple and can take years to see any improvement. In my case, the at fault driver crashed into my stationary car as I was waiting to merge with traffic. My body and head were turned and my head was thrust into the door jam, forcing my head and neck into an over extension, concussion and short unconsciousness. That was nearly 3 years ago, I am in pain everyday with no resolution in sight and it impacts every aspect of my life.

3. **The CTP fees paid by road users in the ACT also benefit a wide range of Canberrans who do not pay the fees, such as pedestrians, children, bicycle users, etc.** The small reduction in premiums which might flow to households will be greatly outweighed by the loss in compensation benefits for all family members available in the event of an accident. Further, research in other jurisdictions suggests that changes of the type supported by the Government do not usually result in a significant reduction in premiums. In fact, in NSW, premiums have continued to rise despite the very large

reduction in benefits to injured people. Now, those premiums are amongst the highest in the country.

4. **If the government proceeds with a citizens' jury, the process must be open and transparent, and the jury members must be informed about the rights which ordinary Canberrans would lose in the event of changes.** The jury should be presented with models based on amendments to the current scheme in the interests of innocent victims of road accidents, not limited to types of CTP schemes from other jurisdictions in which the bulk of rights have been slashed.

5. **The Government should investigate ways to make the current system fairer and more efficient.** For example, the current complicated rules for the recovery of costs in court for small claims put too much negotiating power in the hands of the insurers. These rules are arbitrary. They make it unfair, expensive, and difficult for innocent victims to recover proper compensation for their injuries. This aspect of the current scheme should be reviewed, with the view to creating a fairer playing field between claimants and insurers.

Regards,

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 4:06 PM
To: Sch 2 s2(a)(ii)
Subject: RE: CTP survey ends midnight tonight - may we please have more time?

Dear Sch 2 s2(a)(ii) ,

Thank you for your email to Chief Minister Andrew Barr regarding the CTP survey. Submissions opened on Tuesday 22 August 2017, and will close a midnight tonight (29 September), meaning the ACT community has had four weeks in which to respond to the survey and make their views known.

As you may know, the survey is just one part of a larger consultative process: we are piloting a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

The first sitting of the jury will be held on Saturday 14 October, and the submissions and information provided through the survey will be one part of the evidence made available to the jury members. The timeline for closing submissions has been driven by the need to collate and prepare this evidence so that it can be provided to the jury.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Sch 2 s2(a)(ii)
Sent: Thursday, 28 September 2017 1:14 PM
To: BARR <BARR@act.gov.au>
Subject: CTP survey ends midnight tonight - may we please have more time?

Dear Minister Barr

Can you please give ACT citizens more time to respond to the CTP survey? I feel like we haven't had a lot of time to respond.

The high cost of CTP insurance is something the Canberrans all have an opinion on (going by the amount of times I've heard people complain about it) and if people knew about the opportunity to have their say, you'd have a lot more people completing the survey.

The ACT Government Facebook site advertised the survey on 17 September but didn't include a link to the survey, or any information about where to find the survey.

Thank you

Sch 2 s2(a)(i)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 4:00 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Improving the CTP scheme in the ACT - preserving the rights of innocent victims of motor vehicle accidents

My apologies – I indicated that submissions close on 29 October in the email below, that should have read 29 September.

Best regards,

Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 3:57 PM
To: Sch 2 s2(a)(ii)
Subject: RE: Improving the CTP scheme in the ACT - preserving the rights of innocent victims of motor vehicle accidents

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr, regarding the CTP citizens' jury process. I'm very sorry to hear about your accident and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website here. This information will be given to the jury to consider.

The process has been designed to see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities. The Government has committed to legislating the reforms recommended by the jury.

If you have strong views about the future of the CTP scheme in the ACT, I would urge you to visit the Your Say website and make a submission so that these views can be included in the evidence presented to the citizens' jury. Submissions close at midnight on Friday 29 October, so I would encourage you to submit this as soon as possible.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: Karen Hookway Sch 2 s2(a)(ii)
Sent: Thursday, 28 September 2017 2:35 PM
To: BARR <BARR@act.gov.au>
Subject: Improving the CTP scheme in the ACT - preserving the rights of innocent victims of motor vehicle accidents

Dear Mr Barr,

I understand that the Government has chosen to pilot a citizens' jury to consider with the community and other key stakeholders how to improve the CTP scheme in the ACT.

Sch 2 s2(a)(ii)

1. **The rights of innocent victims of road traffic accidents should be preserved.** They should not be eroded for the benefit of the people who have caused an accident. If the Government intends to introduce compensation entitlements for those who are at fault, that should not be done at the expense of innocent victims.

2. **Even minor and whiplash injuries can have a devastating effect on the individual victims and their families, especially for low-income families.** Time off work, treatment expenses, pain and suffering, and domestic assistance needs can all result in losses to an individual which seriously disrupt their life. These losses and damages should be compensable. The Government should not consider introducing thresholds as a minimum requirement of all compensation claims.

   Some minor and whiplash injuries can be initially under diagnosed or not fully understood, resulting in more pain and suffering. Not all whiplash injuries are simple and can take years to see any improvement. In my case, the at fault driver crashed into my stationary car as I was waiting to merge with traffic. My body and head were turned and my head was thrust into the door jam, forcing my head and neck into an over

extension, concussion and short unconsciousness. That was nearly 3 years ago, I am in pain everyday with no resolution in sight and it impacts every aspect of my life.

3. **The CTP fees paid by road users in the ACT also benefit a wide range of Canberrans who do not pay the fees, such as pedestrians, children, bicycle users, etc.** The small reduction in premiums which might flow to households will be greatly outweighed by the loss in compensation benefits for all family members available in the event of an accident. Further, research in other jurisdictions suggests that changes of the type supported by the Government do not usually result in a significant reduction in premiums. In fact, in NSW, premiums have continued to rise despite the very large reduction in benefits to injured people. Now, those premiums are amongst the highest in the country.

4. **If the government proceeds with a citizens' jury, the process must be open and transparent, and the jury members must be informed about the rights which ordinary Canberrans would lose in the event of changes.** The jury should be presented with models based on amendments to the current scheme in the interests of innocent victims of road accidents, not limited to types of CTP schemes from other jurisdictions in which the bulk of rights have been slashed.

5. **The Government should investigate ways to make the current system fairer and more efficient.** For example, the current complicated rules for the recovery of costs in court for small claims put too much negotiating power in the hands of the insurers. These rules are arbitrary. They make it unfair, expensive, and difficult for innocent victims to recover proper compensation for their injuries. This aspect of the current scheme should be reviewed, with the view to creating a fairer playing field between claimants and insurers.

Regards,

Sch 2 s2(a)(ii)

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 29 September 2017 10:44 AM
To: Holmes, Lisa
Subject: Re: CTP deliberative democracy Social media posts [SEC=UNCLASSIFIED]

No worries, thank you

Jennifer Rayner
0428 214 856

On 29 Sep 2017, at 10:17 am, Holmes, Lisa <Lisa.Holmes@act.gov.au> wrote:

> Hi Jen
>
> FYI Comms will be making the below 2 posts this morning. They are purely reminding people that feedback is closing tonight.
>
> Twitter
> Tell the citizens' jury your priorities for our CTP insurance scheme - public feedback closes tonight. #YourSayonCTP
>
> Facebook
> Last call for your say on CTP! Feedback to the citizens' jury on Compulsory Third Party insurance closes tonight at midnight. Make sure you complete the survey or send us your written feedback so it can be considered by the jury.
>
> Thanks
>
> **Lisa Holmes |Director Financial Framework Management and Insurance**
> Phone: 6207 0207 | lisa.holmes@act.gov.au
> **Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government**
> Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Sunday, 29 October 2017 9:08 PM
To: Barr, Andrew
Cc: Cook, Michael
Subject: Citizens' jury report
Attachments: Citizens' Jury on CTP Final Report 29th October.pdf

Hi boss,

Our citizens' jury has successfully completed the first part of their work, and come up with a series of objectives for a better CTP scheme. In broad terms they've recommended a hybrid no-fault approach which delivers statutory benefits for minor accidents and injuries while maintaining common law access for more serious cases.

Their report (attached) was handed over to the Stakeholder Reference Group this afternoon, and that group will now use these objectives to design up to four specific models for the jury to consider again at their final meeting in March. The report plus all the written evidence and details of the witnesses who the jury heard from during their deliberations are up on Your Say, so the whole thing is very transparent.

Despite this, conversation with members of the legal fraternity at this afternoon's handover suggests they'll be running hard on the line that the jury's recommendations were skewed by the selection of witnesses and Stakeholder Reference Group members, and that they've therefore reached a conclusion the government wanted all along. I've prepared some response lines about the process and transparency to deal with this, which Ed is having a look at ahead of tomorrow.

A short paper will now be prepared to go to ED sub-committee to update Cabinet on where things have landed and what the next steps are; let us know if there's anything specific you'd like to see included in that. We'll also offer the Greens a debrief with us and DemocracyCo to keep them comfortable and in the loop.

We inch closer to reform!

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Sunday, 29 October 2017 9:15 PM
To: Aguera, Jarrah
Cc: Esguerra, Indra
Subject: CTP citizens' jury - report

Hi Jarrah,

Hope you had a good weekend?

I just wanted to flag that our citizens' jury has successfully completed the first part of their work, and come up with a series of objectives for an improved CTP scheme. In broad terms they've recommended a hybrid no-fault approach which delivers statutory benefits for minor accidents and injuries while maintaining common law access for more serious cases.

Their report (available here) was handed over to the Stakeholder Reference Group this afternoon, and that group will now use these objectives to design up to four specific models for the jury to consider again at their final meeting in March. The report plus all the written evidence and details of the witnesses who the jury heard from during their deliberations are up on the Your Say page if you guys are keen to have a look.

We expect there'll now be a further wave of campaigning from some stakeholders, so please don't hesitate to get in touch if you have questions about the points they're raising or want to know more about a particular aspect of the process. If Shane and/or Caroline are interested, we can also set up a time to debrief about how it went (Caroline attended for one of the days but I don't believe Shane had a chance to see the jury in action).

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Sunday, 29 October 2017 5:33 PM
To: Nelson, Mark
Subject: Re: CTP wrap up

Sadly not :p

Jennifer Rayner
0428 214 856

On 29 Oct 2017, at 5:28 pm, Nelson, Mark <Mark.Nelson@act.gov.au> wrote:

> OMG !! I thought it decision /action time might be imminent
>
> ---
>
> **From:** Rayner, Jennifer
> **Sent:** Sunday, 29 October 2017 5:23 PM
> **To:** Nelson, Mark <Mark.Nelson@act.gov.au>
> **Cc:** Cook, Michael <Michael.Cook@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>
> **Subject:** Re: CTP wrap up
>
> No worries; I've asked for an update paper to be prepared for the next possible Economic Development sub-committee to give Cabinet a rundown of the process from here with the development of different models, plus some of the things we/they will need to be conscious of on the way through.
>
> But in terms of Cabinet needing to make a decision and getting legislation finalised, that won't happen until after March next year when the jury decides which model they want to go forward with.
>
> So still a fair way to go yet ·
>
> Jennifer Rayner
> 0428 214 856
>
> On 29 Oct 2017, at 5:10 pm, Nelson, Mark <Mark.Nelson@act.gov.au> wrote:
>
> > Thanks for this
> >
> > Is there a timeframe for Cabinet decision / legislation etc. ?
> >
> > Nelson
> >
> > ---
> >
> > **From:** Rayner, Jennifer
> > **Sent:** Sunday, 29 October 2017 3:50 PM
> > **To:** Cook, Michael <Michael.Cook@act.gov.au>; O'Daly, Edward <Edward.O'Daly@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Nelson, Mark <Mark.Nelson@act.gov.au>
> > **Subject:** CTP wrap up

Hiya,

The CTP jury is (almost) in, and their report is going to recommend a hybrid no-fault approach which expands coverage to people who are at fault, includes some statutory benefits for minor injuries/accidents but maintains access to common law for more serious events.

A copy will be available either late tonight or early tomorrow once they've tidied it up.

From talking to the legal representatives here, they're going to attack this on the grounds that the jury has been 'led' to this conclusion by the evidence and witnesses provided to them, and that this is always where the government wanted to get to so the jury process has been a sham.

Karen is drafting a media release now thanking the jury and explaining what the next steps are, but we should also be ready to defend the process.

Some or all of these lines may be useful:

- We've been clear from the start that we believe our CTP scheme can be improved to provide better coverage and help people access treatment and care sooner. The citizens' jury was set up to explore our community's priorities for an improved scheme and how Canberrans think about the trade-offs involved in reforming CTP.

- The jury heard from a wide range of witnesses and received written evidence from hundreds of Canberrans as well as local and interstate experts. This included hearing directly from claimants who have been through the current CTP scheme and lawyers who specialise in CTP cases, as well as insurers, medical experts, actuaries and healthcare advocates.

- Their recommendations will now inform the next phase of the process, which is the development of detailed CTP models by the Stakeholder Reference Group. The jury will come back together in March to decide which of these models best meets the priorities and objectives they have set.

- The Stakeholder Reference Group has played a central role in this process from the start. They proposed the witnesses and sourced much of the written evidence the jury has considered in its hearings. The Stakeholder Reference Group will also play an essential role in the next phase, by developing specific CTP reform options.

- This process has been completely transparent. All of the evidence provided to the jury, details of the witnesses they chose to hear from and their detailed report is available on the Your Say website. Canberrans can see for themselves what information the jury drew upon to decide the objectives laid out in their report.

How were witnesses chosen for the jury?

For the first weekend of hearings, the jury heard directly from the members of the Stakeholder Reference Group, which included legal, insurance, healthcare and government representatives.

For the second weekend, the Stakeholder Reference Group compiled a list of possible witnesses with relevant expertise. The jury then chose which witnesses they wanted to hear from to grow their understanding of the details of CTP. The Government did not have a role in selecting these witnesses, except as members of the Stakeholder Reference Group.

How was the Stakeholder Reference Group appointed?

The Government established the Stakeholder Reference Group to bring together people from organisations with expertise or special interest in CTP.

The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert. Road users (e.g. cyclists, pedestrians, drivers) are represented within the wider jury of 56 Canberrans.

Why were only some parts of the jury hearings live streamed?

Some parts of the jury hearings involved witnesses giving evidence to the entire group, and these sessions were live streamed online. Other sessions involved the jury members working in small groups to hear and deliberate on evidence, and these were not broadcast because it was not technically feasible to do so.

Any member of the public was able to register as an Observer and attend the jury hearings – approximately 30 Canberrans did so over the two weekends. Members of the Stakeholder Reference Group were also present throughout.

Feel free to call if you need to discuss ☺

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 30 January 2018 12:30 PM
To: Fox, Richard; Greenwood, Martin; Mison, Matt; Cavanagh, Linda
Cc: O'Daly, Edward
Subject: RE: CM's Ministerial Statement - Legislative Priorities for 2018
Attachments: CM 2018 Priorities Statement to assembly v2 - JR.docx

This is looking really good, nice one.

Some suggested edits in the attached – I think we can be a bit more specific in some places about what we are doing/will do so I've added in details from BR particularly.

I also think we need to be a bit careful in balancing language about a whole new shiny amazing Canberra with the messaging about focusing on the fundamentals/protecting what's already great here. I've made some suggestions in that vein also.

And finally, because I know everyone is *extremely* pumped and eager about it, I've added CTP in as a legislative priority. I think it's worth flagging both to our own crew and the Greens that we're really serious about getting this done before the end of the year; open to other views though if people think that may be leading with our chins.

Cheers,

Jen

From: Fox, Richard
Sent: Tuesday, 30 January 2018 10:55 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Greenwood, Martin <Martin.Greenwood@act.gov.au>; Mison, Matt <Matt.Mison@act.gov.au>; Cavanagh, Linda <Linda.Cavanagh@act.gov.au>
Cc: O'Daly, Edward <Edward.O'Daly@act.gov.au>
Subject: CM's Ministerial Statement - Legislative Priorities for 2018

Hi all,

Attached is a draft of the Chief's Ministerial Statement that outlines his legislative priorities (and general priorities) for 2018. It's mostly high level stuff setting out the Government's general direction for the year, focusing on a strong economy and the CCCLM/CAF agenda, along with legislative highlights over the next few months.

If you have any changes/suggestions, could you please send them through to me by COB Wednesday? I'd like to get it to Michael and the boss before the end of the week.

Cheers

Rich

Rayner, Jennifer

From: Vroombout, Sue
Sent: Monday, 30 July 2018 6:48 PM
To: Cook, Michael
Cc: Rayner, Jennifer; Nicol, David; Miners, Stephen; Holmes, Lisa; Clark, Nicola; Willis, Cecilia; Smith, Charlotte
Subject: FW: Consultation Paper - exclusions [DLM=Sensitive: Cabinet]

Michael,

As discussed with David Nicol, please find below some words regarding consultation and exclusions for the CTP legislation:

CMTEDD is currently finalising for confidential consultation with interested stakeholders a document outlining the details of the new Compulsory Third-Party Insurance Scheme. This consultation process is to assist with fine-tuning the scheme design ahead of tabling exposure draft legislation. It is proposed to circulate the document on Wednesday 1 August with a covering note indicating that the consultation document reflects the model recommended by the Citizen's Jury as outlined in the Finity Report and provides further detail on aspects that either the jury indicated would need to be further developed or are required to give effect to the model. Comments will be sought in particular on the proposed detailed scheme design.

The Exclusion Categories were an element of the scheme that the Citizen's Jury report indicated would need to be fleshed out in more detail during the drafting stage. Details of the proposed Exclusion Categories are intended to be provided in an attachment to the consultation paper.

Let me know if you need anything further.

Regards,
Sue

Sue Vroombout | Acting Executive Director
Economic and Financial Group| Chief Minister, Treasury and Economic Development Directorate
ACT Government
Phone: (02) 6205 3216
GPO Box 158 Canberra ACT 2601 |www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 30 October 2017 10:58 AM
To: BERRY; FITZHARRIS; GENTLEMAN; RAMSAY; STEPHEN-SMITH; STEEL; CODY; PETTERSSON; ORR; CHEYNE; BURCH
Cc: Cook, Michael
Subject: Updated CTP SR

Hi everyone,

Just wanted to provide an updated SR on the CTP citizens' jury process, as over the weekend we completed the first set of jury sittings and the project is now moving into a new phase.

We expect further campaigning from some stakeholders during the coming months, so please feel free to use this SR or continue sending correspondence on to our office as your bosses prefer.

Cheers,

Jen

CTP citizens' jury

Thank you for your email to [MEMBER] regarding the CTP citizens' jury process. I'm very sorry to hear about your accident, and the troubles you have experienced since this happened.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have piloted a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury sat for four days of hearings in October, and has now provided a report detailing their priorities for an improved CTP scheme. That report, along with all of the evidence and details of the witnesses the jury heard from during their deliberations, is now available on the Your Say website.

In the next stage of the process, the Stakeholder Reference Group will prepare up to four detailed CTP models which meet the objectives identified by the jury. The Stakeholder Reference Group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert.

These models will be taken back to the jury in March 2018 for a final determination on which one best meets the needs of the Canberra community based on the agreed priorities. The Government has committed to legislating the reform model recommended by the jury.

This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 30 October 2017 11:54 AM
To: Ferguson, David
Subject: CTP report

Here's the jury's report - https://www.yoursay.act.gov.au/application/files/6715/0925/8006/Citizens_Jury_on_CTP_Final_Report_29th_October.pdf

I've put together the below lines/ Q&A in response to what we anticipate some stakeholders may now say about the process – some of this may be useful for you guys in responding also:

- We've been clear from the start that we believe our CTP scheme can be improved to provide better coverage and help people access treatment and care sooner. The citizens' jury was set up to explore our community's priorities for an improved scheme and how Canberrans think about the trade-offs involved in reforming CTP.

- The jury heard from a wide range of witnesses and received written evidence from hundreds of Canberrans as well as local and interstate experts. This included hearing directly from claimants who have been through the current CTP scheme and lawyers who specialise in CTP cases, as well as insurers, medical experts, actuaries and healthcare advocates.

- Their recommendations will now inform the next phase of the process, which is the development of detailed CTP models by the Stakeholder Reference Group. The jury will come back together in March to decide which of these models best meets the priorities and objectives they have set.

- The Stakeholder Reference Group has played a central role in this process from the start. They proposed the witnesses and sourced much of the written evidence the jury has considered in its hearings. The Stakeholder Reference Group will also play an essential role in the next phase, by developing specific CTP reform options.

- This process has been completely transparent. All of the evidence provided to the jury, details of the witnesses they chose to hear from and their detailed report is available on the Your Say website. Canberrans can see for themselves what information the jury drew upon to decide the objectives laid out in their report.

How were witnesses chosen for the jury?

For the first weekend of hearings, the jury heard directly from the members of the Stakeholder Reference Group, which included legal, insurance, healthcare and government representatives.

For the second weekend, the Stakeholder Reference Group compiled a list of possible witnesses with relevant expertise. The jury then chose which witnesses they wanted to hear from to grow their understanding of the details of CTP. The Government did not have a role in selecting these witnesses, except as members of the Stakeholder Reference Group.

How was the Stakeholder Reference Group appointed?

The Government established the Stakeholder Reference Group to bring together people from organisations with expertise or special interest in CTP.

The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert. Road users (e.g. cyclists, pedestrians, drivers) are represented within the wider jury of 56 Canberrans.

Why were only some parts of the jury hearings live streamed?

Some parts of the jury hearings involved witnesses giving evidence to the entire group, and these sessions were live streamed online. Other sessions involved the jury members working in small groups to hear and deliberate on evidence, and these were not broadcast because it was not technically feasible to do so.

Any member of the public was able to register as an Observer and attend the jury hearings – approximately 30 Canberrans did so over the two weekends. Members of the Stakeholder Reference Group were also present throughout.

Let us know if you need anything else.

Cheers,

Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 30 October 2017 12:15 PM
To: Sch 2 s2(a)(ii)
Subject: CTP citizens' jury

Hi Sch 2 s2(a)(i),

Hope you're well?

I just wanted to touch base with you about the citizens' jury process the Government has embarked on regarding CTP insurance.

In light of the below from the ACTCOSS account, I wondered whether your organisation has any concerns about the process or if there is further information we can provide about it?

https://twitter.com/ACTCOSS/status/922628715447689216

For information too, all of the evidence and information about the witnesses that the jury heard from during their deliberations is now available on the CTP Your Say website: https://www.yoursay.act.gov.au/ctp

Please feel free to call if you'd like to discuss further; given ACTCOSS's previous interest in the citizens' jury approach, we'd welcome your feedback and thoughts on this one so far.

Many thanks,

Jen

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister
P: (02) 6207 1201| M: 0428 214 856| E: Jennifer.Rayner@act.gov.au



Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 30 October 2017 4:39 PM
To: Paviour, Mark
Subject: RE: CTP claims [SEC=UNCLASSIFIED]

On 3/4 I reckon we can be a bit more succinct:

The government referred this issue to a Citizens' Jury because we believe the scheme can be improved to better protect Canberrans.

Under the current scheme in the ACT, CTP doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get the full payout, but motorists still pay some of the highest premiums in the country. These were the main areas of focus for the government in piloting a citizens' jury to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

From: Paviour, Mark
Sent: Monday, 30 October 2017 4:34 PM
To: Stewart-Moore, Karen <Karen.Stewart-Moore@act.gov.au>; Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP claims [SEC=UNCLASSIFIED]

Thanks Karen.

From: Stewart-Moore, Karen
Sent: Monday, 30 October 2017 4:31 PM
To: Paviour, Mark <Mark.Paviour@act.gov.au>; Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Subject: RE: CTP claims [SEC=UNCLASSIFIED]

Hi Mark

Attached is the answer to Questions 1 & 2

Answer to Question 3 and 4

Proposed response:

The government referred this issue to a Citizens' Jury because it believes the scheme can be improved to better protect Canberrans.

Under the current scheme in the ACT, CTP doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get the full payout, but motorists still pay some of the highest premiums in the country. The Government has chosen to pilot a citizens' jury so government can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

A citizens' jury was also the right method because there is no one right answer to what a CTP scheme should look like. The Government wanted to understand the community's priorities for the scheme.

The jury, a group representative of the Canberra community, has now spent four full days and many hours in between considering how the ACT scheme could be improved.

In the process they have heard evidence from injured people and past CTP claimants, as well as medical, legal and insurance experts. They have also delved deeply into research and submissions provided by these experts and the

wider Canberra community, which has helped to inform detailed discussion and debate on the many issues behind CTP insurance.

The jury has now handed its recommendations over to the Stakeholder Reference Group. This group includes insurers, the legal profession, health care consumers, a rehabilitation researcher and representatives of the ACT Government, as well as a scheme designer and actuary.

Over the coming months the Group will design a number of workable models which meet the objectives set by the jury. These will be presented back to the jury in March 2018. The jury will then select a preferred model on the basis that it best meets their objectives, with the government having committed to pursuing the model preferred by the jury.

Top 2 questions have been cleared by Nicole Masters
Bottom 2 questions are taken from previously cleared material.

Thanks
Karen

From: Paviour, Mark
Sent: Monday, 30 October 2017 11:16 AM
To: Stewart-Moore, Karen
Subject: Fwd: CTP claims

Hi Karen,

Can you look at these for me? Will get back to you on release shortly.

Mark Paviour
Communications Advisor
Andrew Barr MLA
ACT Chief Minister

Begin forwarded message:

> **From:** Daniel Burdon <daniel.burdon@fairfaxmedia.com.au>
> **Date:** 30 October 2017 at 10:59:31 am AEDT
> **To:** "Paviour, Mark" <Mark.Paviour@act.gov.au>
> **Subject: CTP claims**
>
> Hi Mark,
>
> We didn't get to the CTP yarn on Friday obviously. So I had these two questions if you can get response to me today please.
>
> How many claims valued at over $1 million were finalised in 2015-16 and 2016-17?
> What was the total value of each claim finalised in those two financial years over $1 million?
> Were these high cost claims a factor in the government's decision to refer CTP insurance to the citizen's jury?
> If so, can you please explain the role those high cost claims played in that decision?
>
> Cheers,
>
> --

Daniel Burdon
Journalist - The Canberra Times
Australian Community Media

Sch 2 S2 (b)(i)
daniel.burdon@fairfaxmedia.com.au
9 Pirie Street, Fyshwick, ACT 2609
www.canberratimes.com.au

The Canberra Times

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Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 30 October 2017 8:03 PM
To: Esguerra, Indra
Subject: Re: CTP citizens' jury - report

Livin' the dream :)

Jennifer Rayner
0428 214 856

On 30 Oct 2017, at 7:59 pm, Esguerra, Indra <Indra.Esguerra@act.gov.au> wrote:

> Thanks Jen.
>
> Looks like you're working your share of weekends these days!
>
> **Indra Esguerra**
> Chief of Staff | **ACT Greens MLAs**
> t: 02 6205 8500
>
> ---
>
> **From:** Rayner, Jennifer
> **Sent:** Sunday, 29 October 2017 9:15 PM
> **To:** Aguera, Jarrah <Jarrah.Aguera@act.gov.au>
> **Cc:** Esguerra, Indra <Indra.Esguerra@act.gov.au>
> **Subject:** CTP citizens' jury - report
>
> Hi Jarrah,
>
> Hope you had a good weekend?
>
> I just wanted to flag that our citizens' jury has successfully completed the first part of their work, and come up with a series of objectives for an improved CTP scheme. In broad terms they've recommended a hybrid no-fault approach which delivers statutory benefits for minor accidents and injuries while maintaining common law access for more serious cases.
>
> Their report (available here) was handed over to the Stakeholder Reference Group this afternoon, and that group will now use these objectives to design up to four specific models for the jury to consider again at their final meeting in March. The report plus all the written evidence and details of the witnesses who the jury heard from during their deliberations are up on the Your Say page if you guys are keen to have a look.
>
> We expect there'll now be a further wave of campaigning from some stakeholders, so please don't hesitate to get in touch if you have questions about the points they're raising or want to know more about a particular aspect of the process. If Shane and/or Caroline are interested, we can also set up a time to debrief about how it went (Caroline attended for one of the days but I don't believe Shane had a chance to see the jury in action).
>
> Cheers,
>
> Jen

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 30 October 2017 10:51 AM
To: Sch 2 s2(a)(ii)
Subject: RE: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Sch 2 s2(a)(ii),

Thank you for your email to Chief Minister Andrew Barr regarding the CTP citizens' jury process.

The ACT Government has launched a citizens' jury to examine the CTP scheme because in the ACT this doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

In 2016-17, over $108 million was paid out as benefits for 819 claims. However, only about a quarter of these payments went to assist injured parties with the cost of their treatment and care. About the same share – almost $30 million – was paid in legal and investigation costs.

We have piloted a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so that it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like and the Government does not have a specific reform model in mind. Instead, the Government wants to understand what the community's priorities are for the scheme.

The citizens' jury sat for four days of hearings in October, and has now provided a report detailing their priorities for an improved CTP scheme. That report, along with all of the evidence and details of the witnesses the jury heard from during their deliberations, is now available on the Your Say website.

In the next stage of the process, the Stakeholder Reference Group will prepare up to four detailed CTP models which meet the objectives identified by the jury. The Stakeholder Reference Group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert.

These models will be taken back to the jury in March 2018 for a final determination on which one best meets the needs of the Canberra community based on the agreed priorities. The Government has committed to legislating the reform model recommended by the jury.

This multi-stage process will ensure this important issue receives careful and detailed consideration, and that a wide range of views are incorporated. If you are interested to keep up to date with the process of the CTP citizens' jury, please subscribe to the e-mailing list at the CTP Your Say page.

I trust this information is of assistance.

Warm regards,

Jennifer

Dr Jennifer Rayner| Director of Budget and Economic Policy
Office of the ACT Chief Minister

From: noreply@actctp.org [mailto:noreply@actctp.org]
Sent: Sunday, 29 October 2017 1:32 PM
To: BARR <BARR@act.gov.au>
Subject: Sch 2 s2(a)(ii) is a concerned constituent from your electorate and has sent you a message about the ACT Government's proposed CTP changes and the citizen's jury process

Dear Mr Andrew Barr MLA

I'm worried that the ACT Government is considering changing the existing CTP Scheme which provides protection to people injured in a motor vehicle accident in the ACT.

I strongly urge you to carefully consider this issue. Fundamentally, we have a good CTP system in place which protects the rights of Canberrans and ensures a fair go for people who've been injured through no fault of their own. Our CTP scheme is a safety net for every motorist, and in fact every single person, in Canberra.

The intention of the Government to trade off CTP scheme protections is a serious concern for me and my family. I urge you to ensure that our CTP scheme is protected.

Yours faithfully

Sch 2 s2(a)(ii)
[redacted]
[redacted]

Rayner, Jennifer

From: Holmes, Lisa
Sent: Friday, 31 August 2018 1:09 PM
To: Rayner, Jennifer
Cc: Vroombout, Sue
Subject: RE: Revised CTP referral motion [SEC=UNCLASSIFIED]

Hi Jen

Yes the below aligns with this morning's conversation. Just one very minor technical point that I am relaxed about either way – in (a) do you want to call it the CTP scheme which is the name that everyone knows it as and the name discussed by the citizen's jury or the new name being the Motor Accident Injuries Scheme (consistent with the legislation name) to signify the new scheme.

Thanks

Lisa

From: Rayner, Jennifer
Sent: Friday, 31 August 2018 11:12 AM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>
Subject: Revised CTP referral motion

Hi Lisa,

Thanks for the detailed chat this morning about next steps.

Just confirming the referral motion as amended below aligns with that conversation and is now ok from your point of view?

Cheers,

Jen

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

NOTICE OF MOTION

Andrew Barr MLA: I give notice that I shall move –

(1) That the Justice and Community Safety Committee examine the draft of the Motor Accident Injuries Bill 2018 and provide a report to the Assembly on:

(a) the bill's alignment with the following objectives for the ACT's Compulsory Third Party insurance scheme:

i. early access to medical treatment, economic support and rehabilitation services;

ii. equitable cover for all people injured in a motor vehicle accident;

iii. a value for money and efficient system;

iv. promoting broader knowledge of the scheme and safer driver practices;

v. implementing a support system to better navigate the claims process;

vi. a system that strengthens integrity and reduces fraudulent behaviour.

(b) the bill's alignment with the model chosen by the CTP citizens' jury and the detailed design documents underpinning this model;

(c) the bill's consistency with other relevant insurance schemes operating in the Territory.

(2) The committee is to report by 26 October 2018.

(3) If the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.

Andrew Barr MLA

XX September 2018

Rayner, Jennifer

From: Kandola, Shobaz
Sent: Friday, 31 August 2018 3:23 PM
To: Rayner, Jennifer; Darville, Pam
Cc: Junakovic, Georgia
Subject: RE: DRAFT Treasurers Motion [DLM=Sensitive]

Hi Jen

Further advice re this is:

- As this is Assembly Business the Motion should be signed by Treasurer and provided to the Clerk's Office by Noon Monday of the sitting week – this can then then be scheduled as the first item of Assembly Business
- On Thursday after Presentation of Bills the Treasurer can stand and table the Exposure Draft, the next item of Business will be Assembly Business – Treasurer move the Motion.

If you don't want to lodge the motion on Monday, then the Treasurer can always seek leave the motion below. It will then be up to the liberals to decide if leave is granted.

Cheers

Shobaz

From: Rayner, Jennifer
Sent: Friday, 31 August 2018 1:31 PM
To: Darville, Pam <Pam.Darville@act.gov.au>; Kandola, Shobaz <Shobaz.Kandola@act.gov.au>
Cc: Junakovic, Georgia <Georgia.Junakovic@act.gov.au>
Subject: RE: DRAFT Treasurers Motion [DLM=Sensitive]

Great, thanks Pam.

The CM will be tabling the exposure draft on Thursday, so yes – the plan would be he moves this at the same time as he does that tabling.

Enjoy your leave!

Jen

Dr Jennifer Rayner | Director of Budget & Economic Policy
Office of Andrew Barr MLA
Chief Minister
Treasurer
Member for Kurrajong
P. (02) 6207 1201|M. 0428 214 856|E. jennifer.rayner@act.gov.au





From: Darville, Pam
Sent: Friday, 31 August 2018 12:10 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>; Kandola, Shobaz <Shobaz.Kandola@act.gov.au>

Cc: Junakovic, Georgia <Georgia.Junakovic@act.gov.au>
Subject: DRAFT Treasurers Motion [DLM=Sensitive]

Hi Jen/Shobaz

See below sugested edits to the Motion.

Is the Treasurer tabling the Exposure Draft on the Tuesday or Thursday ? If scheduled for Thursday he can move the Motion after tabling the Exposure Draft.

FYI - I am on leave next week – please contact Georgia Junakovic x 70148.

Pam Darville | Manager - Government Business and Coordination
Phone: +61 2 6205 0543| Mobile: 0418 881 990 | Email: pam.darville@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601 www.act.gov.au

Andrew Barr MLA: I give notice that I shall move –

(1) That the Exposure Draft of the Motor Accident Injuries Bill 2018 be referred to the Standing Committee on Justice and Community Safety Committee to inquire into and report on:

(a) the draft bill's alignment with the following objectives for the ACT's Compulsory Third Party insurance scheme:

i. early access to medical treatment, economic support and rehabilitation services;

ii. equitable cover for all people injured in a motor vehicle accident;

iii. a value for money and efficient system;

iv. promoting broader knowledge of the scheme and safer driver practices;

v. implementing a support system to better navigate the claims process; and

vi. a system that strengthens integrity and reduces fraudulent behavior;

(b) the draft bill's alignment with the model chosen by the CTP citizens' jury and the detailed design documents underpinning this model; and

(c) the draft bill's consistency with other relevant insurance schemes operating in the Territory.

(2) The committee is to report by 26 October 2018; and

(3) If the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.

Andrew Barr MLA

XX September 2018

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Friday, 31 August 2018 1:30 PM
To: Holmes, Lisa
Cc: Vroombout, Sue
Subject: RE: Revised CTP referral motion [SEC=UNCLASSIFIED]

Thanks, and good point.

For the purpose of this motion I think we'll stick with CTP (so that it has the strongest possible link with the jury's work) but as we go forward with the comms we'll use the new name.

I'll get this circulating at our end now then.

Cheers,

Jen

From: Holmes, Lisa
Sent: Friday, 31 August 2018 1:09 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>
Subject: RE: Revised CTP referral motion [SEC=UNCLASSIFIED]

Hi Jen

Yes the below aligns with this morning's conversation. Just one very minor technical point that I am relaxed about either way – in (a) do you want to call it the CTP scheme which is the name that everyone knows it as and the name discussed by the citizen's jury or the new name being the Motor Accident Injuries Scheme (consistent with the legislation name) to signify the new scheme.

Thanks

Lisa

From: Rayner, Jennifer
Sent: Friday, 31 August 2018 11:12 AM
To: Holmes, Lisa <Lisa.Holmes@act.gov.au>
Cc: Vroombout, Sue <Sue.Vroombout@act.gov.au>
Subject: Revised CTP referral motion

Hi Lisa,

Thanks for the detailed chat this morning about next steps.

Just confirming the referral motion as amended below aligns with that conversation and is now ok from your point of view?

Cheers,

Jen

Rayner, Jennifer

From: Holmes, Lisa
Sent: Thursday, 30 August 2018 2:41 PM
To: Rayner, Jennifer
Cc: Smith, Charlotte
Subject: CTP - list of possible Questions & proposed email to jurors [DLM=For-Official-Use-Only]
Attachments: List of QandAs.docx; Email to jurors to invite them to a briefing.docx

Hi Jen

As discussed, please find attached a list of the questions that we are proposing to develop for the Q&As for the Chief Minister.

Also attached is the proposed invitation to the jurors to the briefing on 18 September. DemocracyCo will send out this email.

For any feedback you'd like to provide.

Many thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 31 October 2017 9:40 AM
To: Willis, Cecilia
Cc: Masters, Nicole; Treasury DLO; Holmes, Lisa; Miles, Charlotte
Subject: RE: TRSY17 42135 14 CTP Citizens Jury and Stakeholder Reference Group update 311017.doc [DLM=For-Official-Use-Only]
Attachments: TRSY17 42135 14 CTP Citizens Jury and Stakeholder Reference Group update 311017.doc

Thanks very much, Cecilia. Just a couple of small wording changes and a bit of formatting in this version.

Cheers,

Jen

From: Willis, Cecilia
Sent: Tuesday, 31 October 2017 9:31 AM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Masters, Nicole <Nicole.Masters@act.gov.au>; Treasury DLO <TreasuryDLO@act.gov.au>; Holmes, Lisa <Lisa.Holmes@act.gov.au>; Miles, Charlotte <Charlotte.Miles@act.gov.au>
Subject: TRSY17 42135 14 CTP Citizens Jury and Stakeholder Reference Group update 311017.doc [DLM=For-Official-Use-Only]

Hi Jen

As discussed, updated QTB attached cleared by Nicole. Charlotte Miles started with us today and she will work with Kylie to update TRIM.

Kind regards

Cecilia Willis |Senior Manager
Phone: +61 2 6207 0292 | Email: cecilia.willis@act.gov.au
Financial Framework Management and Insurance
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre, Chief Minister, Treasury and Economic Development | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Please note that I work part-time. I am available 8.30am – 1.30pm Monday and 8.30am – 5.30pm Tuesday to Thursday.

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Tuesday, 6 March 2018 4:57 PM
To: Leslie, Nate
Cc: Stewart-Moore, Karen
Subject: RE: FOR REVIEW: CTP updated Q&As [SEC=UNCLASSIFIED]
Attachments: FAQs CTP Observer Opportunites - 060318 CW LH - CMO.docx

Hi,

These look good – just a handful of edits in the attached.

Thanks for getting onto this so quickly,

Jen

From: Leslie, Nate
Sent: Tuesday, 6 March 2018 3:44 PM
To: Rayner, Jennifer <Jennifer.Rayner@act.gov.au>
Cc: Stewart-Moore, Karen <Karen.Stewart-Moore@act.gov.au>
Subject: FOR REVIEW: CTP updated Q&As [SEC=UNCLASSIFIED]

Hi Jen,

Following on from your recommendations yesterday, the team has developed the Q&As you requested.

Could you please take a look over them and share with me any feedback?

Kind regards,

Nate

Nate Leslie | Senior Strategic Engagement & Communications Officer
Phone: 02 6207 0280
Communications & Engagement|Chief Minister Treasury and Economic Development Directorate |
ACT Government
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



Rayner, Jennifer

From: Holmes, Lisa
Sent: Monday, 17 September 2018 5:20 PM
To: Rayner, Jennifer
Subject: Proposed Your Say wording [DLM=Sensitive: Cabinet]
Attachments: Email to jurors on day of release.docx; Your Say EDM.docx; CTP YourSay page text 17092018.docx; FAQs for Your Say.docx

Hi Jen

Please find attached the proposed wording for Your Say for the release of the exposure draft of the MAI bill.

- Your Say CTP website Text
- Your Say FAQs – this is mainly to change the tense of previous wording on the jury process + a couple of new ones from a process perspective. They do not go the detailed FAQs prepared for the Chief Minister on the exposure draft of the bill.
- Update email to jurors, to send once the motion is moved
- Your Say Subscribers update email, to send once the motion is moved

Thanks

Lisa

Lisa Holmes |Director Financial Framework Management and Insurance
Phone: 6207 0207 | lisa.holmes@act.gov.au
Economic and Financial Group | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601| www.act.gov.au

Dear XX,

Thank you for your email regarding the new Motor Accident Injuries Scheme.

The ACT Government is reforming Canberra's Compulsory Third Party insurance arrangements because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get a full payout, but Canberrans still pay some of the highest premiums in the country.

For example, if you are the driver and get injured in a single car accident, you can't claim under Canberra's current CTP scheme. That means if you hit a kangaroo, or lose control on an icy patch of road, you can't make a claim to cover your medical bills and lost income.

Under the new scheme, everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and income replacement benefits – as long as they're not breaking the law at the time of the accident. People who are very seriously injured will still be able to make a claim through the legal system if they need treatment and care long-term.

The design of the new scheme was recommended by the Citizens' Jury on CTP. The jury was made up of about 50 Canberrans who met several times over six months to hear evidence about how our current CTP scheme works from experts and people with experience of making claims through the scheme.

The jury recommended that Canberra's CTP scheme be reformed to prioritise early access to treatment and care for everyone who gets injured, and reduce the need to go to court just to get the help people need. You can read the jury's full report and reasons for recommending reform here: https://yoursay.act.gov.au/ctp

The Government has released an exposure draft of legislation which closely follows the recommendations of the Citizens' Jury. You can find out more about the details of the new scheme and provide feedback by making a submission to the Justice and Community Safety committee here: https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-justice-and-community-safety

The Government will consider the committee's report along with any other feedback from stakeholders and members of the Canberra community before introducing a final bill to the Legislative Assembly by the end of 2018.

By introducing the new Motor Accident Injuries Scheme, the Government is working to ensure all Canberrans are better protected on our roads.

I trust this information is of assistance.

Warm regards,

XX

Dear XX,

Thank you for your email regarding the new Motor Accident Injuries Scheme.

The ACT Government is reforming Canberra's Compulsory Third Party insurance arrangements because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get a full payout, but Canberrans still pay some of the highest premiums in the country.

For example, if you are the driver and get injured in a single car accident, you can't claim under Canberra's current CTP scheme. That means if you hit a kangaroo, or lose control on an icy patch of road, you can't make a claim to cover your medical bills and lost income.

Under the new scheme, everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and income replacement benefits – as long as they're not breaking the law at the time of the accident. People who are very seriously injured will still be able to make a claim through the legal system if they need treatment and care long-term.

The Government will set the criteria for how treatment and care benefits for injured people should be calculated, as well as the assessment tools and processes used to determine access to common law claims for compensation.

The new Motor Accident Injuries Commissioner will closely monitor the provision of these benefits to injured people. The Commissioner will be responsible for regulating insurers participating in the scheme and ensuring they meet their statutory obligations to provide timely, necessary and appropriate support to injured Canberrans. Decisions by insurers about the provision of benefits will also be open to external review. The Government is currently seeking feedback from stakeholders and the community on which of the ACT's legal bodies should have jurisdiction for conducting these reviews, with options including the ACT Magistrates Court and the ACT Civil and Administrative Tribunal.

The design of the new scheme was recommended by the Citizens' Jury on CTP. The jury was made up of about 50 Canberrans who met several times over six months to hear evidence about how our current CTP scheme works from experts and people with experience of making claims through the scheme.

The jury recommended that Canberra's CTP scheme be reformed to prioritise early access to treatment and care for everyone who gets injured, and reduce the need to go to court just to get the help people need. You can read the jury's full report and reasons for recommending reform here: https://yoursay.act.gov.au/ctp

The Government has released an exposure draft of legislation which closely follows the recommendations of the Citizens' Jury. You can find out more about the details of the new scheme and provide feedback by making a submission to the Justice and Community Safety committee here: https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-justice-and-community-safety

The Government will consider the committee's report along with any other feedback from stakeholders and members of the Canberra community before introducing a final bill to the Legislative Assembly by the end of 2018.

By introducing the new Motor Accident Injuries Scheme, the Government is working to ensure all Canberrans are better protected on our roads.

I trust this information is of assistance.

Warm regards,

XX

From:	Heath, Kylie
To:	CMTEDD MLO
Cc:	Holmes, Lisa
Subject:	NEW MINISTERIAL: Letter from ACT Law Society - Sarah Avery - CTP Insurance citizens jury [DLM=For-Official-Use-Only]
Date:	Wednesday, 2 May 2018 10:14:37 AM
Attachments:	20180502111528592.pdf

Hi MLO Team

New Ministerial please to put in TRIM for allocation to: EFG

Action required: Appropriate action by directorate.

Original documentation will follow.

If this has been allocated incorrectly, or you require input from another directorate, please advise ASAP.

Thanks

Kylie

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 12:43 PM
To: FITZHARRIS; BERRY; RAMSAY; GENTLEMAN; STEPHEN-SMITH; RATTENBURY
Cc: Attridge, Vanessa; Paillas, Stephen; Thomas, Brooke; Landon, Daniel; James, Melissa (LA EXEC); Esguerra, Indra
Subject: CTP standard response - new
Attachments: Jury's preferred CTP insurance scheme.pdf

Hi there,

Please see below for an updated standard response on the Government's CTP citizens' jury and the process from here. As the jury has now provided its recommendation to the Government, you may see an uptick in corro on this issue.

We would also like to offer Ministers/Ministerial offices a briefing on the new CTP model, the citizens' jury process and next steps.

If your Minister/office would like a briefing, please let me know some suitable times.

Cheers,

Jen

Dear XX,

Thank you for your email regarding Compulsory Third Party insurance reform.

The ACT Government undertook a citizens' jury to examine CTP because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country.

A group of jurors who were representative of the Canberra community spent three weekends and many hours in between considering the scheme from all perspectives, including hearing from people injured in motor vehicle accidents. The process was supported by many experts and involved key stakeholders in the scheme, such as lawyers, insurers and health care advocates, through a Stakeholder Reference Group.

The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans.

The model chosen by the jury delivers a number of improvements, including:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

The jury's full report is available now at www.yoursay.act.gov.au/ctp so Canberrans can see for themselves how and why members of our community have chosen this new model. A summary of the key improvements compared with our current scheme is also attached here.

The ACT Government has committed to delivering the jury's chosen scheme and will now commence work with stakeholders to draft legislation and present it to the ACT Legislative Assembly. It is expected the new scheme will commence in Canberra in the second half of 2019.

Thank you again for taking the time to write to us. I trust this information is of assistance.

Warm regards,

Rayner, Jennifer

From: Rayner, Jennifer
Sent: Monday, 26 March 2018 12:43 PM
To: FITZHARRIS; BERRY; RAMSAY; GENTLEMAN; STEPHEN-SMITH; RATTENBURY
Cc: Attridge, Vanessa; Paillas, Stephen; Thomas, Brooke; Landon, Daniel; James, Melissa (LA EXEC); Esguerra, Indra
Subject: CTP standard response - new
Attachments: Jury's preferred CTP insurance scheme.pdf

Hi there,

Please see below for an updated standard response on the Government's CTP citizens' jury and the process from here. As the jury has now provided its recommendation to the Government, you may see an uptick in corro on this issue.

We would also like to offer Ministers/Ministerial offices a briefing on the new CTP model, the citizens' jury process and next steps.

If your Minister/office would like a briefing, please let me know some suitable times.

Cheers,

Jen

Dear XX,

Thank you for your email regarding Compulsory Third Party insurance reform.

The ACT Government undertook a citizens' jury to examine CTP because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but Canberrans still pay some of the highest premiums in the country.

A group of jurors who were representative of the Canberra community spent three weekends and many hours in between considering the scheme from all perspectives, including hearing from people injured in motor vehicle accidents. The process was supported by many experts and involved key stakeholders in the scheme, such as lawyers, insurers and health care advocates, through a Stakeholder Reference Group.

The citizens' jury has now selected its recommended new scheme to deliver improved coverage that will better protect Canberrans.

The model chosen by the jury delivers a number of improvements, including:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% more Canberrans will be covered and everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.

Importantly, anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

The jury decided this model best meets the objectives they set when they first commenced work in October: early access to medical treatment, economic support and rehabilitation services; equitable cover for all people injured in a motor vehicle accident; greater efficiency and value for money; supporting people to better navigate the scheme and strengthening integrity of the scheme to reduce fraudulent behaviour.

The jury's full report is available now at www.yoursay.act.gov.au/ctp so Canberrans can see for themselves how and why members of our community have chosen this new model. A summary of the key improvements compared with our current scheme is also attached here.

The ACT Government has committed to delivering the jury's chosen scheme and will now commence work with stakeholders to draft legislation and present it to the ACT Legislative Assembly. It is expected the new scheme will commence in Canberra in the second half of 2019.

Thank you again for taking the time to write to us. I trust this information is of assistance.

Warm regards,

QUESTION TIME BRIEF

15

Portfolio/s: Treasurer

Treasurer

ISSUE: COMPULSORY THIRD PARTY (CTP) INSURANCE - COMPETITION, PREMIUMS AND COST OF LIVING / REFORM

Talking Points:

Latest passenger vehicle CTP premiums

- New CTP insurance premiums took effect on 1 February 2018 across all insurers.
- Premiums for a private passenger vehicle (class 1):
  - decreased from $544.90 to $541.90 for GIO (a decrease of $3.00, or 0.6%);
  - remained the same at $545.90 for NRMA;
  - increased from $547.90 to $548.50 for AAMI (an increase of $0.60 or 0.1%); and
  - increased from $565.00 to $565.60 for APIA (an increase of $0.60 or 0.1%).
- GIO remains the lowest private passenger vehicle premium at $541.90.

First CTP premium for Light Rail Vehicles (LRV)

- Each LRV is required to have a CTP policy before use, including testing, on ACT roads.
- All CTP insurers have provided their first premium for LRVs. These differ significantly between insurers. The LRV premium for:
  - NRMA is $2,659.60; and
  - Suncorp - GIO $4,853.70; AAMI $4,862.80; and APIA $4,959.50.
- The difference in premiums reflects minimal data and uncertainty as to risk.

Profit margin of the CTP Insurers

- The profit margins included in premium filings by the four CTP Insurers is reported annually by the ACT CTP Regulator it its annual report. Due to confidentiality requirements, the insurers' profit margins are reported in a band. For the most recent financial year, 2016-17, the range is 8% to 11%.
- An assessment of an insurers' actual profit margin is not currently undertaken. Such an assessment would require a comparison of premiums earned in an accident year compared to the expenses related to that accident year. As CTP schemes are long-tailed insurance schemes, it can take a considerable number of years for all claims in an accident year to be finalised. Further consideration will be given to the feasibility of assessing actual profit margins in the implementation of the new CTP scheme.

Cleared as complete and accurate:	27/04/2018	
Cleared by:	Executive Director	Ext: 53216
Information Officer name:	Sue Vroombout	
Contact Officer name:	Lisa Holmes	Ext: 70207
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: TRSY18/138936

QUESTION TIME BRIEF

CTP Insurance Citizen's Jury

- The Citizen's Jury has selected a preferred new CTP scheme to deliver improved coverage and provide better protection to Canberrans. The Government has committed to pursuing the jury's preferred model and work will now commence to draft legislation in consultation with stakeholders. It is expected the new scheme will commence in the second half of 2019.

Key Information

Competition:

- Since 15 July 2013, there have been four insurance brands offering CTP in the ACT - AAMI, APIA (the Australian Pensioners Insurance Agency), GIO and NRMA.
- From 1 March 2015, competition in the CTP market began reducing premiums.

Cost of living – reduction in CTP premiums:

- The cost of CTP premiums in the ACT is a continuing matter of concern to motorists and, indeed, to the Government. However, it is encouraging that competition in the CTP market has led to reductions in CTP premiums.
- Since competition was introduced on 15 July 2013, CTP premiums have fallen on average by $40.23, or 6.8%.
- Current premium tables are at Attachment A:
    - Under the CTP law, premiums must fully fund the present and future liabilities to people injured in road crashes.

Profit margins of the CTP insurers

- Insurer profit margins are included in the premium filings of each insurer, and in conjunction with claims and various other data, are commercial-in-confidence. This is because various data are proprietary in nature and owned by the relevant insurer. As a privately underwritten scheme, with competition integral to the scheme, individual insurer profit margins and associated underlying data cannot be disclosed as this would contravene competitive neutrality arrangements and the *Road Transport (Third-Party Insurance) Act 2008* (section 270(5)).
- The profit margins for the four insurers, provided annually on a financial year basis, is thus reported in the CTP Regulator's annual report within a band:
    - 2016-17 – range of 8% to 11%
    - 2015-16 – range of 8% to 12%; and
    - 2014-15 – range of 7% to 12%.
- Each CTP premium filing lodged by an insurer is subject to extensive analysis by the CTP Scheme Actuary, who is required, amongst other things, to determine whether the premium 'fully funds' the scheme and 'is not excessive'.

Cleared as complete and accurate:	03/05/2018	
Cleared by:	Executive Director	Ext: 53216
Information Officer name:	Sue Vroombout	
Contact Officer name:	Lisa Holmes	Ext: 70207
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: TRSY18/138936

- Each premium filing is based on a range of forecast assumptions with regard to the underlying variables that include, for example, claims frequency; average claim cost; and economic assumptions such as superimposed inflation.
- In determining whether the premium meets the requirements, due regard is given to the expected profit margin outlined by the insurer, in combination with the other underpinning data provided in the filing. Following on from the Scheme Actuary's analysis, the CTP Regulator then determines whether or not to approve the premium filing.

Jurisdictional comparison of CTP premiums (latest information provided by jurisdictions):

- The following table provides the cost of the total CTP premium for a class 1 passenger vehicle for 12 months across the States, in order of the highest to lowest total CTP premium. Where applicable, the quoted premium is based on the average cost of the providers.

TOTAL CTP PREMIUM FOR A CLASS 1 PASSENGER VEHICLE *

NSW	ACT	NT	SA	Vic	WA	Qld	Tas
$695.43 **	$586.93	$547.95	$511.75	$510.40	$420.85	$355.00	$314.00

The premiums are for passenger vehicles not entitled to income tax credits. The total cost of the CTP premium includes levies imposed by the States on CTP; stamp duty (where applicable); as well as the lifetime care (LTC) levy. The LTC levy for a number of States is embedded within the CTP premium and is not identifiable. As such, for comparability purposes, where the LTC levy is separately calculated and identified, it is also included in the total CTP premium.

** The CTP premium for NSW does not yet reflect the reductions arising from NSW reform commencing 1 December 2017 (this data will be captured in the next update).

Registration renewal notices and after-market promotions:

- Registration renewal notices show the premium approved by the CTP Regulator for each CTP insurer consistent with the *Road Transport (Third-Party Insurance Act) 2008*. The published CTP premiums must be paid at the time of registration or registration renewal.
- Any marketing or promotional programs, such as cashback offers, by insurers are aftermarket promotions and are a matter for the insurers themselves, not the CTP Regulator or ACT Government.
- Consumers should shop around to ensure they are fully informed of any CTP offerings such as cashbacks. They can do this by visiting each insurer's webpage or contacting the insurer directly.
- The ACT Government is committed to ensuring that motorists are fully aware of any CTP offerings. To inform consumers of the CTP options available to them, a general notice has

been placed on the vehicle registration renewal forms, the Access Canberra website (Road Transport), and the CTP component of the ACT Treasury website.

CTP Insurance Citizen's Jury:

- A separate QTB titled 'CTP Insurance Citizen's Jury and the Stakeholder Reference Group' (No. 16) provides detailed information on the CTP insurance deliberative democracy process.

Cleared as complete and accurate:	03/05/2018	
Cleared by:	Executive Director	Ext: 53216
Information Officer name:	Sue Vroombout	
Contact Officer name:	Lisa Holmes	Ext: 70207
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: TRSY18/138936

NRMA COMPULSORY THIRD PARTY (CTP) INSURANCE PREMIUMS

(APPLIES FROM 1 FEBRUARY 2018)

PREMIUMS APPLICABLE FOR 12 MONTH POLICY

Vehicle Class	Classification	Premium Not entitled to ITC[1]	Premium Entitled to ITC[1]
1	**Passenger vehicle**	**$545.90**	**$591.00**
3	Goods vehicle • gross vehicle mass (GVM) is not over 4.5 t	$680.10	$736.30
4	Goods vehicle • gross vehicle mass (GVM) is over 4.5 t	$2458.00	$2661.20
5A	Bus or demand responsive service vehicle • vehicle has seating for more than 16 adults (including the driver)	$4976.50	$5388.00
5B	Bus or demand responsive service vehicle • vehicle has seating for not more than 16 adults (including the driver)	$717.30	$776.60
6	Taxi	$8332.70	$9021.80
7	Private hire car	$1969.10	$2131.90
8	Drive-yourself vehicle	$1305.90	$1410.60
9A	Motorcycle • engine capacity over 600 cc	$493.60	$534.40
9B	Motorcycle • engine capacity over 300 cc but not over 600cc	$493.60	$534.40
9C	Motorcycle • engine capacity is not over 300 cc	$100.30	$108.50
9D	Motorcycle • electrically powered motorcycle	$100.30	$108.50
10	Firefighting vehicle	$755.00	$817.40
11	Undertaker's vehicle	$361.60	$391.50
12	Breakdown vehicle	$1205.40	$1305.00
14	Miscellaneous vehicle	$838.70	$908.00
15	Primary producer's tractor	$839.90	$909.30
16	Mobile crane	$1477.60	$1599.70
17	Trader's Plate • to be attached to a motorcycle	$171.30	$185.40
18	Trader's Plate • to be attached to a motor vehicle other than a motorcycle	$171.30	$185.40
18D	Trader's Plate • to be attached to a registrable vehicle other than a motor vehicle	$171.30	$185.40
19	Veteran vehicle	$55.70	$60.30
20	Vintage vehicle	$55.70	$60.30
21	Historic vehicle	$55.70	$60.30
22	Ambulance	$842.70	$912.30
23	Police vehicle	$1333.10	$1443.30
25A	Rideshare vehicle	$604.80	$654.80
25B	Personal Share Vehicle	$604.80	$654.80
26	Light Rail Vehicle	$2456.50	$2659.60

[1] Input tax credit entitlements means an entitlement to an input tax credit for the CTP premium for a CTP policy. Previously referred to as Private (Nil ITC) or Business Use (ITC).

GIO COMPULSORY THIRD PARTY (CTP) INSURANCE PREMIUMS

(APPLIES FROM 1 FEBRUARY 2018)

PREMIUMS APPLICABLE FOR 12 MONTH POLICY

Vehicle Class	Classification	Premium Not entitled to ITC[1]	Premium Entitled to ITC[1]
1	**Passenger vehicle**	**$ 541.90**	**$ 586.60**
3	Goods vehicle • gross vehicle mass (GVM) is not over 4.5 t	$ 679.80	$ 735.80
4	Goods vehicle • gross vehicle mass (GVM) is over 4.5 t	$ 2,460.70	$ 2,663.70
5A	Bus or demand responsive service vehicle • vehicle has seating for more than 16 adults (including the driver)	$ 4,982.00	$ 5,393.00
5B	Bus or demand responsive service vehicle • vehicle has seating for not more than 16 adults (including the driver)	$ 718.10	$ 777.30
6	Taxi	$ 8,055.50	$ 8,720.00
7	Private hire car	$ 1,878.50	$ 2,033.40
8	Drive-yourself vehicle	$ 1,307.30	$ 1,415.10
9A	Motorcycle • engine capacity over 600 cc	$ 492.10	$ 532.60
9B	Motorcycle • engine capacity over 300 cc but not over 600cc	$ 492.10	$ 532.60
9C	Motorcycle • engine capacity is not over 300 cc	$ 100.40	$ 108.60
9D	Motorcycle • electrically powered motorcycle	$ 100.40	$ 108.60
10	Firefighting vehicle	$ 752.80	$ 814.90
11	Undertaker's vehicle	$ 365.40	$ 395.50
12	Breakdown vehicle	$ 1,186.70	$ 1,284.60
14	Miscellaneous vehicle	$ 839.60	$ 908.80
15	Primary producer's tractor	$ 839.60	$ 908.80
16	Mobile crane	$ 1,476.20	$ 1,597.90
17	Trader's Plate • to be attached to a motorcycle	$ 171.40	$ 185.50
18	Trader's Plate • to be attached to a motor vehicle other than a motorcycle	$ 171.40	$ 185.50
18D	Trader's Plate • to be attached to a registrable vehicle other than a motor vehicle	$ 171.40	$ 185.50
19	Veteran vehicle	$ 55.70	$ 60.20
20	Vintage vehicle	$ 55.70	$ 60.20
21	Historic vehicle	$ 55.70	$ 60.20
22	Ambulance	$ 839.60	$ 908.80
23	Police vehicle	$ 1,331.50	$ 1,441.30
25A	Rideshare vehicle	$ 607.60	$ 657.70
25B	Personal Share Vehicle	$ 607.60	$ 657.70
26	Light Rail Vehicle	$ 4,483.80	$ 4,853.70

[1] Input tax credit entitlements means an entitlement to an input tax credit for the CTP premium for a CTP policy. Previously referred to as Private (Nil ITC) or Business Use (ITC).

APIA COMPULSORY THIRD PARTY (CTP) INSURANCE PREMIUMS

(APPLIES FROM 1 FEBRUARY 2018)

PREMIUMS APPLICABLE FOR 12 MONTH POLICY

Vehicle Class	Classification	Premium Not entitled to ITC[1]	Premium Entitled to ITC[1]
1	**Passenger vehicle**	**$ 565.60**	**$ 612.20**
3	Goods vehicle • gross vehicle mass (GVM) is not over 4.5 t	$ 687.20	$ 743.80
4	Goods vehicle • gross vehicle mass (GVM) is over 4.5 t	$ 2,545.30	$ 2,755.20
5A	Bus or demand responsive service vehicle • vehicle has seating for more than 16 adults (including the driver)	$ 5,090.70	$ 5,510.60
5B	Bus or demand responsive service vehicle • vehicle has seating for not more than 16 adults (including the driver)	$ 746.60	$ 808.10
6	Taxi	$ 7,918.80	$ 8,572.10
7	Private hire car	$ 1,131.20	$ 1,224.50
8	Drive-yourself vehicle	$ 1,351.80	$ 1,463.30
9A	Motorcycle • engine capacity over 600 cc	$ 551.00	$ 596.40
9B	Motorcycle • engine capacity over 300 cc but not over 600cc	$ 551.00	$ 596.40
9C	Motorcycle • engine capacity is not over 300 cc	$ 159.20	$ 172.30
9D	Motorcycle • electrically powered motorcycle	$ 159.20	$ 172.30
10	Firefighting vehicle	$ 780.50	$ 844.80
11	Undertaker's vehicle	$ 405.50	$ 438.90
12	Breakdown vehicle	$ 1,227.30	$ 1,328.50
14	Miscellaneous vehicle	$ 848.40	$ 918.30
15	Primary producer's tractor	$ 848.40	$ 918.30
16	Mobile crane	$ 1,527.20	$ 1,653.10
17	Trader's Plate • to be attached to a motorcycle	$ 215.10	$ 232.80
18	Trader's Plate • to be attached to a motor vehicle other than a motorcycle	$ 215.10	$ 232.80
18D	Trader's Plate • to be attached to a registrable vehicle other than a motor vehicle	$ 215.10	$ 232.80
19	Veteran vehicle	$ 53.80	$ 58.20
20	Vintage vehicle	$ 53.80	$ 58.20
21	Historic vehicle	$ 53.80	$ 58.20
22	Ambulance	$ 871.00	$ 942.80
23	Police vehicle	$ 1,380.10	$ 1,493.90
25A	Rideshare vehicle	$ 848.40	$ 918.30
25B	Personal Share Vehicle	$ 848.40	$ 918.30
26	Light Rail Vehicle	$ 4,581.60	$ 4,959.50

[1] Input tax credit entitlements means an entitlement to an input tax credit for the CTP premium for a CTP policy. Previously referred to as Private (Nil ITC) or Business Use (ITC).

AAMI COMPULSORY THIRD PARTY (CTP) INSURANCE PREMIUMS

(APPLIES FROM 1 FEBRUARY 2018)

PREMIUMS APPLICABLE FOR 12 MONTH POLICY

Vehicle Class	Classification	Premium Not entitled to ITC[1]	Premium Entitled to ITC[1]
1	**Passenger vehicle**	**$ 548.50**	**$ 593.70**
3	Goods vehicle • gross vehicle mass (GVM) is not over 4.5 t	$ 680.90	$ 737.00
4	Goods vehicle • gross vehicle mass (GVM) is over 4.5 t	$ 2,468.20	$ 2,671.80
5A	Bus or demand responsive service vehicle • vehicle has seating for more than 16 adults (including the driver)	$ 4,991.40	$ 5,403.10
5B	Bus or demand responsive service vehicle • vehicle has seating for not more than 16 adults (including the driver)	$ 724.00	$ 783.70
6	Taxi	$ 7,733.90	$ 8,371.90
7	Private hire car	$ 1,102.40	$ 1,193.30
8	Drive-yourself vehicle	$ 1,310.80	$ 1,418.90
9A	Motorcycle • engine capacity over 600 cc	$ 515.50	$ 558.00
9B	Motorcycle • engine capacity over 300 cc but not over 600cc	$ 515.50	$ 558.00
9C	Motorcycle • engine capacity is not over 300 cc	$ 115.50	$ 125.00
9D	Motorcycle • electrically powered motorcycle	$ 115.50	$ 125.00
10	Firefighting vehicle	$ 756.90	$ 819.30
11	Undertaker's vehicle	$ 402.40	$ 435.50
12	Breakdown vehicle	$ 1,212.10	$ 1,312.00
14	Miscellaneous vehicle	$ 844.60	$ 914.20
15	Primary producer's tractor	$ 844.60	$ 914.20
16	Mobile crane	$ 1,480.90	$ 1,603.00
17	Trader's Plate • to be attached to a motorcycle	$ 208.20	$ 225.30
18	Trader's Plate • to be attached to a motor vehicle other than a motorcycle	$ 208.20	$ 225.30
18D	Trader's Plate • to be attached to a registrable vehicle other than a motor vehicle	$ 208.20	$ 225.30
19	Veteran vehicle	$ 66.60	$ 72.00
20	Vintage vehicle	$ 66.60	$ 72.00
21	Historic vehicle	$ 64.70	$ 70.00
22	Ambulance	$ 844.60	$ 914.20
23	Police vehicle	$ 1,338.30	$ 1,448.70
25A	Rideshare vehicle	$ 828.20	$ 896.50
25B	Personal Share Vehicle	$ 828.20	$ 896.50
26	Light Rail Vehicle	$ 4,492.20	$ 4,862.80

[1] Input tax credit entitlements means an entitlement to an input tax credit for the CTP premium for a CTP policy. Previously referred to as Private (Nil ITC) or Business Use (ITC).

Andrew Barr MLA
Chief Minister

Member for Kurrajong

Treasurer
Minister for Economic Development
Minister for Tourism and Major Events

Sch 2 s2(a)(ii)

Weston Creek Community Council
PO Box 3701
WESTON CREEK ACT 2611
info@wccc.com.au

Dear Sch 2 s2(a)(ii)

I am writing to invite your organisation's input into a deliberative engagement process that will commence later this year on Compulsory Third Party (CTP) Insurance in the ACT.

CTP Insurance affects all Canberrans who use ACT roads. As you may be aware, CTP schemes in every state and territory are different in design and offer different levels of coverage and benefits. My Government considers that the ACT's scheme could be improved and wants to give the community the opportunity to look at their CTP scheme in depth and consider whether it best meets the needs of all road users, balancing eligibility and benefits with affordability.

The Government has chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. There is no one right answer to what a CTP scheme should look like. Although the Government considers that the CTP scheme in the ACT could be improved, it is not set on what those improvements should be or on any particular model or design. The Government wants to understand what the community's priorities are for the scheme after they have had the opportunity to understand and explore the issue in-depth.

In the deliberative engagement strategy developed for CTP, around 50 residents, broadly matching the demographics of the community, will be randomly selected to participate in a two-part citizens' jury with deliberations supported by a Stakeholder Reference Group.

The first jury sitting on 14-15 and 28-29 October 2017 will consider the question of: *What should the objectives of an improved CTP scheme be to best balance the interests of all road users?* The jury will be provided with information from a variety of sources, including expert witnesses on matters relevant to their deliberations on CTP. They will have the opportunity to learn about the aspects of CTP from a range of different perspectives. Broader consultation including a phone or online survey and a community feedback process will also feed into the jury process.

A Stakeholder Reference Group will then develop a number of workable models that are consistent with the jury's priorities for an actuary to cost. The Stakeholder Reference Group will be comprised of representatives of government, legal groups, insurers, health consumers and rehabilitation researchers together with an actuary and scheme design expert.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY
London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 0011 Fax +61 2 6205 0157 Email barr@act.gov.au

@ABarrMLA AndrewBarrMLA andrewbarr

At their second sitting on 24-25 March 2018, the jury will consider the costed options and determine which model best meets their identified priorities. Following this process, my Government has committed to pursuing the jury's preferred model.

I invite your organisation to provide feedback for inclusion in the jury's deliberations. More information about the CTP scheme and deliberative engagement process and strategy is available at www.yoursay.act.gov.au/ctp. Feedback can be provided through the website, by email as a PDF to YourSayonCTP@act.gov.au or posted to Citizens' Jury on CTP, c/o Financial Framework Management and Insurance Branch, Chief Minister, Treasury and Economic Development Directorate, GPO Box 158, Canberra ACT 2601.

Feedback channels close on 29 September 2017 and will be published unless otherwise requested by you. It is vital that your feedback is clear, to the point and easy to understand. Most importantly your feedback should help the jury to answer the question that they have been asked. It is suggested by the facilitators that your feedback be no longer than 3 pages to make it easy for the jury to consider your feedback within their deliberations. Clearly outline your view and provide examples to support your feedback.

The CTP deliberative engagement process reflects this government's commitment to involve the community in significant decisions in a meaningful way. I am confident that this process, combining an informed community voice with contributions from experts and representative groups, will result in an improved CTP scheme that best meets the needs of all road users in Canberra.

Yours sincerely

Andrew Barr MLA
Chief Minister

24 AUG 2017

actlawsociety



12 April 2018

Mr Andrew Barr MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Chief Minister,

Thank you for your correspondence received on 3 April 2018 regarding the recently concluded CTP Insurance citizens' jury.

As you would be aware, the ACT Law Society continues to have serious concerns with the pilot jury process, and with its outcomes. The Society is of the view that Model D is an inferior insurance scheme that will mean people injured through the negligence of others will no longer be fully compensated for their injuries. The Society further believes that there is nothing in the model at a practical level that will ensure early treatment and care is received by injured people.

The Society will continue to work to ensure that the ACT's CTP scheme operates as an efficient and fair system. The Society's contact for future consultations will be its Chief Executive Officer, Dianne O'Hara. Ms O'Hara can be contacted through the Society (telephone 02 6274 0300) or via email dianne.ohara@actlawsociety.asn.au.

Yours sincerely,

Sch 2 s2(a)(ii)

the law society of the australian capital territory a member of the law council of australia
fourth floor 1 farrell place canberra act 2601
gpo box 1562 canberra act 2601
dx 5623 canberra
telephone 02 6274 0300
mail@actlawsociety.asn.au www.actlawsociety.asn.au

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

AMENDMENT OF MOTION

Caroline Le Couteur MLA - Amendment to Mr Coe motion Notice XX on referral to the Standing Committee on Justice and Community Safety:

Omit all text after (1)

Substitute:

This Assembly notes:

(a) The ACT Government is in the process of rolling out a new approach to community engagement which includes the piloting of a range of deliberative democratic processes such as:

i) The Citizens' Jury on Compulsory Third Party Insurance

ii) The Carers' Voice Panel to design the ACT Carers Strategy

iii) A participatory budgeting initiative feeding into the 2019 Budget

iv) The delivery of an online community panel.

(b) That these approaches aim to broaden the range and number of Canberrans who are able to participate in, and have input on, major decisions about our city and the direction of policy reform.

(c) That each deliberative exercise provides the opportunity for new learnings which can drive future engagements of Government with Canberrans.

Calls on the Assembly to:

(d) Support a referral for Committee Inquiry into the Government's use of deliberative democratic processes not later than the Autumn sittings of 2019.

22 February 2017

Your local voice

weston creek community council

www.wccc.com.au
info@wccc.com.au

PO Box 3701
Weston Creek ACT 2611
Telephone (02) 6288 8975

Mr Andrew Barr MLA
Chief Minister
ACT Legislative Assembly
CANBERRA CITY ACT 2601

barr@act.gov.au

Dear Chief Minister,

Comments on the Citizen Jury

Thank you for the opportunity for the Weston Creek Community Council to respond to your letter of 24 August in relation to the Citizen's Jury engagement on Compulsory Third Party Insurance in the ACT.

Council is of the view that this first process under the Citizen's Jury process is a most difficult one to comment on. It is one of which the vast majority of the community has little expertise in apart from choosing one of the providers on the renewal of their car registration.

In a similar way, Council has no expertise from which it can offer feedback for the deliberation of the Jury.

We would welcome the opportunity again to provide input into a topic in which we would have some expertise to offer.

Thank you for the opportunity to give our input into this process.

Sch 2 s2(a)(ii)

Chair
Weston Creek Community Council
22 September 2017

A message from the Chief Minister

Welcome and thank you for taking part in the ACT Government's first citizens' jury to explore how the ACT's Compulsory Third Party (CTP) insurance scheme can be improved.

The ACT Government has committed to strengthening community consultation processes so that we can hear about the real issues that matter to Canberrans and work toward achieving policy outcomes which better reflect the views of the broader community.

This jury process is just one of the ways we are delivering on our 2016 election commitment to improve the way the Government engages with our community. Our government must take into account the diverse range of views held by Canberrans when developing policies and projects. This citizens' jury pilot will be an important step in learning as a government and community about how we can work together to effectively listen and consider all view points of our diverse community.

I am excited and hopeful that the conversations and deliberation you are about to undertake will challenge you to think deeply about CTP insurance; and tell us what the objectives should be for an improved CTP scheme.

An expert group will develop a number of potential models which respond to your objectives and you will be brought together again in March to assess which of the models best meets your objectives. The ACT Government is committed to pursuing the model that you, as the jury, prefer.

To help your deliberations in this process, you will be assisted by consultants who are experts in citizens' juries. You will hear the views of people who work in the scheme, people who have been affected by the scheme, as well as the views of the wider community.

In addition to this, I encourage you to engage in conversations with people outside the jury and with each other. This is an open process and it is through listening to all voices within the community that we will be able to develop an improved scheme.

Some limits have been established for your deliberations and details of those limits can be found in your pack. These parameters establish the scope of the issue the Government is asking you to consider. Importantly, CTP insurance premiums cannot rise as a result of overall improvements.

Thank you again for taking the time out of your busy schedule to be part of this process. I encourage you all to grasp this historic opportunity with both hands. Engage in challenging conversations, ask questions and clarify information if you are unclear, speak to anyone you wish and, most importantly, provide your frank and fearless advice back to government.

Enjoy the experience. I look forward to seeing the recommendations you develop.

2018

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MINISTERIAL STATEMENT

GOVERNMENT PRIORITIES FOR 2018

Presented by

MR ANDREW BARR MLA
Chief Minister

13 FEBRUARY 2018

Thank you Madam Speaker. I am pleased to outline the Government's policy priorities for 2018.

Since the 2016 election, we have been getting on with the job Canberrans elected us to do.

Across our priorities of health services, better schools and facilities for our kids, a transport system that caters for a growing city, better and tidier suburbs and a strong, job-creating economy, we're making the Canberra we love even better.

This will continue in 2018. The ACT Government has a significant and expansive ~~legislative~~ agenda that strengthens our city and makes our community fairer and more equal.

A year of opportunity

Madam Speaker, Canberrans are the happiest, healthiest, longest-living, best educated and wealthiest Australians. This city is the best place in the world to live, and in 2018, Canberra is recognised as one of the best places in the world to visit.

This vibrancy is no accident or mistake. As a Government, we have known for some time that we need to diversify our economy and create more jobs ~~outside of the Commonwealth Government~~for Canberrans from all backgrounds.

This strategy is working. We now have more jobs in the private sector, we continue to have Australia's lowest unemployment rate and more than 10,000 new jobs were created in the ACT last year.

Our population is booming because people know they can find jobs here, they can move their family here and they can settle here.

We're now a city of 409,000 Canberrans and we're planning for a city of 500,000 by 2030. We're taking the tough decisions now to make our city stronger in the future.

We're creating the jobs, building the infrastructure and increasing the services needed to make a bigger Canberra better.

We are ~~creating a new~~rising to the opportunities created by Canberra's growth in our second century while keeping the qualities that people love about this city: ~~—~~our liveability, our natural ~~bush~~ environment, our inclusiveness and our progressive approach to social issues.

Canberrans are Australia's most active commuters, we have more patent applications per capita than any other city and our residents volunteer our time more than those in any other city in Australia.

Unlike those opposite, on this side of the chamber, we realise there is lots to be positive about and we are proud of Canberra.

Through 2018, the ACT Government will continue to promote ~~this better~~ Canberra to the world. From more international flights to better connections to cities within Australia, now is the time for us to harness the opportunities from this global exposure.

Our booming economy

Madam Speaker, we are repositioning Canberra nationally and internationally and implementing world-leading progressive policies.

Our economy is booming. Last year, employment in the ACT grew by 4.6 per cent, smashing the 10-year average rate of 1.4 per cent. There are more Canberrans working than ever before and 10,000 new jobs were created last year.

These jobs are in future-proof sectors that play to our strengths – in education and training, heath care, the energy sector and IT – and the vast majority are full-time positions.

Not too long ago, young people left Canberra as soon as they could to further their careers. Those times have gone.

From Macgregor to Manuka and Casey to Calwell, young Canberrans are forging their own careers here in Canberra.

Whether it's in creative industries, in hospitality, in research and development~~high-tech industries~~ or ~~even~~ within our thriving care sectors ~~government~~, they are staying here because Canberra has the opportunities and lifestyle they desire. This youthful positivity is spreading across our city.

We have done this while balancing the budget, implementing a progressive tax reform agenda to ensure a fairer distribution of the tax burden, and growing our economy.

~~Our Gross State Product is now larger than that of Tasmania and the Northern Territory, our tax system can now enable a smoother ride between economic cycles and our largest export industry is no longer government – it's higher education.~~The Budget Update that we have delivered today shows an improved bottom line across the board. We have halved the deficit compared with the Budget, and are forecasting strengthening surpluses from 2018-19 on. This is a result we have been steadily working towards since 2014 – returning the Budget to balance while making major new investments in our city.

Because ~~We will use this economic positivity to benefit Canberrans.~~ Canberra is a~~In a~~ growing city,~~-~~ we are investing in more and better services and infrastructure to ~~enable the Canberra of the future to be better~~ensure it keeps getting better for everyone who lives here. Through the Budget Update we are delivering more elective surgeries, more paramedics and ambulances, more investment in our courts and community safety, and better local schools.

Importantly, we are also delivering on even more our election commitments, including providing every student in our public high schools with a laptop to enhance their learning, and investing in the Circuit Mark Webber Track. This builds on our investments through the 2018 Budget to deliver on our election commitments for a better Canberra.

~~It will also enable better value for money in the services and infrastructure Canberrans voted for in 2016, and it will secure prosperity for Canberrans across our city.~~

Leading the Nation

This Government will always lead the fight for a fairer and more equitable Australia.

From standing up for fair services through the NDIS to leading the way on marriage equality, the ACT has a long track record of promoting inclusion and fairness on thea national stage~~platform~~ to deliver outcomes that matter here at home~~secure strong local results~~.

Madam Speaker, as I am both the head of the Council for the Australian Federation and the Council of Capital City Lord Mayors, 2018 offers significant opportunities to make the Canberra we love even better, to strengthen our city's voice~~role~~ on~~in~~ issues of~~our~~ national priority, and to call on~~export~~ Canberra's socially progressive values to ~~the rest of the~~keep delivering meaningful change across the country.

During 2018, I will use these positions and will work with all Federal parties, along with my Northern Territory counterpart Michael Gunner, to repeal the Andrews Bill that deprives Australia's~~both~~ territories of democracy by denying us the right to make decisions about end of life choices.

~~This will be so we can have a mature debate about end of life choices.~~

Canberra is a lively, educated and engaged community and, despite what the Federal Liberals think, we are ready and capable of having a mature discussion about voluntary assisted dying~~, regardless of your own personal opinion on the matter~~. No matter your personal opinion on that issue, everyone should surely support the right of the territories to make our own laws. I look forward to support from across the ACT Legislative Assembly in standing up for the democratic rights of the people we represent.

We will continue to listen to Canberrans on issues that matter to~~impact~~ them, including voluntary assisted dying. We will continue to increase the use of online and face-to-face engagement to make sure all Canberrans have their say on our changing city.

We will continue to work to put home ownership within the reach of young Canberrans and those with low-and-middle incomes. Housing is about shelter ~~– a human right – rather than investors~~first and foremost, so we will continue our efforts both locally and through pursuing national reforms~~work~~ to see more Canberrans owning their own homes~~help those most in need~~.

We will show how better ~~and more effective~~designed and smarter cities ~~across Australia~~ – following~~led by~~ Canberra's example – can increase productivity, social inclusion and grow more good jobs ~~opportunities~~.

We will improve transport links with other Australian cities, expand on our expertise in renewable energy, and continue our~~reate~~ investment in the digital innovation Canberrans so enthusiastically~~our city~~ embrace~~s~~.

In the absence of political leadership by the Federal Government, the ACT Government will show what it means to be a modern, confident, caring and equitable community~~nation~~. We are going to help design and deliver progressive ~~should shape~~ change for a better Australia;~~, and~~ not just let change happen to~~shape~~ us.

2018 autumn legislation program

Madam Speaker, to ensure Canberra continues to be a modern and confident city, the Assembly will consider a range of important pieces of legislation this year.

Our legislative priorities impact Canberra's families, how they move around our city, safeguarding our most vulnerable and improving the efficiency of government.

During this sitting period, we're protecting Canberra's most vulnerable by tightening firearms legislation, improving the efficiency of the court system, and providing mechanisms to improve the Lease Variation Charge.

Throughout the autumn, we will continue to show that organised crime has no place in Canberra, with the Attorney-General and Minister Gentleman introducing bills targeting fortification removal and prohibited weapons.

The Attorney-General will also introduce legislation to establish a Drug and Alcohol Court, as well as addressing the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

We will continue to protect children and young people through amendments to our A Step Up for Our Kids Strategy, while we will establish a legislative mechanism for reviews into family violence deaths.

Meanwhile, as we reform Canberra's public transport sector, the Government will introduce a framework for the operation of light rail, including ticketing and enforcement powers, and we will improve safety communication between employers and workers in a Work Health and Safety Amendment Bill.

Before the end of the year we also intend to legislate reforms to Canberra's Compulsory Third Party insurance scheme, based on the recommendations and advice of this city's first citizens' jury. These reforms as still taking shape,

but we believe it is possible to better protect Canberrans on our roads and put a lid on cost of living pressures by reforming the insurance every driver pays for. The insights we gain along the way in working with the citizens' jury to drive this reform will also inform our efforts through this year and beyond to engage with the Canberra community more directly, meaningfully and transparently.

Conclusion

Madam Speaker, the Government's work over the next few months is focused on what Canberrans value most and what they want from their city.

Great cities work when they deliver the basics, are sustainable and are open to new ideas. Canberra is a great city.

We are a positive, progressive city that is making things happen, and I'm proud more and more people are recognising what's on offer here.

This ACT Government that I lead will continue to listen to Canberrans and work for Canberrans. Our debates in this place will have the interests of all Canberrans at their heart.

My Government is delivering on our commitments, to build a better Canberra.

During 2018, we will deliver today and build for tomorrow.

ENDS

14 March 2018

Dear Chief Minister,

Please find enclosed your embargoed e-copy of the CTP Deliberative Democracy Workshop Report – 12 March 2018 entitled “Your Experiences are Important”.

This report will remain under embargo until 1200am Thursday 15 March and is not to be distributed or circulated outside of the CM Office until that time.

As you know, your Government has drawn on the methods and principles of deliberative democracy and established a citizens’ jury to consider an effective system to support our citizens involved in motor vehicle accidents and to potentially decide on changes to the current system.

Part of this daunting task is to balance the interests of the majority in the community who pay for the scheme but don’t require the benefits of it, and the minority who suddenly depend on it, because their life is turned upside- down by a motor vehicle accident. This balance is fraught because any person in the majority could find themselves joining the minority at any time.

As part of this balancing exercise, it is critical that the citizens in the jury have some deeper understanding of the experiences of that minority of accident victims, and see how the CTP system looks from their perspective.

This workshop and this report are aimed at providing such an opportunity, and we hope that it complements and enriches the testimonies the jury has already heard.

We commend this report and the stories of the citizens within it to the Citizens’ Jury and ACT Government.

Your sincerely,

Nicole Seils

CNS Projects

Nicole Seils GAICD / Director / Consultant / e:nicole@cnsprojects.com / +61438536118

www.cnsprojects.com

Background

A group of local law firms, including Blumers, MEJ, Slaters and Maurice Blackburn, asked me as an independent consultant to design and deliver an independently-facilitated deliberative democracy workshop to capture the experience of the Canberra community under the current CTP scheme.

As a result, a number of recent compulsory third party insurance claimants were invited to participate in a deliberative workshop on Wednesday 28 February in Canberra.

This is the post workshop report of that day.

Welcome to Jurors script

- Welcome and thank you for taking part in the ACT Government's first citizens' jury to explore how our Compulsory Third Party insurance scheme can be improved.

- It is an exciting day for the ACT as we host our first Citizens' Jury. This process strengthens our government's commitment to community engagement processes so that we can hear about the real issues that matter to Canberrans.

- 285,000 motor vehicles are registered in the ACT so this is an important issue to consider and to deliberate on.

- We want to consider this issue **with** you, and other key stakeholders, so that the CTP scheme better reflects the priorities of Canberrans.

- Throughout this process I encourage you to engage in conversations with people outside the jury and with each other. This is an open process and it is through listening to all voices within the community that we will be able to develop an improved scheme.

- We have set some limits on what you can consider which will be explained to you soon. Importantly, one of these limits is that premiums cannot rise as a result of overall improvements to the scheme.

- I know that what we are asking you to deliberate on will be thought-provoking with a number of facets to consider.

- This is why we have asked you to come together over six days and I sincerely thank you for taking the time out of your busy lives to be part of this Citizens' Jury.

- At the end of this process, the Government has committed to pursuing your preferred model.

- I encourage you all to grasp this historic opportunity with both hands and to immerse yourself in all of the information and discussions that are to be had.

- Please continue to ask questions, clarify information if you are unclear and most importantly report back with your frank and fearless advice to Government so that together, we can better protect all Canberrans who use the road.

- This pilot will be an important step in learning, as a government and community, how we can work together to achieve policy outcomes which better reflect the wishes of the community.

- Enjoy the experience. I look forward to seeing the outcome of this process.

ENDs

PIAZZA RESEARCH

INTRODUCTION

Good evening. I wonder if you can help me? My name's (FULL NAME) from Piazza Research calling on behalf of the ACT Government. The ACT Government is conducting a study to understand the community's views on compulsory third party insurance. Can you help me by answering some survey questions?

VALUES

Value 1 intro

There are six questions about CTP and then some demographic questions but firstly I'm going to give you some information about CTP insurance.

Compulsory Third Party Insurance is insurance all motor vehicle owners are required by law to buy when they register their car. It's often called CTP Insurance. It covers other people injured in an accident that is found to be your fault.

Different CTP insurance schemes exist in every state and territory and offer different levels of coverage, benefits and premiums. As with other kinds of insurance you might buy, the level of cover and benefits in the scheme will affect the premiums you pay. The ACT has among the most expensive premiums in the country, in part due to how our CTP scheme is designed.

We'd like to ask you some questions to understand what features of CTP insurance you value and what you think could be improved.

I'm going to read out two options at a time and then ask how important that option is to you.

Q1 Would you prefer CTP insurance *Select only one)*

a) that covers everyone injured in an accident <u>regardless</u> of whose fault it was ☐1

or

b) like it is now in the ACT, covers people who have been injured in an accident that was <u>someone else's</u> fault. ☐2

☐3 (Don't know)

Q1a How important is this to you?

Not Important	Somewhat Important	Important	Very Important	Unsure
☐1	☐2	☐3	☐4	☐5

Commented [ks1]: Suggest we make these 1-5 or 'unsure' – comment was made that we do 1-5 in the last question.

Q2 If you are injured through someone else's fault, would you prefer a CTP insurance process where you … *Select only one)*

a) Have the opportunity to go to court and have your individual circumstances taken into account - it may take a number of years ☐1

or

b) -are able to access compensation directly from the insurer, knowing that particular costs will be covered. ☐2

☐3 (Don't know)

Q2a How important is this to you?

PIAZZA RESEARCH

Not Important	Somewhat Important	Important	Very Important	Unsure
☐1	☐2	☐3	☐4	☐0

Q3 In some states and territories, the amount of compensation is fixed for less-serious injuries at levels considered reasonable for the type of injury? Do you think CTP compensation:

Select only one)

a) should be fixed in some way for people with less serious injuries? ☐1

or

b) unlimited? ☐2

☐3 (Don't know)

Q3a How important is this to you?

Not Important	Somewhat Important	Important	Very Important	Unsure
☐1	☐2	☐3	☐4	X5

Q4 In addition to medical expenses and compensation for loss of income – some CTP schemes cover things like pain and suffering and loss of enjoyment of life – these are examples of non-financial loss.
So with that in mind - Do you think compensation for non-financial loss:

Select only one)

a) should be paid <u>regardless</u> of whether a person's injury is minor or severe? ☐1

or

b) should be available <u>only</u> for more serious injuries? ☐2

☐3 (Don't know)

Q4a How important is this to you?

Not Important	Somewhat Important	Important	Very Important	Unsure
☐1	☐2	☐3	☐4	☐5

Q5 What is more important to you in a CTP scheme?

Select only one)

<u>Less generous</u> coverage and benefits reflected in a lower premium ☐1

or

<u>More generous</u> coverage and benefits reflected in a higher premium ☐2

☐3 (Don't know)

Q5a How important is this to you?

Not Important	Somewhat Important	Important	Very Important	Unsure
☐1	☐2	☐3	☐4	X5

PIAZZA RESEARCH

Q6 With 1 being not at all important and 5 Extremely important, how important are the following CTP Insurance features:

	Rating (1 to 5)
a) Compensation being paid quickly to injured people	_____
b) Universal coverage where everyone injured has access to some compensation	_____
c) Having individual circumstances taken into account when making a claim	_____
d) Affordability of premiums	_____
e) The compensation payout being largely the same for people with the same severity of the injury	_____

DEMOGRAPHICS

Q7 In which year were you born ? _____

Q8 Have you been injured in a vehicle accident during the last 3 years?

Yes	No
☐1	☐1

Q9 How would you describe your employment status?

Full time	☐1
Part-time	☐2
Retired	☐3
Not employed	☐4
Home duties	☐5
Student	☐6

Q10 What is the highest level of education you've achieved so far?

High school	☐1
Tech college/ CIT/Certificate	☐2

PIAZZA RESEARCH

level course

Undergraduate university degree	☐3
Postgraduate university degree	☐4
Other	☐5

Q1 Do you have a current motor vehicle license?

Yes	No
☐1	☐1

Q2 Do you own a car?

Yes	No
☐1	☐1

Q3 Record gender.

Male	Female
☐1	☐1

Thank you for taking the time to complete this survey. Your response will help us to inform future decisions about CTP insurance for the ACT. The results of this survey will be given to a citizens' jury considering improvements to the CTP scheme. If you'd like to know more go to the ACT Governments Your Say website.

If asked: (www.yoursay.act.gov.au/ctp)

END

Andrew Barr MLA
Chief Minister

Member for Kurrajong

Treasurer
Minister for Economic Development
Minister for Tourism and Major Events

Sch 2 s2(a)(ii)

ACT Law Society
GPO Box 1562
CANBERRA ACT 2601

Dear Sch 2 s2(a)(ii)

Thank you for your letter of 1 September 2017 about the ACT Law Society's participation in the Stakeholder Reference Group (SRG) for the citizens' jury on the ACT's Compulsory Third Party (CTP) Insurance Scheme, and your nomination of Mr Mark Blumer.

I appreciate your offer to work with the ACT Government to implement measures to improve the CTP scheme and raising the society's concerns at this early stage. The government is keen to ensure that the ACT Law Society and other relevant stakeholders have suitable opportunities to participate in the citizens' jury process and that your organisation is an active participant in the development of any future reforms.

I can assure you that the citizens' jury process will not be rushed. The process, which was developed by experts in deliberative democracy, will run over a period of seven months between October 2017 and March 2018. This will provide an opportunity for measured consultation, deliberation and design of options to improve the Territory's CTP scheme to better meet the needs of all road users in Canberra. It is anticipated that the SRG will meet around four times in total, but there is opportunity to have additional meetings if required. I acknowledge that members will have other commitments and note that a scheme design expert and actuary have been included on the SRG to undertake the majority of the work on the models, under the supervision of the SRG as a whole.

The timeline for the citizens' jury on CTP includes a six week period for interested stakeholders and the broader community to have their say. The feedback received through this process will be given to the jury members in its entirety to assist them in their deliberations. The jury would most certainly benefit from hearing from those who have been injured in a motor vehicle accident and I encourage you to refer your contacts to the feedback website www.yoursay.act.gov.au/ctp. The citizens' jury will have an opportunity to hear directly from a variety of witnesses and I anticipate that in addition to those who provide their details through feedback, the SRG will be able to recommend individuals injured in a motor vehicle accident who can share their stories in person.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY
London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 0011 Fax +61 2 6205 0157 Email barr@act.gov.au

@ABarrMLA AndrewBarrMLA andrewbarr

I agree with you that the process needs to be transparent and that members of the SRG should have the opportunity to liaise openly with their colleagues throughout the process. However, this needs to be balanced with respect for other SRG members and the citizens' volunteering their time to participate in the jury. For example, there may be occasions where SRG members will need to keep material confidential for a period to ensure jurors have the first opportunity to hear from the SRG. I understand that the issue of confidentiality was discussed at the first meeting of the SRG on 13 September, and have been advised that this was resolved to the jury's satisfaction.

In relation to your request for further information, you can find detail on the jury selection process in the strategy document available at www.yoursay.act.gov.au/ctp. Financial and statistical data on the CTP scheme is available on the ACT Treasury website at www.treasury.act.gov.au/compulsorytpi, as are the annual report and scheme review. The facilitators were provided with the information available on both of these websites as well as the tabling statement of the scheme review available at http://www.hansard.act.gov.au/hansard/2016/week04/1105.htm. A copy of the material provided to the facilitators in addition to that publically available on these websites is attached. I understand the process for witness participation and providing materials for the jury was the subject of discussion at the first SRG meeting. All materials that are provided to the jury will be made available online at the same time as they are provided to the jury.

In response to your views regarding the material on the your say website, this material has been developed taking into account the results of an online quiz that tested understanding of the scheme and draws together useful information about the scheme and the citizens' jury process. If you consider there are factual inaccuracies or if you can suggest additional information, please liaise with Cecilia Willis (Cecilia.willis@act.gov.au) within Treasury.

This deliberative democracy process is part of the ACT Government's commitment to strengthen community consultation so that we take into account the diverse views of all Canberrans when developing policies and projects. This pilot will be an important step in learning, as a government and community, how we can work together to achieve policy outcomes which best reflect the wishes of the community.

I look forward to your organisation's contribution to this process.

Yours sincerely

Andrew Barr MLA
Chief Minister
15 SEP 2017

ACT Government

RESULTS –
CTP Insurance Quiz

Date: May 2016

1. Summary

The CTP insurance quiz was designed to gauge drivers' level of knowledge of the ACT compulsory third-party (CTP) scheme and to improve understanding. The results will inform the Government on the potential for future CTP reform.

The online quiz was published on the CTP insurance section of the Treasury website from 18 April to 15 May and was distributed via digital and direct mediums both internally and externally. The accompanying information pages were updated and simplified to coincide with the launch. A media relations strategy was not pursued.

This quiz targeted the more than 300,000 Canberra motorists aged 17-65 over the four-week period.

2. Method

A range of predominantly digital mediums were used to reach the target audience at a total cost of $141.

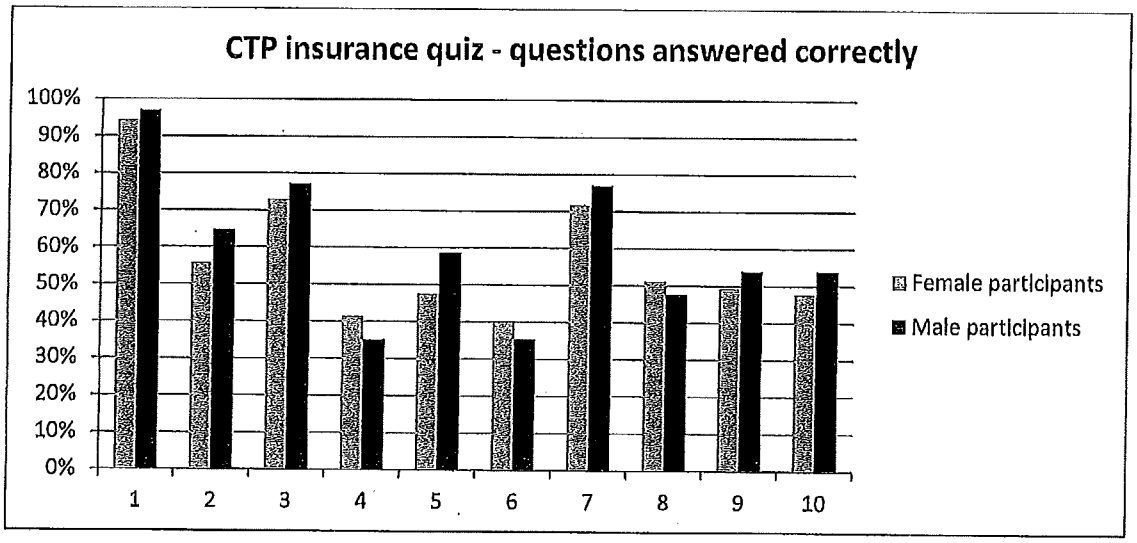
The quiz was distributed via the following methods:

1. **Quiz launched on Treasury website** – with a request to submit age and gender
2. **Updated web content** – all information and documents reviewed and updated
3. **The ACT Government Facebook and Twitter pages** – 4 x FB boosted posts, 8 x Twitter polls (4 boosted)
4. **Digital and hardcopy versions of the *Our Canberra* newsletter** – banner, image, article and link
5. **Access Canberra in-queue holding recorded message** – 30 second mention of quiz and link
6. **The WhoG Daily Notices** – two notices in first and last weeks of campaign
7. **The internal newsletter *The Loop*** – article and image

3. Results

A total of 1,632 participants took part in the quiz during the four-week campaign with 79% of participants answering five or more out of 10 correctly. Despite the convincing pass rate, the majority of participants (62%) answered three to five answers incorrectly.

These wrong answers showed a particular knowledge gap in six areas (see graph).



The questions with a 50% or lower pass rate for one or both genders correspond to the following themes:

Q4 – Cost of premiums in the ACT compared to other states and territories
Q5 – Eligibility for early payment of $5,000 for medical expenses
Q6 – How much CTP insurers pay out for legal expenses
Q8 – The need for court proceedings if no party admits fault
Q9 – The lack of coverage for property damage
Q10 – The eligibility for the Lifetime Care and Support Scheme.

There was a 26% increase in unique page visits to the CTP insurance information pages in comparison to the previous four-week period. In addition, the quiz page had 1,952 unique visits.

The social media campaign reached 14,156 people in the target group and 425 people took part in the Twitter poll. The results of the Twitter poll saw a 54% per cent pass rate, which was considerably lower than the full online quiz. This could be due to the restrictive word count that did not allow for as much information to be conveyed in the question or the quick nature of the response process.

The questions answered incorrectly (50% or below) in the Twitter poll corresponded to those answered incorrectly in the full online quiz.

4. Conclusion

The CTP insurance quiz was very successful in reaching Canberra motorists to measure their understanding of the ACT CTP insurance scheme and directing them to the updated website for more information. The number of participants was four times greater than the original target sample size.

Canberra motorists appeared to lack knowledge about how the scheme compares nationwide, the meaning of an "at-fault" system , for what payments they are eligible and the need for additional insurance to cover property damage. These issues could be addressed with further awareness initiatives.

SUMMARY OF KEY ELEMENTS OF THE ACT'S CTP SCHEME

1) All motor vehicle owners are required by law to buy compulsory third-party (CTP) insurance every year as part of the vehicle registration process. CTP insurance covers other people (including pedestrians, passengers, pillion riders, and cyclists) injured in a motor vehicle accident that is found to be the fault of the insured driver and covers the following kinds of loss:

   a) treatment and care costs – compensates for past and estimated future costs of the treatment and care needed as a result of the injuries (note that this is not available for the catastrophically injured as their lifetime treatment and care costs are covered on an ongoing basis under the *Lifetime Care and Support Scheme,* introduced in 2014);

   b) economic loss – compensates for past and future financial loss, which can include lost wages if the injured person cannot work; and

   c) non-economic loss (NEL) – compensates for things like pain and suffering and is also known as general damages.

2) CTP insurance does not cover property damage. Motorists can choose to purchase separate insurance for property damage, which is generally known as comprehensive insurance or third-party property insurance.

3) CTP schemes exist in every state and territory but they are different in design and offer different levels of coverage and benefits. The ACT scheme is the only scheme which operates entirely under the common law. This means that:

   a) the Courts have jurisdiction to determine the claims of an injured person when they sue the at-fault driver and their CTP insurer for negligence. As with other common law claims, the parties can agree or settle on the amount to be paid to the injured person without going to Court;

   b) there is no statutory definition of appropriate benefits and no floor or cap on the amounts that can be awarded, so each settlement or judgement is made on a case-by-case basis;

   c) if a person is in an accident that is found to be no one's fault (blameless) or their own fault, they cannot claim compensation under the scheme as they have no one to sue for negligence (although in some cases they can access a $5000 payment for early medical expenses); and

   d) while some CTP insurers offer other benefits, like cover for at-fault drivers to increase the attractiveness of their product, they are not a requirement of the CTP legislation and the benefits are usually very limited.

4) ACT vehicle owners generally have a limited understanding of the scheme. A recent quiz conducted by the Regulator and answered by 1,632 people, showed that in general Canberra motorists lack knowledge and understanding that:

   a) an injured person needs to prove fault in order to receive compensation (many motorists think they have coverage under the scheme regardless of the cause of the accident);

   b) a relatively low proportion of scheme payments are for medical expenses to help injured persons return to health (the scheme pays out more expenses for NEL and legal costs); and

   c) the ACT's CTP premiums are expensive compared to other jurisdictions (they are the second highest in Australia).

5) The current ACT scheme is the only one in Australia to operate under the common law without any limits on benefits payable. Possible criticisms of the scheme are outlined below.

a) The scheme ***lacks universality*** as it does not provide coverage to those in blameless accidents or for 'at-fault' drivers. These people are forced to rely on the public health and welfare systems (where eligible) or private health or personal injury insurance (if covered) or family support (where available), sometimes because of a moment's inattention or, in the case of wildlife collisions, through no fault of their own.

b) The adversarial nature of the scheme leads to ***delays in claim resolution***, as investigations of fault and negotiation and litigation take time. On average, large claims take around 47 months to finalise and small claims take almost 18 months to resolve. The injured person often receives little or no payment until the claim is finalised, limiting their access to injury treatment required to return to health. The delay can also cause emotional and financial stress. In comparison, the Victorian Transport Accidents Commission routinely begins payment of medical treatment and lost wages within 5 days of a claim, under its no-fault scheme.

c) The process is ***not conducive to returning injured people to health***. It is generally accepted that early access to treatment for injuries leads to more positive health outcomes.

i) A 2014 study found that many claimants (around a third) experienced high levels of stress from engaging with injury compensation schemes which impacted their long-term recovery. Six years after their initial injury, these claimants had significantly higher levels of disability, anxiety and depression and lower quality of life, compared with other claimants. The two largest negative health effects were associated with problems navigating the claims process and the stress of time taken with their claims (Grant, O'Donnell, Spittal et al, 2014).

ii) The operation of the scheme can create a perverse disincentive for injured people to get better. In order to maximise compensation for their injuries, there is an incentive for the injured person to show signs of continuing disability or incapacity. This discourages efforts to recover quickly as it may reduce the final settlement amount that goes to the injured person.

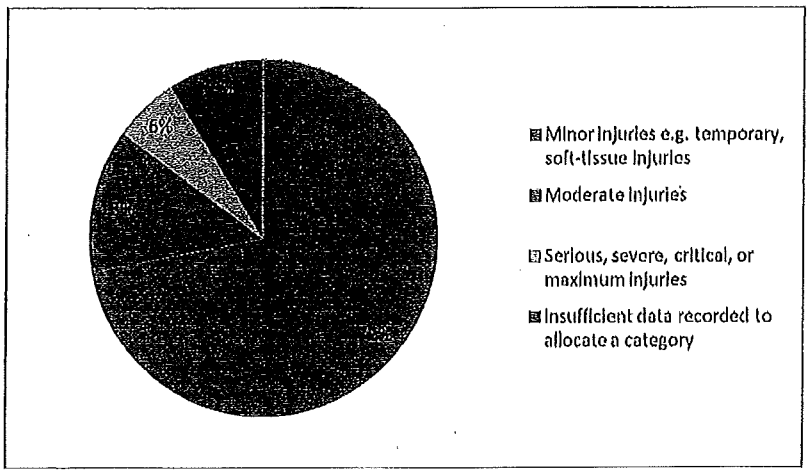
d) There is no 'entitlement' to a quantum of benefits for particular injuries, only a right to make a claim, which invariably results in ***uncertain and inequitable outcomes***, with different benefits paid for similar injuries based on individual negotiations or Court judgements.

i) Many people engage lawyers who provide an important advocacy role in the negotiation and litigation process which is an inherent part of an adversarial scheme. However, legal and investigation costs impact on the final amount received by the injured person. While insurers will pay party to party costs, represented claimants will generally pay additional fees to their lawyer (solicitor-client costs), reducing their final payout. Of claimants who finalised claims in 2015-16, about three quarters had legal representation. With around 72 per cent of claims finalised in 2015-16 being for minor injuries (refer Figure 1 below), legal costs payable by the claimant may account for a significant portion of final settlements.

ii) Market research in Queensland (which also has an at-fault scheme) conducted in 2014 found that their CTP claimants only ultimately retained 52 per cent of the settlement amount (on average), or around 61 per cent if injuries were serious or severe, the remaining amount predominantly going to legal costs

and statutory reimbursements (such as Medicare, Workcover and Centrelink repayments).

Figure 1: Claims Finalised in 2015-16 by Level of Injury



e) The ***scheme is relatively inefficient*** compared to other jurisdictions, both because it is an at-fault scheme and because it allows unrestricted access to common law damages. A key measure of scheme efficiency is the proportion of scheme funds that are provided for the direct benefit of injured claimants. The relatively high share of scheme funds being diverted to legal fees and investigation costs make the scheme inefficient.

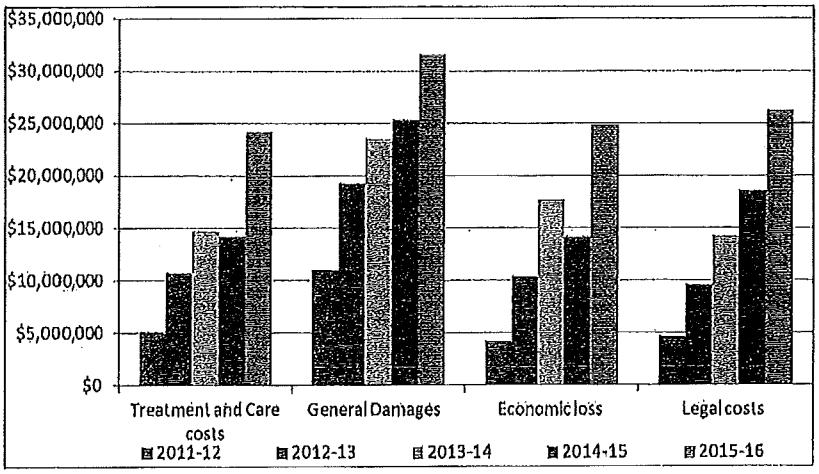
i) Twenty-four per cent of scheme payments went to legal (defendant and plaintiff party to party costs) and investigation fees in 2015-16, the second highest expenditure category for the scheme. For the same period:

(A) general damages or NEL represented 29 per cent of payments;

(B) treatment and care costs represented 23 per cent of payments; and

(C) economic loss (e.g. wages) represented 23 per cent of claim payments (also refer Figure 2 below).

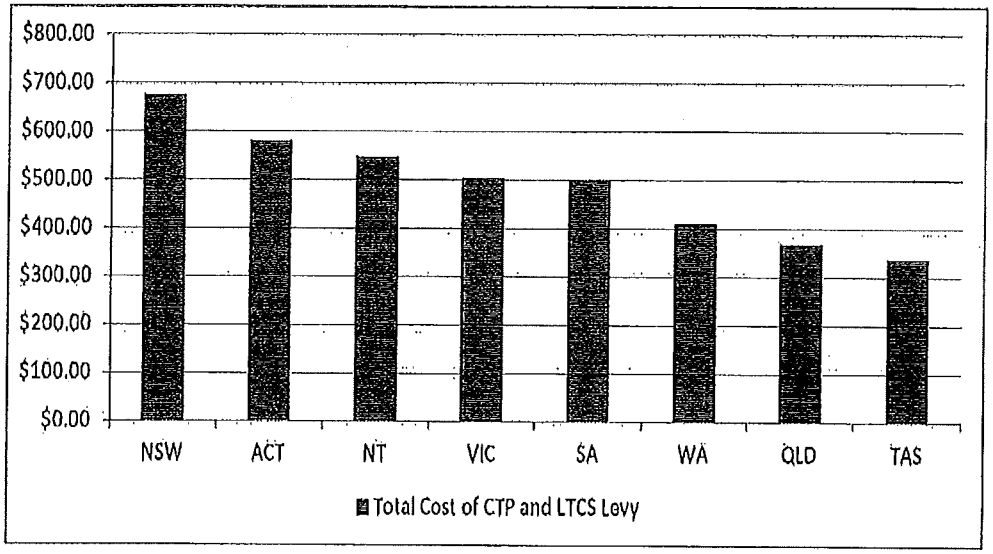
Figure 2: Distribution of Claims Payments by Heads of Damage 2011-12 – 2015-16



Note: Treatment and care costs comprise 'treatment costs' and 'past and future care costs'. General Damages comprise 'General Damages costs' and Economic Loss costs comprise 'Economic Loss costs'. Legal costs comprise 'Defendant legal costs', 'Investigation costs' and 'Plaintiff Legal costs', but do not include solicitor-client fees.

f) ACT vehicle owners pay the highest CTP insurance premiums after NSW (refer Figure 3 below). In addition to the inefficiency of the scheme, the inconsistency and uncertainty of benefits claimed and awarded under our common law scheme which has no thresholds or caps is one of a number of things that results in high claim liability estimates for insurers, which affects the affordability of the scheme. A 2016 independent actuarial review of the ACT CTP legislation by Cumpston Sarjeant Pty Ltd found that "***the affordability of ACT policies compares unfavourably*** with other jurisdictions...(which) can be attributed to the scheme design...".

Figure 3: Comparison of CTP and LTCS premiums for passenger vehicles by jurisdiction as at 1 October 2016



Note: As some jurisdiction's CTP premiums incorporate funding for lifetime care and support (LTCS) schemes, a comparison can only be undertaken on a combined basis.

Stakeholder views

New South Wales recently passed legislation to reform its CTP scheme. Its stakeholder consultation experience is relevant to the conversations that are likely to occur in the ACT.

While it is difficult to engage purchasers of CTP insurance in conversations on CTP, other stakeholders such as lawyers, have strong views on scheme design (e.g. https://www.lawsociety.com.au/ForSolictors/advocacy/policyandrepresentation/CTPproposals/index.htm).

A summary of NSW CTP reform consultation panel outcomes can be found here:

http://greenslipreforms.nsw.gov.au/wp-content/uploads/2016/10/CTP-Reference-Panel-Paper-final-September-2016.pdf

Should the Government discuss whether the CTP scheme design is right for the Territory?

Background to CTP Scheme

- CTP insurance is a form of statutory insurance that all motorists are required to pay at the time of registering their vehicle.
  - About 280,000 motor vehicles are registered in the ACT each year.
  - CTP insurance is an issue for almost all Canberrans.

- CTP insurance covers people (including pedestrians, passengers, pillion riders, and cyclists) injured in an accident with a motor vehicle where they can prove fault.
  - If you are in an accident that is your fault, you cannot claim under the CTP scheme.
  - If you are in an accident that wasn't anyone's fault (a 'blameless accident'), such as a collision with wildlife, you or your passengers cannot claim under the CTP scheme.

- Without CTP insurance, if you were found to be at fault in a car accident and other people were injured, you would personally be responsible for the compensation costs arising from those injuries, which could amount to many thousands of dollars.
  - If you can't pay, the injured person is left without compensation.
  - This is why CTP insurance is compulsory in every state and territory in Australia.

- As the ACT's CTP scheme is a common law scheme, the amount of compensation you receive and the length of time taken to receive compensation depends on your individual circumstances.
  - Compensation is either awarded by a court or negotiated between you and the CTP insurer.

The Case to consider change to the CTP Scheme

- Compulsory third-party (CTP) insurance schemes exist in every state and territory but they are different in design and offer different levels of coverage, benefits and premiums.

- Victoria, Tasmania and the Northern Territory all have either no-fault schemes or no-fault schemes with some common law access. Just recently the New South Wales Government passed legislation to also introduce a no-fault scheme with some common law access.

- The ACT's CTP premium for passenger vehicles is currently the second highest premium in Australia. This is largely due to the ACT's scheme design.
  - If the level of premium reductions is achieved in NSW with their new CTP scheme, the ACT will have the most expensive CTP scheme in Australia.

- There have been a number of recent developments in personal injury insurance across Australia.

- There is an on-going discussion in Australia about the merits of providing compensation to all injured motorists not just those who can prove fault.
  - This recognises that accidents are often just mistakes and accidental circumstances rather than clear 'perpetrators' (which implies intent) and victims.
- Studies indicate that personal injury schemes that focus on returning injured people to full health, with ease of claiming and efficiency in resolving disputes (rather than proving fault) achieve better health outcomes for claimants.
- The Productivity Commission has questioned the appropriateness of lump sum (common law) payments for treatment and care for severe injuries.
  - Single, lump sum payments do not guarantee needed support will be available for treatment and care.
  - It is for this reason that the National Injury Insurance Scheme has been implemented for catastrophic injuries which require whole of life care.
- Fraudulent claim behaviours are increasing in Australia.
  - Deterring fraud, and reducing the amount of money spent on fraud, are key goals of any statutory insurance scheme and there are particular types of scheme characteristics that are more susceptible to fraud.

- Given CTP insurance is compulsory, the scheme seeks to balance those who benefit from the scheme and those who pay (the needs of injured people and motor vehicle owners).
  - An injured person seeks effective injury management and adequate benefits provided in a timely and equitable manner.
  - A motor vehicle owner seeks affordable premiums.

- It is timely to ask constituents what they want in their CTP scheme. What they consider appropriate benefits balanced by what they are prepared to pay in premiums.

- It is appropriate to explore whether the ACT has the right balance with its existing CTP Scheme:
  - between who is eligible to receive benefits and affordability;
  - between amount and type of benefits and affordability;
  - between benefits provided for minor injuries compared to severe injuries;
  - between equitable benefits provided for injured persons with similar injuries compared with an individual's right to negotiate a settlement;
  - between certainty that on-going reasonable and necessary treatment and care will be provided compared with the self-control and financial risk that comes with a lump sum payment; and
  - between how quickly benefits are paid to an injured person to expedite a person's return to health compared to an individual's ability to have their day in court.

Andrew Barr MLA
Chief Minister

Member for Kurrajong

Treasurer
Minister for Economic Development
Minister for Tourism and Major Events

Sch 2 s2(a)(ii)

Law Society of the Australian Capital Territory
GPO Box 1562
CANBERRA ACT 2601

Cc: Minister Ramsay

Dear Sch 2 s2(a)(ii)

Thank you for your letter of 7 February 2018 to myself and Attorney-General Gordon Ramsay regarding the Compulsory Third Party (CTP) insurance citizens' jury. I am responding on behalf of the ACT Government.

The Government has chosen to pilot a citizens' jury so that we can consider with the community and other key stakeholders how to improve the CTP scheme so it reflects the priorities of Canberrans. The Government has empowered the jury to set priorities for an improved CTP scheme and select a preferred model, with the Government having publicly announced its commitment to implement the jury's preferred model.

In line with the publicly released jury plan, potential models are being developed by the Stakeholder Reference Group (SRG) using the priorities determined by the jury in October 2017. These models will then be provided to the jury for their consideration in March 2018.

As you would be aware given the Law Society's representation on the SRG, this group represents key stakeholders in the CTP field, including healthcare providers, the legal profession, insurers and representatives of government.

I understand that a number of meetings on the detail of the draft models have occurred since you last wrote to me, including a meeting with the SRG representatives of the Law Society of the ACT, ACT Bar Association, Government and the scheme design consultant on 8 February and an SRG meeting on 12 February. I also understand that further consultation is occurring with the courts on the proposed dispute resolution mechanism.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY
London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 0011 Fax +61 2 6205 0157 Email barr@act.gov.au

@ABarrMLA AndrewBarrMLA andrewbarr

I would encourage the Law Society to continue actively engaging with the SRG because matters relating to the detail of the models under development are best pursued and addressed through this forum.

In relation to your concern about how the models are to be presented to the jury, I am advised the methodology was discussed at the SRG meeting of 12 February and that SRG members have been invited to provide feedback to the facilitators on the methodology.

I have also been advised that the models provided to the jury for their consideration will contain information on the key components. Once the jury has selected its preferred model, the more technical details will be developed further as the Government progresses to legislative drafting. During this time it is the Government's intention that further consultation will take place with stakeholders – including the Law Society – on the details of implementing the jury's preferred model. I welcome your organisation's willingness to work with the Government on implementing the preferred model to improve our CTP scheme.

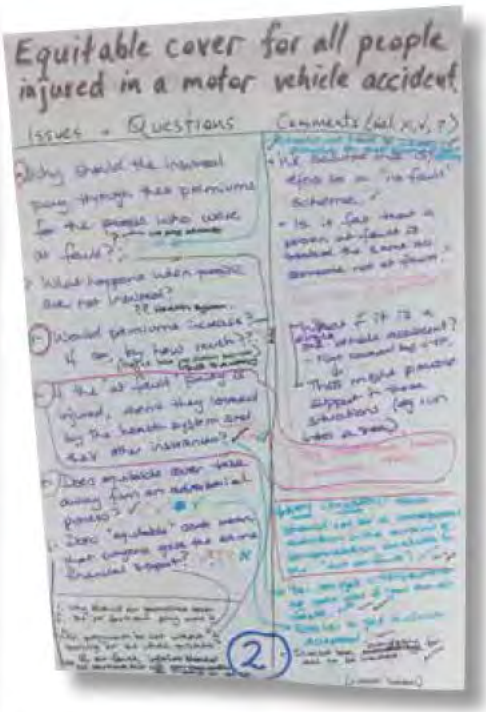
The Government is committed to delivering on our 2016 election commitment to improve the way we engage with the Canberra community. We are developing tools and strategies based on deliberative democracy principles, and the ACT CTP citizens' jury pilot is just one part of this. While we acknowledge this provides different opportunities for involvement by organisations such as the Law Society which have been active participants in consultations in the past, we appreciate your ongoing engagement and input.

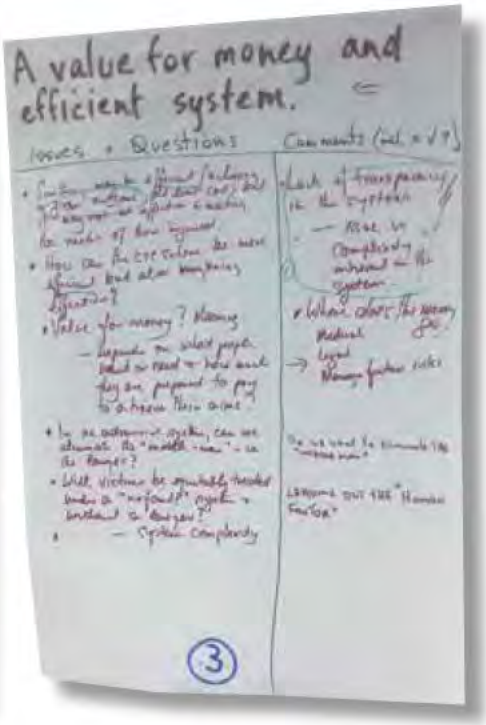
Yours sincerely

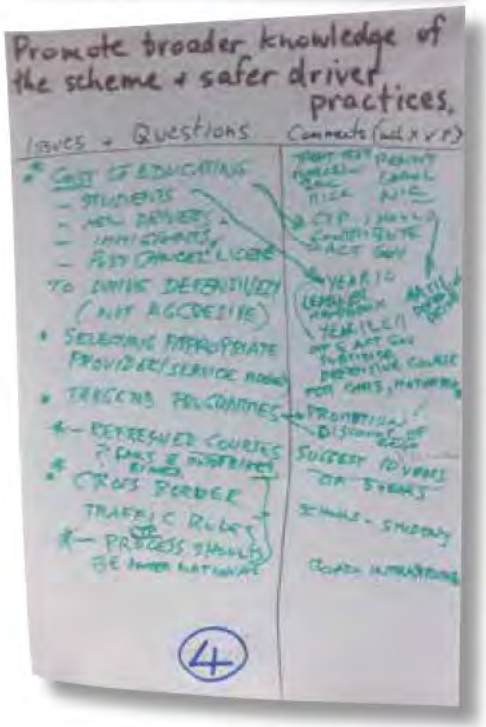
Andrew Barr MLA
Chief Minister and Treasurer

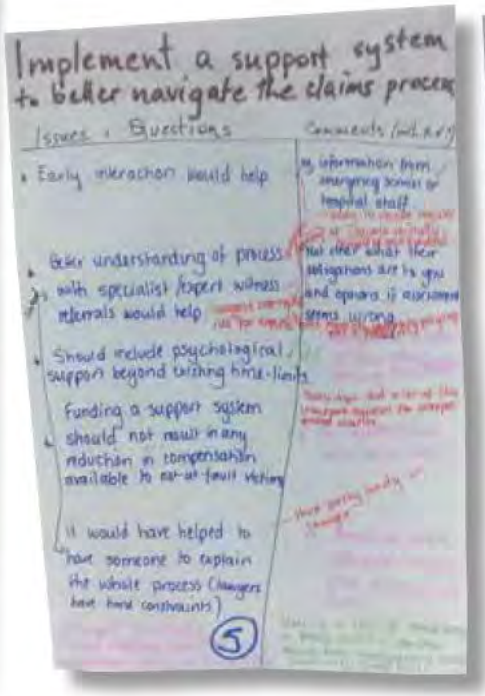
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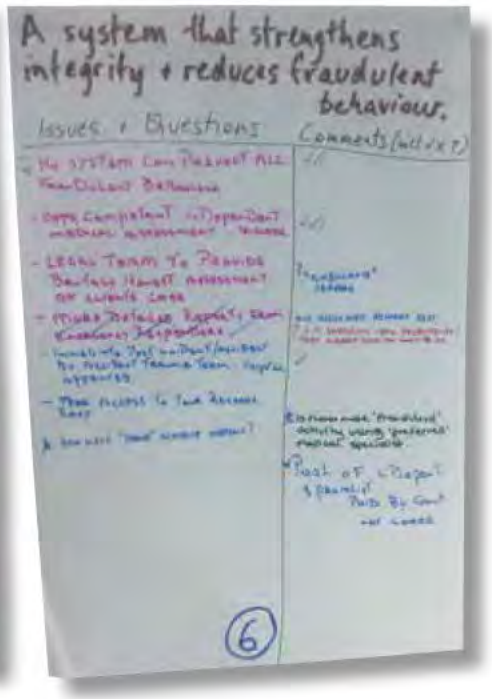

EARLY ACCESS to medical treatment, economic support and rehabilitation services
Issues + Questions
Comments (✓, ✗, ?)
Medical
Economic
Rehab
1

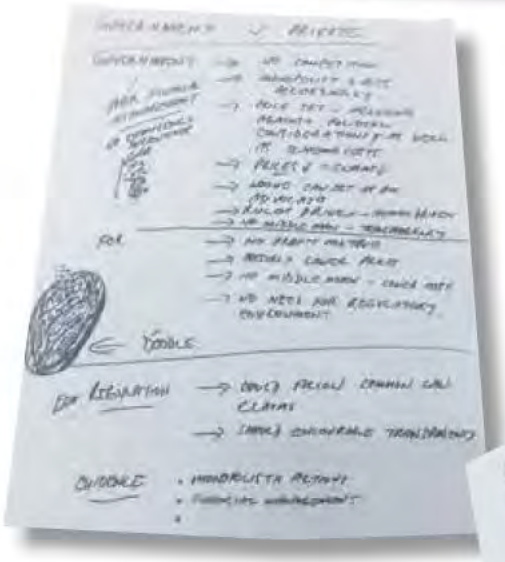

Equitable cover for all people injured in a motor vehicle accident
Issues + Questions
Comments (incl. ✓, ✗, ?)
2

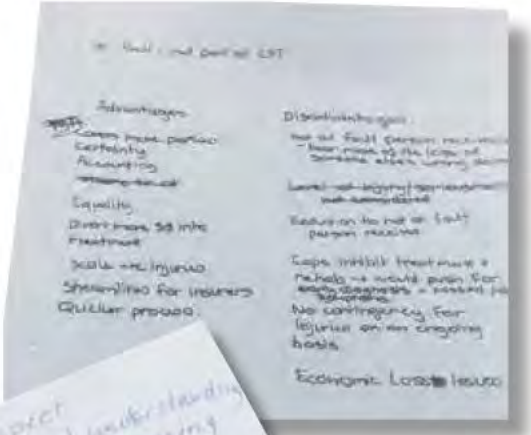

A value for money and efficient system.
Issues + Questions
Comments (incl. ✓ ✗ ?)
3

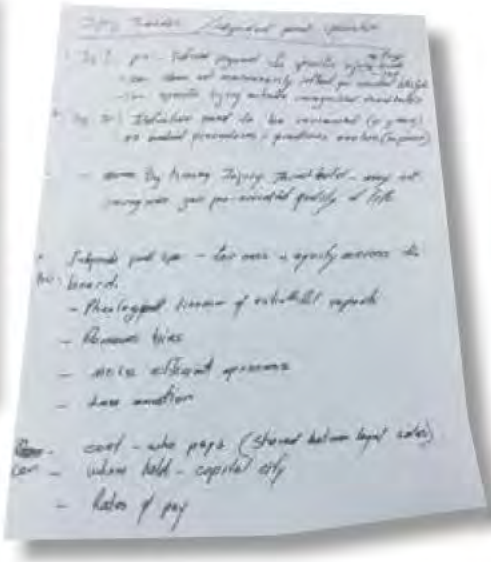

Promote broader knowledge of the scheme + safer driver practices.
Issues + Questions
Comments (incl. ✓ ✗ ?)
4

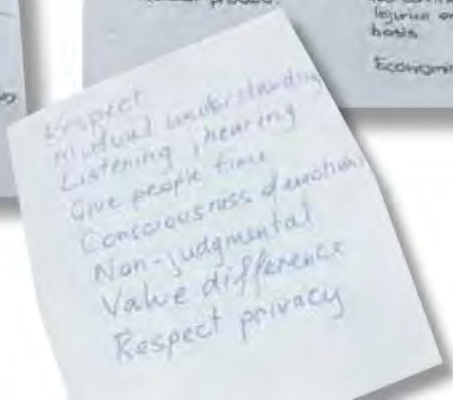

Implement a support system to better navigate the claims proces
Issues + Questions
Comments (incl. ✓ ✗ ?)
5


A system that strengthens integrity + reduces fraudulent behaviour.
Issues + Questions
Comments (incl. ✓ ✗ ?)
6








Respect
Mindful understanding
Listening + hearing
Give people time
Conscious of emotion
Non-judgmental
Value difference
Respect privacy



Dr Wendy Russell is Director of Double Arrow Consulting, a Canberra business specialising in deliberative engagement. She is an associate of the Centre for Deliberative Democracy and Global Governance at the University of Canberra and a visiting fellow at the Centre for the Public Awareness of Science at the Australian National University. She has provided advice to the ACT Government on deliberative engagement, has conducted research on the impacts of deliberative processes in Australia funded by the newDemocracy Foundation, and teaches a course in Science Dialogue at the ANU. Wendy previously worked in the Commonwealth Department of Industry, Innovation, Science, Research and Tertiary Education and before that was senior lecturer in the School of Biological Sciences at the University of Wollongong.

Questions and aAnswers – Exposure Draft of the *Motor Accident Injuries Bill*

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Why is the Government reforming CTP?

I~~CTP i~~n the ACT, the current compulsory third party insurance scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout. Despite this,~~,~~ Canberrans~~but we~~ still pay some of the highest premiums in the country.

The Government believes our CTP scheme could be improved to better protect Canberrans.

In August 2017, the ACT Government announced we would undertake a deliberative democracy process to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. The Government is committed to implementing the jury's ~~preferred~~ chosen model.

What type of scheme did the jury choose?

After intensive deliberations and hearing from both experts and people with experience of the current CTP scheme, t~~T~~he jury chose a hybrid no-fault common law scheme.

These types of schemes are already in place in other jurisdictions. For example, both New South Wales and Victoria have hybrid no-fault common law CTP schemes. However the scheme chosen by the jury offers different coverage and benefit levels compared with these jurisdictions. The jury chose a model with coverage and benefits that best met their priorities.

What is a 'no-fault' scheme?

A no-fault scheme means that all injured people are entitled to some ~~form of~~ benefits as long as they're not breaking the law when an accident happens, without having to establish that someone else was at fault.

'At fault' has a technical legal meaning. In many cases, momentary inattention is the cause of an accident rather than any conscious action, but the driver is still legally 'at fault'. Examples can include checking the mirror but not seeing a car in the blind spot or a sneeze that causes a driver to hit another car.

What is changing?

CURRENT SCHEME

DEFINED BENEFITS	COMMON LAW BENEFITS
Treatment unavailable	Treatment longer term Early payment of medical expenses (up to $5,000) for most people without lodging a claim
Care unavailable	Care longer term Including gratuitous care
Income unavailable	Income longer term
Death benefit unavailable	Death benefit
Quality of life benefit unavailable	Quality of life benefit uncapped

JURY'S CHOSEN SCHEME

DEFINED BENEFITS	COMMON LAW BENEFITS
Treatment up to 5 years	Treatment longer term Only if at least 10% WPI
Care up to 5 years Paid care only	Care longer term Only if at least 10% WPI. No gratuitous care. Paid care only.
Income up to 5 years 95% for 3 months, then 80%. Low income adjustment	Income longer term First 12 months limited to defined benefit amount. 5 yr limit if less than 10% WPI
Death benefit Funeral up to $15,000 plus dependant support up to $350,000	Death benefit Funeral costs plus dependant claim
Quality of life benefit up to $350,000 Only if at least 5% WPI	Quality of life benefit up to $500,000 Only if at least 10% WPI and use WPI scale

Summary of benefits under the new scheme

Benefit ~~t~~Type	For all: Defined benefits	Common law benefits for people not-at fault
Reasonable and necessary treatment and domestic care	**5 years** Paid care only	**Limited to the 5 years of defined benefits if Whole Person Impairment below 10 per cent** No time limit if Whole Person Impairment 10 per cent or above. Paid care only.
Income replacement	**5 years** 95 per cent of pre-injury earnings for first 3 months then 80 per cent thereafter. Higher percentage amounts payable to people on low incomes. Maximum pre-injury weekly earnings amount of $2,250.	**Limited to the 5 years of defined benefits if Whole Person Impairment below 10 per cent** No time limit if Whole Person Impairment 10 per cent or above First 12 months: as per defined benefits After 12 months: 100 per cent of loss of earning capacity (future earnings) + superannuation with a maximum pre-injury weekly earnings amount of $4,500
Quality of life	**Maximum $350,000** Benefit based on Whole Person Impairment **Threshold**: No benefit if Whole Person Impairment is below 5 per cent	**Maximum $500,000** Amount based on Whole Person Impairment scale **Threshold**: No benefit if Whole Person Impairment below 10 per cent
Death	Funeral cost + up to $350,000 if dependants	Funeral cost + common law damages for dependants

The proposed scheme as outlined in the Exposure Draft of the *Motor Accident Injuries ~~Scheme~~ Bill 2018*

What is the proposed commencement date of the new scheme? Will it apply retrospectively?

It is expected that the new scheme will commence in Canberra in the second half of 2019, and will~~.~~ ~~The new scheme will~~ cover accidents that occur from a specific implementation date. The current scheme would continue to apply to accidents that happen before this date.

Who will be covered under the proposed scheme? ~~(including overseas residents)~~

Under the proposed scheme, everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault.

As in other Australian jurisdictions, ~~(~~there will ~~continue to~~ be some exclusions for people who are committing serious criminal offences at the time of an accident~~, in line with other Australian jurisdictions)~~.

The estimated number of claims in the new scheme is 1,500, compared to 900 in the current scheme (excluding interstate claims). This ~~reflects the inclusion of an~~ means an additional 600 people will be brought into the scheme who are currently not covered because they were at-fault or ~~no one was at fault~~they were involved in a ~~(~~blameless accident such as hitting an animal~~)~~.

Overseas residents injured in a motor vehicle accident in the ACT will also be covered under the proposed scheme. They will be able to~~,~~ receive~~iving~~ defined benefits after claiming on other insurances they may have such as ~~(e.g.~~ travel insurance~~,)~~ and will be able to commute these defined benefits when they permanently ~~depart~~ leave Australia.

What will the premiums be for the new scheme and how will these be set?

When establishing the CTP Citizens' Jury, t~~T~~he Government set some criteria for~~on~~ their~~ jury's~~ work~~.~~ ~~O~~one of these~~which~~ was that premiums cannot increase as a result of any reforms.

~~The Ernst and Young costing report~~ Expert actuaries prepared a costing report for ~~provided to~~ the ~~CTP~~ c~~C~~itizens' j~~J~~ury which provided estimates of passenger vehicle premiums under the different scheme options they considered.

The jury's chosen scheme has an ~~in March 2018~~ estimated ~~the~~ passenger vehicle premium ~~for the chosen scheme to be~~of between $385 to $465. This is an estimated ~~(an~~ average reduction of $130 compared to current the average premium in the ACT~~)~~.

The premium estimates for the new scheme will be updated when a final~~the~~ bill is introduced in the Legislative Assembly ~~after the Committee process.~~.

The Motor Accident Injuries Commission will continue to regulate the premiums charged by insurers for the scheme, based on compliance with premium guidelines and independent actuarial advice on whether a premium meets the fully funded test and is not excessive.

Guidelines will specify how premiums are to be worked out and what additional information the Motor Accident Injuries Commission requires insurers to provide with a premium filing. The guidelines will continue to require information on claims handling expenses, interest earned on investments, inflation assumptions and return on capital. All these factors are considered by the scheme actuary when assessing premiums.

How will ~~people~~ injured people be assisted in navigating the new scheme?

Insurers must provide injured people with information to readily access and navigate through the new scheme. The Government will mandate the information that must be provided and the format through which insurers must provide this.

Information will also be provided by the Motor Accident Injuries Commission via a new website, and claimants will also be able to get help~~assistance~~ in making applications for defined benefits ~~will be available~~ through approved information support services such as community legal centres.

Commented [RJ1]: Too strong? Feel free to suggest another word

Commented [RJ2]: Can we be a bit more specific about where people will get this help?

Defined benefits

How does the scheme provide early treatment?

Injured people will be able to receive payment for certain specified treatments, such as doctors' appointments and physiotherapy,~~,~~ on a reimbursement basis while an insurer is determining liability for a defined benefits application.~~, so long as the application is made within the 13 week from the date of the accident.~~ This means that people who are injured ~~are able to~~can start accessing treatment as soon as possible to ~~aid in~~help with their recovery.

Applications need to be lodged within 13 weeks of the date of an accident for these early benefits to apply. Once an application that was lodged on time is accepted, any other treatment and care dating back to the time of the accident that is assessed as reasonable and necessary by the insurer can be reimbursed.

What treatment can be accessed once a defined benefits application is accepted?

~~The bill specifies the types of treatment that can be provided~~ U~~u~~nder the new scheme the available treatment~~and~~ includes:

- medical treatment (including pharmaceutical treatment);
- dental treatment;
- rehabilitation;
- educational and vocational training; and
- home and transport modification.

The scheme will pay for treatment that is assessed as reasonable and necessary.

A tailored recovery plan to manage and coordinate the delivery of medical treatment, rehabilitation and training services will be required for people with ongoing incapacity.

These treatment benefits will be available for up to five years depending on an injured person's needs.~~Guidelines will set out how a plan is developed and what needs to be included in a plan, and an injured person's obligations under a plan.~~

What care can be accessed once a defined benefits application is accepted?

The new scheme will provide respite and attendant care services that are assessed as reasonable and necessary. This includes an injured person being entitled to benefits to pay for domestic services if they can no longer ~~provide to~~look after a child or other dependant who was in their care before the accident.

Care must be provided by an appropriately qualified professional or a bona fide service provider. ~~and~~ Benefits are~~is~~ not payable if the services are provided on an unpaid basis – for example where they are provided by a spouse~~gratuitously~~.

How is reasonable and necessary treatment and care defined?

In assessing whether an application for treatment and care is reasonable and necessary, an insurer will be required to consider whether the treatment and care is:

- directly related to a person's injury;
- cost effective;
- appropriate for the injury; and
- will benefit the person.

Government g~~G~~uidelines will stipulate what constitutes reasonable and necessary care, amounts and limits on defined benefits payable, and the evidence required to verify treatment and care needs and costs.

Commented [RJ3]: Can we please discuss this? Keen to better understand what that will look like in the guidelines. May need to re-word, following this conversation.

How do you apply for defined benefits? ~~**(including timeframes)**~~

Injured people will have 13 weeks from the date of their accident to apply for defined benefits. At a minimum this application must contain:

- information about the vehicles involved (including registration plate details), time, date, location and circumstances of the accident;
- evidence that the motor vehicle accident has been reported to the police, such as an Accident Report; and
- a medical report from a registered medical practitioner certifying that the applicant has suffered injuries, a description of the injuries and that the injuries are of a kind that may have been sustained in a motor vehicle accident.

The application may also include ~~any~~ medical receipts for any permissible services from the date of the accident up to the date of the application, for which a person is seeking reimbursement. ~~(where permissible). Further information on the form and content of the application will be provided in the Guidelines.~~

Applications made ~~outside of~~beyond ~~the~~ 13 weeks may be accepted by an insurer if a full and satisfactory explanation is given for the delay ~~in applying~~ and the application is made within two years of the accident date. An example of such an ~~a full and satisfactory~~ explanation would be if a person injured in a motor accident becomes aware of their injury sometime after this takes place.

How long does an insurer have to make a decision on a defined benefit application?

Guidelines will give insurers three business days to acknowledge receipt of a complete application. An insurer then has up to 28 days to accept or deny liability for the application.

Commented [RJ4]: Can we please add some words here about how because it's a defined benefits scheme, the only grounds an insurer can deny an application are if they don't think the injuries were caused by a car accident or they aren't the right insurer to make a claim to? I also seem to recall a discussion that if an insurer determines they are not the right insurer but another one is, they should have an obligation to transfer the application to that second insurer? If that's the case, please also add.

Who is eligible for defined benefit income replacement benefits? How are they calculated?

Injured people who are unable to work after an accident can receive income replacement payments. Payments ~~can~~ commence from when an insurer accepts liability for their defined benefit application, backdated to the time of an accident (so long as the application was submitted within 13 weeks from the date of the accident).

Payments will generally be based on a person's income over the 52 weeks prior to the accident and will include all amounts of income from employment, other than compulsory superannuation contributions~~,~~ or one-off amounts payable on termination of employment. Interim payments can also be made if an insurer is still gathering information to calculate the actual amount of a payment.

Income replacement is payable at 95 per cent of pre-injury weekly income (with pre-injury weekly income capped at $2,250 weekly) for the first 13 weeks after an accident and then 80 per cent thereafter.

There is also a '~~"~~low income adjustment'~~"~~ whereby a higher per cent rate will apply to pre-injury earnings for low income earners:

- weekly income $800 to $1,000 gross – 95 per cent throughout; and
- weekly income under $800 gross – 100 per cent throughout.

If an injured person is working (or is able to work) in a reduced capacity, the defined benefit is to be calculated by applying the applicable percentage to the difference between pre-injury earnings and the earnings that the person is (or is capable of) receiving.

Commented [RJ5]: Can we please include a cameo here?

Do tax and superannuation apply to defined income replacement benefits?

Defined benefits for income replacement do not include superannuation.

Tax will apply to income replacement defined benefits and applicants will be required to ~~inform the~~provide ~~relevant insurer of~~ their Tax File Number to the relevant insurer.

Will defined benefits be indexed? How?

All defined benefits fixed dollar amounts will be indexed using average weekly earnings as published by the Australian Bureau of Statistics.

Defined benefits for quality of life, funeral expenses and death benefit amounts will be indexed annually ~~with the regulations to specify the timing~~.

Income replacement amounts will be indexed biannually ~~with the regulations to specify the timing~~

Commented [RJ6]: This reads slightly confusingly – would it be correct to say: 'Defined benefits for quality of life, funeral expenses and death benefit amounts will be indexed annually using average weekly earnings as published by the Australian Bureau of Statistics. Income replacement amounts will be indexed biannually, also according to average weekly earnings.'

Common law claims

Who will be eligible to make a common law claim and how can this be made?

~~The new scheme continues to provide for common law damages for death or cases where a~~ People who are ~~person is~~ more seriously injured through someone else's fault will still be able to pursue damages through the common law system under the new scheme.

To ~~access these damages~~ pursue a common law claim, a person needs to have ~~applied for a defined benefit whole person impairment assessment and~~ been assessed as having a Whole Person Impairment ~~assessment~~ of 10 per cent or more, except in the case of a claim for death.

Actuarial modelling considered by the CTP citizens' jury indicated approximately XX people per year will have injuries at this level of severity. Those who do not meet this threshold will still be able to access up to five years of treatment, care and income replacement benefits to help with their recovery.

In a blameless accident, the driver is deemed to be at-fault for the purpose of others being able to make a common law claim; for example where a driver suffers a medical incident or strikes wildlife.

If these conditions are met, the injured person can lodge~~s~~ a Notice of Claim ~~form~~ with the relevant insurer.

Why was a threshold of 10 per cent Whole Person Impairment chosen for access to common law?

For the most common injuries, ~~the~~ Whole Person Impairment scores cluster around multiples of 5 – (i.e. 5 per cent, 10 per cent, 15 per cent). Most schemes which employ the Whole Person Impairment assessment tool set thresholds at these levels for that reason. ~~and because of this clustering the multiples of 5 are a natural point to consider thresholds.~~

~~A significant~~The majority of injuries from motor accidents are to the neck and spine, and are mainly 'soft tissue' injuries – colloquially referred to as whiplash. ~~The threshold of at least 10 per cent has been specifically set so that~~ More serious injuries include ~~injured people with~~ clinically verifiable nerve damage or material fractures to a vertebra. The threshold of at least 10 per cent Whole Person Impairment has been set so that people with these injuries will exceed the threshold and be eligible for common law damages.

Experience has shown that once decisions are made about the thresholds applicable to these injuries, the remaining injury types do not present significant difficulties or anomalies. For example, fractures or contusions tend to align with ~~fit neatly into~~ the Whole Person Impairment assessments around the thresholds

Whole Person Impairment assessment is more difficult at low levels (around 5 per cent or under) partly because of the difficulty of distinguishing the impact of the accident from pre-existing conditions.

~~The threshold~~Another significant factor in setting this threshold was ~~also took into consideration the~~ that all injured people will automatically be ~~statutory benefit~~ entitle~~med~~nts to ~~of~~ up to five years of treatment, care and income replacement, as well as Quality of Life payments for Whole Person Impairments of five per cent or more. For the majority of people who are injured in an accident, these defined benefits will meet their recovery and support needs.

How will the number of people accessing common law differ in the new scheme compared with the current arrangements?

Commented [RJ7]: This para reads like we are making light of what's involved in doing WPI assessments. Suggest removing or re-wording if you believe it needs to stay.

Applying the resources of common law to more seriously injured people while supporting those with less serious injuries to get back to health sooner through defined benefits was a key factor in the scheme design chosen by the jury, including the use of a threshold for common law.

The estimated number of common law claims per ~~annum~~ year (excluding interstate claims) in the new scheme is 100 compared to 900 under the current scheme. The number of people accessing common law is much lower because the majority of those who get injured will be able to receive treatment, care and income replacement benefits under the defined benefits scheme and so will not need to go to court to access these, as is currently the case.

How will the experience of injured people who are currently able to make a common law claim change under the new scheme?

In line with the priorities identified by the CTP citizens' jury, ~~Flowing from t~~the new scheme has an ~~'s~~ emphasis on early recovery and support, and ~~and applying~~ focusing the resources of common law on those who are~~to~~ more seriously injured ~~people~~. This means~~,~~ the benefits provided to~~for~~ people~~those~~ who are injured through someone else's negligence will change.

Under the new scheme, people injured through someone else's negligence will experience the following advantages:

- earlier access to treatment and care because~~as~~ fault will not need to be ~~first~~ established before ~~in order to receive~~ defined benefits can be paid;
- earlier access to income replacement payments without having to wait for~~on~~ a common law settlement to be negotiated, which can take ~~a number of~~several years;
- ~~for less serious injuries~~ being able to receive the help they need for less serious injuries without the stress of legal action; and
- still being able to make a common law claim if they are more seriously injured and meet the threshold.

If an injured person ~~is not more seriously injured and hence~~ is not eligible to access~~for~~ common law under the new scheme because their injuries are not in the more serious category, they will receive treatment, care and income replacements for up to five years.

Defined benefit income replacement payments are calculated as a percentage of pre-injury weekly earnings, with the pre-injury weekly earnings amount capped at $2,250 (approximately 1.5 times average weekly earnings for the ACT).

Quality of L~~l~~ife payments (currently called general damages) will be based on Whole Person Impairment and will be available to all injured people with a Whole Person Impairment assessment of at least five per cent. These payments are based on a sliding scale for a given level of impairment. A maximum cap of $350,000 and $500,000 applies to defined benefit and common law amounts respectively.

Under the current scheme there are no thresholds or caps for these payments and the amount an injured person receives is negotiated. This means that payments and benefits can vary significantly for the same type of injury.

Injury assessment and Quality of Life payments

What is Whole Person Impairment?

A Whole Person Impairment score is determined by a clinical assessment undertaken by a medical professional and can be for physical or psychological injuries. Whole Person Impairment is clinically assessed once ~~the injured~~a person's injury (or injuries) ha~~s~~ve reached maximum medical improvement and the impairment is permanent.~~;~~ I~~i~~t is not assessed immediately after an accident.

The new scheme uses a Whole Person Impairment assessment to determine access to common law and the ~~quantum~~ amount of Quality of Life benefits available.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These g~~G~~uidelines modify some parts of *The Guides to the Evaluation of Permanent Impairment by the American Medical Association 5th edition* (AMA5).

Where else is Whole Person Impairment used in the ACT?

The Comcare scheme that covers tens of thousands of workers in the ACT ~~also~~ uses Whole Person Impairment as an injury assessment measure.

Whole Person Impairment is also used in other road accident injury schemes across Australia, including ~~the NSW CTP scheme~~in New South Wales.

How can Canberrans have confidence that Whole Person Impairment will be fairly assessed?

An assessment of Whole Person Impairment will need to be provided by an independent medical examiner, selected and provided by a~~the appointed~~ medical service provider appointed by the ACT Government. Neither insurers nor legal representatives will play a role in selecting the medical expert to conduct an initial Whole Person Impairment assessment.

The Motor Accident Injuries Commissioner will authorise service providers with appropriate expertise in arranging independent assessments. A deed of services will set out operational requirements for a service provider and will include a schedule of fees for Whole Person Impairment assessment services.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia National Guidelines will be adopted for thisese purpose~~s~~.

~~Can you~~How can someone dispute a Whole Person Impairment assessment?~~ (including having a 2nd Whole Person Impairment assessment)~~

If an injured person~~ople~~ does not agree with the initial independent Whole Person Impairment assessment, they may seek a second opinion. This second assessment must be carried out by ~~with~~ a medical practitioner of that injury speciality who~~that~~ has completed requisite Whole Person Impairment training and is not the treating doctor. ~~, and submit this to an insurer for review. The insurer is not required to pay for this second assessment, i~~it is the responsibility of the injured person ~~injured~~ to pay for this assessment if they do not agree with the first assessment.

If this assessment identifies a higher level of Whole Person Impairment, the injured person can submit it to the insurer for review.

As part of this~~its~~ review, the insurer ~~then~~ has the option of providing the~~is~~ alternate assessment to the original medical assessor for comment. An insurer can respond by affirming the original ~~assessment~~ benefit offer or increasing it~~the assessment~~, with the assessment not to increase more than the second Whole Person Impairment assessment.

If, after a review, the

~~An external dispute in relation to a Whole Person Impairment assessment can then be lodged if:~~

~~an Independent Medical Examiner assessment has been undertaken; and~~

~~the injured person has an alternative assessment with a higher Whole Person Impairment score; and~~

~~the~~ insurer ~~has agreed to~~agrees to raise their offer of benefits based on a revised Whole Person Impairment score but this is~~, although~~ still lower than the person would be entitled to according to the second score~~,~~ or

decides~~ed~~ not to raise the offer of benefits, then an injured person can seek external review of this decision~~ Whole Person Impairment score~~.

Who is eligible for a Quality of Life payment and how is the amount calculated?

Commented [RJ8]: This wording is probably not quite right, but want to avoid the suggestion that it's insurers making WPI assessment decisions. Isn't their decision *what someone is entitled to* according to the WPI scale, once that assessment has been made by a medical expert? This wording may also need to flow through into the Guide if we amend it.

There are two Whole Person Impairment thresholds in the new scheme. A person must ~~have at~~be assessed as having at ~~-~~least a 5 per cent Whole Person Impairment to access Q~~q~~uality of L~~l~~ife defined benefits. ~~-~~A person who is injured by someone else's negligence ~~must have at~~and has at least a 10 per cent Whole Person Impairment can ~~to~~ pursue~~access any~~ common law compensation~~, including~~ for quality of life. Common law Quality of Life damages will only be available if the injured person has not already accepted a defined benefit quality of life payment. That is, a person cannot claim quality of life damages twice.

These payments are based on a sliding scale for a given level of impairment. A maximum cap of $350,000 and $500,000 applies to defined benefit and common law amounts respectively.

Dispute resolution processes

What steps can someone take to dispute a decision in the new scheme?

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about eligibility for, or the approved level of, defined benefits. The bill provides for timely and cost effective dispute resolution processes.

Injured people can first apply to the insurer for an internal review. If they are unsatisfied with the outcome of this review, insurer~~certain~~ decisions will be able to be externally reviewed.

How will the insurer internal review process work?

A~~Injured people may ask a~~n insurer must~~to~~ review decisions about certain defined benefit matters upon request by an applicant. ~~Guidelines will stipulate who within an insurer can carry out an internal review and how the review is to be carried out. These guidelines will require~~ This~~a~~ review must~~to~~ be carried out by a knowledgeable person not closely involved in the original decision. An internal review of a decision will generally be required to be completed within 10 working days from a request being made, so long as required information for the review is available.

These requirements will be stepped out in ACT Government guidelines.

Can an injured person be legally represented in a dispute?

Yes, if an injured person ~~injured~~ chooses to pay for legal representation. ~~be legally represented in a dispute.~~

Which body will hear disputes arising from the Motor Accident Injuries scheme?

Injured people can apply for ~~an~~ external review ~~by a dispute resolution body~~ of a defined benefit dispute that is not resolved through internal review, or involves a decision that is exempt from internal review.

The Attorney General will be able to declare an entity to be responsible for carrying out external reviews, through a disallowable instrument. The Government is ~~actively~~ seeking feedback from stakeholders and the community on which of the ACT's legal bodies should have jurisdiction for conducting these reviews, with options including the ACT Magistrates Court and the ACT Civil and Administrative Tribunal.

The Court and Tribunal have adopted alternative dispute resolution mechanisms as part of their current case management processes and these processes will also be adopted as part of any external review.

Exclusions and limitations

What exclusions or limitations will apply under the new scheme?

~~There will be certain exceptions and limitations to entitlements to defined benefits.~~

A person who is~~,~~ convicted of a serious offence at the time of the accident will not be entitled to defined benefits. Treatment and care expenses~~,~~ as well as~~nd~~ income replacement will still be payable while charges are pending.

Examples of serious offences include:

- a high-level drink driving offence of a blood alcohol concentration level of 0.15g or more;
- aggravated furious, reckless or dangerous driving; or

- causing the death of a person by using a motor vehicle.

Those convicted of a lower category driving offence will be entitled to treatment and care, but not income replacement (other than when charges are pending) and Qquality of Llife benefits. Examples of these types of offences are:

- a mid-range drink driving offence of a blood alcohol concentration level of between 0.08g and 0.15g;
- recklessly inflicting grievous bodily harm; or
- driving while disqualified.

A 25 per cent reduction will be made to income replacement ~~benefits~~ and Qquality of Llife benefits for ~~persons~~ people that receive, and do not successfully challenge, certain infringement notices. Examples of these infringements are:

- not obeying the speed limit;
- not wearing a seatbelt; or
- using a mobile phone.

The exclusions reflect offences and infringements set out in various crimes and road transport legislation and regulations in the ACT.

If the coroner finds a person ~~that~~ who dieds in an accident engaged in elements of conduct for a serious offence, ~~then~~ the estate of thate person will not be entitled to death benefits. Funeral expenses can still be paid in these circumstances.

Payments of defined benefits will cease from the date an individual is found guilty or convicted with an offence that excludes them from all or some defined benefits, with payments made prior to this date not being recoverable.

Commented [RJ9]: Do we have a sense yet of the impact, if any, this may have on premiums?

Why will people who engage in serious criminal behaviour or put others at risk be excluded from Motor Accident Injuries Scheme coverage?

People who engage in serious criminal behaviour or put others at risk with drink and drug driving offences will be partly or totally excluded from accessing benefits under the new scheme. This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

Can a person driving an uninsured vehicle receive benefits under the scheme?

A person driving an uninsured vehicle can receive benefits under the scheme in somef ~~certain~~ conditions ~~apply~~.

If an~~the~~ accident happens~~is~~ in the grace period of up to 14 days after the registration of~~n~~ a~~the~~ motor vehicle has expired, and the motor vehicle is able to be, and is re-registered within the grace period, then ~~they are~~the driver will be entitled to all defined benefits.

If a~~the~~ motor vehicle is not re-registered within the grace period or the accident is outside the grace period for renewing registration, ~~then~~ thean injured driver ~~and/or owner~~ will generally be excluded from income replacement and Qquality of Llife defined benefits~~,~~ unless any of the following applies ~~in which case the driver will receive all defined benefits except quality of life~~:

- ~~if~~ the insurer of the other vehicle was at-fault and accepts liability for the accident; ~~or~~
- ~~if~~ the accident was ~~"~~"blameless"~~";~~ ~~or~~
- ~~if~~ the driver was not the owner, had the owner's consent to drive the motor vehicle and believed the motor vehicle was insured.

In these cases the driver will receive all defined benefits except a Quality of Life payment.

The Regulator (Commissioner)

Why has the name of the Regulator changed?

The new scheme is to be called the Motor Accident Injuries Scheme ~~given~~ as it will be a hybrid no-fault insurance scheme. In line with this, the exposure draft of the bill contains a statutory position of the Motor Accident Injuries Commissioner replacing ~~rather than~~ the CTP Regulator, and renames the authority to the Motor Accident Injuries Commission.

How have the Motor Accident Injuries Commission's functions changed?

The Commission's functions have changed to better reflect the role of the Commission under the ~~jury's chosen model~~new scheme. The Commission will have a stronger education role in providing better information about the scheme to people who are making claims, as well as an expanded regulatory and monitoring role.

What will the levy amount be for the new scheme? What will it fund?

~~The levy is~~ A~~a~~ ~~separate~~ levy is payable with each Motor Accident Injuries policy to fund the operations of the Motor Accident Injuries Commission, which is ~~. It will be collected by the Government as part of the registration process and passed on in full to the Motor Accident Injuries Commission, which will be~~ a ~~a separate~~ Territory authority separate to Government.

The levy will be collected by the Government as part of the process for registering a car, and passed on in full to the Motor Accident Injuries Commission.

The ~~Minister~~ Government will set the motor accident levy prior to the commencement of the new scheme~~, to fund the Motor Accident Injuries Commission's operations~~. In line with the recommendations of the citizens' jury, the Motor Accident Injuries Commission's functions will expanded from those of the former CTP regulator to include providing information and assistance on the new scheme and a stronger regulatory and enforcement role. The levy will also fund enhanced ICT requirements due to the introduction of defined benefits under the chosen scheme.

The ~~Ernst and Young~~ costing estimates report considered by the CTP citizens' jury included ~~in the costing estimates~~ an amount of $10 ~~per annum~~a year per registration for the levy.

What data will be collected by the Motor Accident Injuries Commission?

The Motor Accident Injuries Commission will collect data to assist in ~~undertaking~~ delivering its responsibilities~~functions~~ in the new scheme, such as:

- evaluating the administration, efficiency and effectiveness of the scheme;
- monitoring ~~the~~ insurer~~'s~~ compliance with their obligations; and
- developing and coordinating strategies to identify and combat fraud in or related to motor accident claims.

The data will ~~therefore~~ include claims details such as details about the motor vehicle accident, injuries, key decision timing, benefits paid and any disputes.

Insurers

What requirements or duties will be placed on insurers?

The Motor Accident Injuries scheme will place requirements and duties on insurers to~~:~~ act in good faith~~;~~ and ~~endeavour to~~ resolve ~~a~~ claims as fairly and expeditiously as possible.

The Motor Accident Injuries scheme will also place a requirement on insurers to provide relevant information to the individual claimant, taking into account what is known about their claim and the activities to date. Depending on an individual's circumstances, t~~T~~his could include information about how to claim, timelines and time limits that apply to the particular claimant, detailed information about the benefits available and the evidence requirements to claim benefits.

How will compliance by licensed insurers with the requirements of the Act be monitored and enforced?

The Motor Accident Injuries Commission will collect and review data on claims to monitor the compliance of licensed insurers with the requirements of the Act.

Compliance by licensed insurers will be enforced through their duties and obligations as licensees, and the Motor Accident Injuries Commissioner will also have the power to establish mechanisms under the insurance industry deed for compliance obligations. This will include requiring the insurers to provide information on the request of the Commissioner.

The Motor Accident Injuries Commission will have a range of enforcement powers, with some provisions from the CTP Act being updated to reflect provisions in other ACT legislation and to remove impediments to the conduct of investigations.

The bill also contains provisions for occupational discipline orders and offences.

What is u~~U~~nearned p~~P~~remium s~~S~~urplus and how will this be managed?

An unearned premium surplus is the portion of premiums written that relates to the unexpired portion of the policy term. ~~Under the new scheme, where~~ T~~t~~he claims costs and premiums are expected to reduce in the new scheme to reflect the updated~~a new~~ benefit design. If an adjustment is not made, this would mean~~,~~ insurers may~~will~~ make additional profits on premiums already written prior to the implementation date of the new scheme~~, unless an adjustment is made~~.

The amount of any unearned premium surplus will depend on the actual premiums charged by insurers under the new scheme compared with the current scheme, and what registration renewal period a motorist selects relative to the commencement date of the new scheme.

The government considers that insurers should not keep any unearned premiums as a result of the transition to the new scheme. The government will consider options to manage this as part of the implementation of the new scheme once the legislation is passed.

How will the Commissioner ensure that insurers only make a reasonable commercial return?

The Motor Accident Injuries Commission will continue to regulate premiums charged by insurers for Motor Accident Injuries policies, based on compliance with premium guidelines and independent actuarial advice on whether a premium meets the fully funded test and is not excessive.

Guidelines will specify how premiums are to be worked out and what additional information the Motor Accident Injuries Commission requires insurers to provide with a premium filing. The guidelines will continue to require information on claims handling expenses, interest earned on investments, inflation assumptions and return on capital. All these factors are considered by the scheme actuary when assessing premiums.

New provisions have also been included that will authorise the Motor Accident Injuries Commission to report on the net profitability of licensed insurers.

Legal representatives

What role will legal representatives have in the new scheme?

In the new scheme, injured people will be able to choose if they want to engage a legal representative to provide support with their claim. For example, injured people may choose to be represented when making~~with~~ a common law claim in the courts system or through~~with~~ an external dispute. There will be rules under the new scheme as to when the scheme will pay for these legal costs.

As part of improving access to information about the scheme, the Motor Accident Injuries Commission will approve qualified providers to provide specified information support services to injured people. An example of this is support to fill out an application form for defined benefits. These services will be provided for a scheduled fee payable by the scheme. These providers are likely to include community legal services.

What requirements or duties will be placed on lawyers?

Lawyers ~~already~~ have specific duties and requirements placed on them under the *Legal Profession Act 2006* and Solicitor Conduct Rules. These ~~Duties and requirement~~ include having to provide correct advice in the best interests of their clients, and outlining all costs via a cost agreement at the start of providing services to a client. ~~We are proposing no changes to these~~These duties and requirements will remain in place under the new Motor Accident Injuries scheme.

The new scheme will specifically prohibit payments by a lawyer for referrals of applications or claims for legal representation, or for lawyers to receive payments from other service providers. These provisions will assist in ensuring that legal services are provided on an impartial and cost effective basis, and the selection of key service providers such as medical assessors is not compromised.

The prohibition of referral fees will assist with deterring claims farming practices that involve members of the public receiving cold calls or social media prompts, seeking personal details regarding possible involvement in car accidents. These claim farmers encourage people to make an injury claim. They then sell these details, for a commission, to legal firms.

In addition, lawyers will be required to provide information to the Motor Accident Injuries Commission, as specified in regulations, in relation to applications and claims made under the new scheme.

Interaction with other ACT insurance schemes

How will the new scheme interact with ~~the~~ workers' compensation schemes?

The final bill will contain provisions so injured people covered under a workers compensation scheme have the choice of receiving defined benefits under either their workers compensation scheme or the new Motor Accident Injuries scheme. A person who starts to receive worker compensation benefits will also be able to switch to the new Motor Accident Injuries scheme within one month of making a workers compensation claim. A person who receives workers compensation benefits or a workers compensation settlement will also be able to receive top up benefits under a Motor Accident Injuries common law claim.

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How was the eExposure dDraft of the Bill developed?

How does the eExposure dDraft Bill align with the jury's chosen model?

In line with our commitment, the Government is now pursuing the jury's chosen model by developing legislation which closely reflects this for introduction to the ACT Legislative Assembly.

One difference is that an insurers now haves a shorter period one month, not three months as outlined in chosen model, from the receipt of a complete application to decide whether to accept or deny a defined benefits application. This period will be set at one month, not three months as outlined in the jury's chosen model.

The A one month period is consistent with the requirement in NSW motor accident injuries scheme. While this is a departure from the three month period outlined in the chosen model, This change is a strengthens the obligations on insurers to resolve applications quickly, stronger requirement, provides injured people with earlier certainty sooner about whether they will be eligible for defined benefits and is consistent with the jury's objective of early treatment and care.

What consultation has been undertaken in the developing ment of the eExposure dDraft Bill? How was any feedback incorporated or /considered?

On 1 August 2018 Treasury provided a consultation document on the technical legislative drafting to implement the chosen model to insurers, the ACT Law Society and the ACT Bar Association. Initial comments on the consultation document were provided to Treasury on 14 August 2018.

The ACT Law Society and the ACT Bar Association provided high level comments expressing concerns with the consultation process, particularly the timing of the process.

Both insurers provided more detailed comments on practical implementation matters. Many of their comments related to clarification matters that have addressed in the Bill itself. Some comments were inconsistent with the detail of the chosen Model and hence no change to the policy setting was made. There were, however, some matters raised that required further policy consideration and subsequently changes were made to improve the workability.

Does the Bill cover all the detail of how the scheme will operate?

The exposure draft of the bill provides the framework, and key principles and requirements for the operation of the new Motor Accident Injuries scheme. As is identified in the guide to the exposure draft, the final bill will include transitional provisions and provisions on the interaction with workers compensation schemes.

As is standard practice with legislation, the lowera further level of operational detail will be contained in accompanying regulations and guidelines. The full suite of legislative documents will be released before the bill is debated in the Legislative Assembly.

CTP CITIZEN'S JURY – FREQUENTLY ASKED QUESTIONS

WHAT IS CTP INSURANCE AND WHY IS IT IMPORTANT?

If you own a motor vehicle, you are required by law to buy compulsory third party (CTP) insurance every year as part of the vehicle registration process. CTP insurance covers other people (including pedestrians, passengers, pillion riders, and cyclists) injured in an accident with a motor vehicle that is found to be your fault. Without CTP insurance, if you are found to be at fault in a motor vehicle accident and other people were injured, you are personally responsible for the compensation costs arising from those injuries. These costs could amount to many thousands, and sometimes hundreds of thousands, of dollars. This is why CTP insurance is compulsory in every state and territory in Australia.

WHO DOES CTP INSURANCE CURRENTLY COVER IN THE ACT?

CTP insurance in the ACT currently only provides compensation to a person who is injured in a motor vehicle accident if someone else is found to be at fault (although most people can access $5000 for early medical expenses). Fault must be investigated and proven ~~in every case~~. The CTP insurance you are required to buy as part of your vehicle registration covers other people who are injured (the 'third party') because of an accident that is found to be your fault. If you are in an accident that is found to be your fault, you cannot claim compensation for your own injuries under the scheme. If you are in an accident that wasn't anyone's fault (a 'blameless accident'), such as a collision with wildlife, you cannot claim compensation under the scheme.

WHAT CTP BENEFITS ARE CURRENTLY PAYABLE IN ACT?

The amount of CTP compensation an injured person receives, and the length of time taken to receive this compensation, depends on the individual circumstances of the injured person. Final amounts are negotiated between insurers and injured persons. If a person is injured in a motor vehicle accident and makes a claim against the at-fault person's CTP insurer, the compensation they get will depend on their injuries; the treatment they require; the circumstances of the accident; and the impact of their injuries (e.g. ~~i.e.~~ whether they have to take time off work). If they were partly at fault for the accident or their injuries (e.g. ~~i.e.~~ if they were not wearing a seatbelt), this will be taken into account and is likely to reduce the amount they will be paid for the claim.

Injured people who are not at fault can claim compensation for the following kinds of loss:

- Treatment and care costs – this compensates for past and estimated future costs of treatment and care needed as a result of the injuries, such as medical costs.
- Economic loss – compensates for financial loss, which can include lost wages if the injured person can't work.
- Non-economic loss – compensates for things like pain and suffering.

The cost of treatment and care for catastrophic injuries is covered by the Lifetime Care and Support Scheme introduced in 2014. This scheme is separate from the CTP scheme, is funded by a separate levy and covers everyone who suffers a catastrophic injury in a motor vehicle accident in the ACT, regardless of fault.

HOW LONG DOES IT CURRENTLY TAKE AFTER AN ACCIDENT TO RECEIVE CTP BENEFITS?

This depends on the circumstances of the accident and the severity of the injuries. Investigation into fault and injury severity can take time. People may have to wait until their injury stabilises before a severity assessment can be made and compensation determined. The ACT's scheme relies on

negotiation between insurers and injured parties. If an agreement cannot be reached, it is often necessary to go to court to have the claim resolved. A full payout of benefits is not made until a claim is finalised. On average, large claims take around 48 months and small claims take 18 months to finalise.

WHY DO I HAVE TO PAY FOR CTP IF I HAVE COMPREHENSIVE INSURANCE COVER?

Your CTP insurance ~~will~~ currently provides benefits to any person who suffers an injury in a motor vehicle accident that is found to be your fault. It is compulsory to have CTP insurance to cover injuries you may cause to someone else. You pay your CTP insurance premium when you pay your vehicle registration. Your comprehensive insurance will only cover damage to someone else's property (for example, their car) if you are at fault for an accident. Comprehensive insurance will also cover damage to your vehicle if you were at fault for the accident, but it will not cover you or anyone else for injury. Third-party property insurance only covers damage to someone else's property. If you choose not to purchase comprehensive or third-party property insurance, you will have to pay the cost of any damage you cause to someone else's vehicle or any other property (for example, a fence or building).

HOW IS THE CTP SCHEME IN THE ACT DIFFERENT FROM OTHER CTP SCHEMES IN AUSTRALIA?

CTP insurance schemes exist in every state and territory but they ~~are~~have different ~~in~~ designs and offer different levels of coverage, benefits and premiums.

~~-~~The ACT currently has an at-fault common law scheme, which means that an injured person can sue another person for negligence and seek compensation. The scheme does not cover accidents where fault cannot be proven. It also does not pay benefits to the person who was at fault (although most people can access $5 000 for early medical expenses).

Some other Australian states, like ~~NSW~~Queensland, also have common law schemes but they are different from the ACT scheme because they define or have limits on the benefits that are payable for different types of injury, which can make premiums cheaper. Other Australian states operate their CTP schemes on a no-fault basis, in some cases with limited common law access. A no-fault scheme provides some benefits regardless of who was at fault for an~~the~~ accident, without the need to sue and go to court.

HOW DO CTP PREMIUM COSTS COMPARE WITH THOSE AROUND AUSTRALIA?

~~-~~Average premiums for passenger vehicles in the ACT have shrunk by around $~~35~~ 40 or ~~5~~6.8 per cent since the introduction of new insurers to the ACT market in 2013. But the ACT's average passenger class premium is still ~~the second~~ one of the highest in Australia.

The reason ACT residents pay different premiums from other jurisdictions is largely because of the benefits structure, and court-based model of resolving claims. The benefits structure in each jurisdiction has a significant impact on the premiums needed to fund the scheme. For example, some other jurisdictions allow only people with severe injuries to take court action and claim damages for non-economic loss such as pain and suffering.

WHAT DOES MY CTP PREMIUM PAY FOR?

Your CTP premiums are used to pay out compensation for injury claims against the CTP scheme. More than $108 million was paid out as benefits for 819 claims finalised in 2016-17. The majority of CTP claims in the ACT are for minor injuries. Of the claims finalised in 2016-17:

- 77% were for minor injuries, such as whiplash;
- 16% were for moderate injuries; and
- 7% were for injuries classified as serious, severe, critical or maximum.

The main type of motor accident injury in the ACT is whiplash. In 2016–17, whiplash claims represented 53 per cent of all finalised claims. The average whiplash claim cost just under $90,000 in that year, amounting to more than $39 million of the total $108 million in claims payments. The single largest component of CTP premium dollars payments is paid for non-economic loss, commonly known as 'pain and suffering' damages. These payments don't cover bills, but rather provide compensation for intangible losses like the experience of pain over time, or lost enjoyment of a person's time. In 2016-17, 27 per cent of finalised scheme payments went to treatment and care costs, with almost the same share going to legal and investigation costs (both plaintiff and defendant costs). In 2014-15 and 2015-16, legal and investigation costs for finalised claims amounted to more than treatment and care costs. Of the claims finalised in 2016-17, nearly three quarters of claimants chose to be legally represented by a lawyer.

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WHY USE A CITIZENS' JURY FOR CTP?

~~CTP in the ACT doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but we still pay some of the highest premiums in the country.~~ The Government believes our CTP scheme could be improved to better protect Canberrans. ~~The government has chosen to pilot~~ That is why we are using a citizens' jury ~~so we can~~to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

There is no one right answer to what a CTP scheme should look like. The Government want~~ed~~ to understand what the community's priorities are for the scheme. A ~~recent~~ 2016 survey~~quiz~~ found that many ACT motorists don't understand our CTP scheme. Without good information, it is difficult for people to think about how the scheme could be improved. The citizens' jury process ~~gives~~ is giving a group of Canberrans, who are representative of ~~the~~ our community, the opportunity to look at CTP in depth, hear from experts and injured people, and ask questions.

The citizens' jury has already set priorities for an improved CTP scheme. A scheme designer ~~with input from~~then worked with a ~~A~~ Stakeholder Reference Group made up of legal, insurance, healthcare and government experts to~~has~~ develop~~ed~~ four ~~alternative~~possible models for a new CTP scheme. T~~for t~~he citizens' jury will~~to~~ consider these models when it meets on 24 and 25 March 2018, and. ~~The jury will~~ decide which model best meets their shared priorities. ~~It prefers at that meeting and~~ T~~t~~he Government has committed to pursue the~~at~~ model chosen by the jury.

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~~People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website, and may also be contacted as part of a phone survey. This information will be given to the jury to consider. The process that has been designed for CTP will has seen the jury develop priorities for an improved scheme. These will werethen be handed to a Stakeholder Reference Group that will has now undertaken the technical task of designing and developing workable models. These models will be taken back to the jury for their a final determination on which one best meets the needs of the Canberra community, based on the priorities.~~

ARE THERE ANY LIMITS ON WHAT THE JURY CAN CONSIDER?

~~TThe Government will ask asked the citizens' jury to recommend priorities for an improved CTP scheme. Some limits have been were established for the jury's deliberations, including:~~

~~a) The CTP scheme must remain compulsory for all motorists. The jury will not be able to recommend an optional scheme.~~

~~b) The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums. The CTP scheme in the ACT is underwritten by private insurers, and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities which are influenced by the way the scheme is designed. While other factors may lead to a change in premiums over time, improvements to the CTP scheme coming out of the process cannot result in an increase in premiums.~~

~~c) The CTP scheme in the ACT must remain community rated. In some states, people pay different amounts for their CTP depending on risk factors such as age. For example, NSW allows for risk rating of premiums, with insurers able to charge higher premiums for motorists they consider to be high-risk, such as young drivers up to 25 years old. In the ACT, motorists pay the same CTP insurance premium, which is a community rated premium that applies to each vehicle class. The Government believes this is a central aspect of the CTP scheme and this will be maintained through the citizens' jury process.~~

~~d) The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process. The types of vehicles that are included in the CTP scheme and the way different premiums are calculated for different types of vehicles are complex and technical issues. These issues are not the focus of this citizens' jury.~~

Commented [RJ1]: Does the handling of motorcycles conform with this?

~~e) The scheme must be workable and fit within other legal and regulatory frameworks. The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, the recommended model will need to meet legal requirements – such as human rights and privacy – and be workable in practice.~~

~~f) The deliberations will not examine the established Lifetime Care and Support Scheme. The treatment and care of people who are catastrophically injured in a motor vehicle accident is managed under the Lifetime Care and Support Scheme which is funded by a separate levy. Changes to this scheme are not within the scope of the deliberations.~~

HOW ~~WILL~~ IS THE CTP CITIZENS' JURY WORKING?

In the deliberative democracy process developed for CTP, a group of 50 Canberrans, representative of the community, ~~will be~~ were selected to participate in a two-part citizens' jury. Their deliberations ~~will be~~ were supported by a Stakeholder Reference Group and other experts. The community was asked to provide their views on CTP during September 2017. The survey results (both from Your Say and a phone survey) and feedback ~~will be~~were provided to the jury for their consideration in October 2017.

In October 2017, the jury ~~will meet to~~ met to consider the question: *What should the objectives of an improved CTP scheme be to best balance the interests of all road users?* The jury ~~will hear~~ heard from a range of experts and considered evidence, including the community feedback and survey

results, to help the members come up with a set of priorities for an improveding the CTP scheme. The jury's priorities were provided to the Stakeholder Reference Group.

Since thean jury met in October 2017, an expert scheme designer with input from aworked with tThe Stakeholder Reference Group tohasve developed will then develop a numberfour of workable models in line with that are consistent with the jury's priorities, for an actuary to cost. Government, legal groups, insurers, health consumers, and rehabilitation providers have all been will all be represented in on the Stakeholder Reference Group. After the models are costed, tThese models have also been costed by an actuary to determine their potential impact on the premiums drivers pay. The jury will consider the options in March 2018 and determine which model best meets the priorities they came up with in the first stage. Following this process, the Government has committed to pursuing the jury's preferred model on the basis it meets the identified priorities.

WHAT WILL THE JURY NEED TO CONSIDER HAS THE JURY CONSIDERED SO FAR?

In considering improvements to the ACT's CTP schemeIn October 2017, it was will be important that the jury was asked to explore the right balance between the interests of injured people and motor vehicle owners in the CTP scheme. As part of this process, the jury considered will consider what levels of coverage and benefits were are desirable, balanced against the costs of the scheme. This will involveinvolved considering a range of issues and trade-offs on issues, such as:

- who is covered;
- timeliness of access to benefits;
- how to best support injured people return to health;
- certain and equitable outcomes for injured people;
- efficiency of the scheme (how much of the total payments are provided to support the injured person); and
- affordability of premiums – noting that premiums cannot rise as a result of this process.

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The jury heard from a number of expert witnesses, some of whom travelled from interstate to participate. People who have pursued claims under the current CTP scheme and those who were ineligible to do so because of its current at-fault design were givenhad the opportunity to give evidence before the jury as witnesses.

HOW HAS MY FEEDBACK BEEN INCORPORATED?

During September 2017, the community was invited to provide feedback on the CTP scheme. More than 100 pieces of written feedback were received in addition to 725 online survey responses and 515 phone survey responses. A further 328 people had their say on priorities for the CTP scheme through the Your Say website. All of this information was given to the jury to consider before they met in October 2017 when they developed priorities for an improved scheme. It was also published on Your Say.

On 24 and 25 March 2018, the jury will consider four models that have been developed by an experienced scheme designer with input from the Stakeholder Reference Group made up of legal, insurance, healthcare and government experts. The four models are available on Your Say. It will now be up to the jury members to decide which model best meets the objectives they set, taking into account everything they have learnt so far.

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HOW WERE THE JURY MEMBERS SELECTED?

~~HOW IS THE JURY SELECTED?~~

The members of the citizens' jury were ~~have been~~ randomly selected using Australia Post's database of households in the ACT and the Vote Compass online panel. Australia Post randomly selected 6,000 households to receive invitations. A further 1,500 individuals were randomly selected from the Vote Compass database to receive online invites. A group of 56 jurors was ~~have been~~ chosen from those who responded, with the selection and stratification managed by the jury facilitators, democracyCo. This process has ensured the jury ~~is~~ was made up a mix of people according to criteria such as age, gender and location that broadly corresponds with the demographics of the ACT population. The selection process has also sought to involve a diversity of types of road users and people with a diversity of knowledge of the CTP system.

~~ARE~~ WERE THERE ANY RESTRICTIONS ON WHO ~~CAN~~ COULD SIT ON THE JURY?

It is important that the jury's deliberations are balanced and not unfairly influenced in any direction by people with a particular~~ly~~ stake in the CTP scheme. For this reason, people who receive an income from the CTP system, such as a personal injury lawyer, a CTP insurance company employee or a person who works for government in personal injury compensation, or anyone in their households, ~~will not be~~ were not eligible to be on the jury. These professions ~~will be~~are represented within the Stakeholder Reference Group.

People who had experienced a motor accident injury were eligible for the jury unless they ~~People who~~ were ~~care currently,~~, in the process of having a CTP claim considered. ~~People with an open CTP claim at the time of jury formation and their household members were will also be unable to participate on the jury.~~

ARE THERE ANY LIMITS ON WHAT THE JURY CAN CONSIDER?

The Government asked the citizens' jury to recommend priorities for an improved CTP scheme. Some limits were established including:

a) The CTP scheme must remain compulsory for all motorists. The jury will not be able to recommend an optional scheme.

b) The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums. The CTP scheme in the ACT is underwritten by private insurers, and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities which are influenced by the way the scheme is designed. While other factors may lead to a change in premiums over time, improvements to the CTP scheme coming out of the process cannot result in an increase in premiums.

c) The CTP scheme in the ACT must remain community-rated. In some states, people pay different amounts for their CTP depending on risk factors such as age. For example NSW allows for risk rating of premiums with insurers able to charge higher premiums for motorists they consider to be high-risk such as young drivers up to 25 years old. In the ACT motorists pay the same CTP insurance premium which is a community-rated premium that applies to each vehicle class. The Government believes this is a central aspect of the CTP scheme and this will be maintained through the citizens' jury process.

d) The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process. The types of vehicles that are included

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in the CTP scheme and the way different premiums are calculated for different types of vehicles are complex and technical issues. These issues are not the focus of this citizens' jury.

e) The scheme must be workable and fit within other legal and regulatory frameworks. The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, the recommended model will need to meet legal requirements – such as human rights and privacy – and be workable in practice.

f) The deliberations will not examine the established Lifetime Care and Support Scheme. The treatment and care of people who are catastrophically injured in a motor vehicle accident is managed under the Lifetime Care and Support Scheme which is funded by a separate levy. Changes to this scheme are not within the scope of the deliberations.

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DO JURORS GET PAID?

-Participating in the citizens' jury is voluntary but jurors ~~will be~~are paid an honorarium for their time. For this project, each jury participant will be paid a total of $450~~.~~.

~~HOW DOES THE JURY REACH A DECISION?~~

~~The jury facilitators will use techniques to search for common ground or consensus among jury members to reach an agreed outcome. If consensus cannot be achieved, then the model recommended will be the model that has the most support. The jury may choose to include in their recommendations reasons for recommending a particular model and any dissenting views.~~

HOW WILL A JURY OF 50 PEOPLE MAKE RECOMMENDATIONS FOR ALL CANBERRANS?

The jury ~~will be~~has been -given the time and information to fully understand the complexities of the system so they can make informed decisions. The Government ~~has chosen~~chose to pilot a citizens' jury ~~so we can~~to consider ~~the CTP issue~~improvements to the CTP scheme with the community and other key stakeholders ~~to improve the scheme~~ so it reflects the priorities of Canberrans.-The broader community ~~have also been~~ was able ~~will also be able~~ to get involved and provide input into this process through the Your-Say website and a phone survey. This information ~~has been~~was- ~~will be~~ given to the jury.

A key element of this process ~~will be~~was giving the jury detailed information about CTP that most Canberrans don't have the time to consider. Experts and people who have experience with the CTP-scheme or motor accident injuries came and talked to the jury-~~will come and talk to the jury~~. The jury ~~will be~~ was able to ask questions and test their ideas with each other. The experts ~~won't all~~did not all have the same views. The jury ~~will need~~~~have~~ had to think critically about all the perspectives and then decide what ~~is~~ was most important to them as diverse members of the community coming together to find common ground. The number of 50 jurors is large enough to reflect a diversity of views but small enough for the group to easily work together.

The jury will ~~take~~use the skills and knowledge they gained in October 2017 to deliberate on and select a preferred model on 24 and -25 March 2018.

The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, can deliver an improved CTP scheme that best meets the needs of all road users in Canberra.

ISN'T THIS ISSUE TOO TECHNICAL TO ASK A CITIZENS' JURY TO DO?

This citizens' jury process is designed to give ordinary citizens the time and information they need to think about CTP issues in an informed way. The group is ~~will be~~ facilitated by experts in deliberative democracy. The jury ~~will hear~~has heard ~~from~~ people who work in insurance, the legal system and the health system. ~~A highly qualified and experienced~~ An actuary ~~alongside and~~ and scheme design professional, both high qualified and experienced, ~~have been~~ are available to assist jury members. The facilitators use ~~will use a~~ a variety of tried and tested methods to help the jury get across the issues and discuss them in a way that respects a diversity of views. ~~The jury wassisted in will be helped to considering issues one at a time before being bringing brought them back together to discuss as a group and determine priorities for an improved CTP scheme. consider as a whole and make recommendations.~~

A key part of this process is the inclusion of the Stakeholder Reference Group. The jury has~~ve~~ not been ~~is not being~~ asked to undertake any technical work. Rather the ~~The~~ jury ~~is~~ was ~~being~~ asked to consider the trade-offs available in a CTP scheme and develop priorities for the ACT's scheme that reflect their views as members of the community. The technical work has been ~~will be~~ undertaken by the experts. The Government believes that with time, information and expert assistance, an engaged group of Canberrans can weigh up competing priorities and make considered recommendations.

WHO IS ON THE STAKEHOLDER REFERENCE GROUP?

~~-~~The Stakeholder Reference Group is made up of people from organisations with expertise or special interest in CTP. The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert. A complete list of members and their organisations is below.

~~-~~• Lisa Holmes, representative for the CTP Regulator

• Richard Glenn, Deputy Director General, Justice – Justice and Community Safety Directorate

~~-~~• Mark Blumer, Solicitor – Law Society of the ACT

• Jamie Ronald, Barrister – ACT Bar Association

• Madeleine Hibberd, Manager, Regulatory Policy – Insurance Australia Group (IAG)

• ~~Surayez Rahman~~Jake Krausmann, ~~Executive Manager, ACT CTP~~Policy and Regulation Advisor – Suncorp (previously Surayez Rahman, Executive Manager, ACT CTP, Suncorp)

• Fiona Tito Wheatland, consumer representative – Health Care Consumers Association

~~-~~• Professor Ian Cameron, Professor of Rehabilitation Medicine – John Walsh Centre for Rehabilitation Research, University of Sydney

• Geoff Atkins, Principal – Finity (contracted as insurance scheme design expert)

~~-~~• Peter McCarthy, Executive Director – EY (contracted as actuary)

HOW CAN I BE INVOLVED IN THE PROCESS? CAN I BE AN OBSERVER?

The jury's deliberations are open to the general public, but places will be limited. You can register your interest to attend an observer tour here from the beginning of October.

There will be a limited number of observer tours and participants will be randomly selected by the independent facilitators. Members of the public have been invited to register as observers.You can also subscribe to email updates about this process via Your Say so that we can let you know when there's new information available

WHAT HAPPENED TO MY PREVIOUS FEEDBACK AND WHY CAN'T I GIVE FEEDBACK ON THE MODELS?

During September 2017, the community was invited to provide feedback on the CTP scheme. More than 100 pieces of written feedback were received, in addition to 725 online survey responses and 515 phone survey responses. A further 328 people had their say on priorities for the CTP scheme through the Your Say website. All of this information will bewas given to the jury to consider before they . The jury willmet in October 2017 to think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground. when they developed priorities for an improved scheme. It was also published on Your Say.

On 24 and 25 March 2018, the jury will consider four models that a scheme designer with input from thethe Stakeholder Reference Group has developed in line with those priorities.

The four models are available on Your Say. The models will not be open for community feedback as it is up to the jury members to now decide which model best meets the objectives they set, taking into account everything they have learnt so far.

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WHAT WILL HAPPENED TO MY WRITTEN FEEDBACK? (IF I PROVIDED ITANY)?

The initial feedback gathered was included Your feedback will be included in the material provided to the citizens' jury in assisting to assist their deliberations. All feedback received has been will be published on the website. You should read the information collection statement before providing your feedback. You should not include personal information you do not wish to be published and you should never include the personal information of someone else.

WHEN WILL THIS PROCESSARE THE KEY DATES FOR THE CITIZENS' JURY HAPPEN?

Consultation with the community was open from the end of August 2017 and throughout September 2017. Submissions and surveys closed on 29 September 2017. The jury was selected during September 2017. In stage one the jury will meetmet over two weekends in October 2017. The Stakeholder Reference Group have been developing models that are being costed by the actuary from November 2017 to March 2018. will then develop models that will be costed by the actuary from November 2017 to March 2018. The jury will then meet again oin 24-25 March 2018 to consider the models and make a final recommendation.

HOW WILL I KNOW WHAT IS HAPPENING WITH THE PROCESS?

The Government has committed to an open, transparent and accountable process. Updates will continue to be provided on ~~the~~ Your~~-~~ Say ~~website~~ to keep ~~the community~~Canberrans informed on progress and next steps. Sign up for project updates so we can let you know when there is~~'s~~ new information available.

WHAT WILL HAPPEN AT THE END OF THIS PROCESS?

The Government has committed to pursuing the model preferred by the jury on the basis that it meets the priorities ~~developed to reflect those of the Canberra community~~they identified in the first stage of their deliberations. The Government will use the jury's preferred model to pursue changes to the CTP scheme through the ACT Legislative Assembly with the aim of~~to~~ legislating~~e the~~ reforms by the end of 2018~~will take the practical steps needed to deliver this model, including changing legislation if necessary~~. ~~The Government will inform Canberrans on the next steps after the process.~~

~~-~~WILL THE GOVERNMENT BE USING CITIZENS' JURIES FOR CONSULTATION ON OTHER ISSUES?

A jury is just one of a range of deliberative democracy processes we will be exploring as part of our expanded community engagement. We will seek to match the right deliberative processes to each of the issues we engage on in the future.

WHAT WILL THE JURY BE CONSIDERING AT THE LAST MEETING IN MARCH 2018?

The jury will meet for the final time on 24~~-~~ and 25 March 2018. The scheme designer will present the four models that were developed with input from~~by~~ the Stakeholder Reference Group, and the contracted actuary will provide an indication of the impact on premiums for each model.~~-~~ Jury members will also be able to ask questions directly to the~~of~~ Stakeholder Reference Group members ~~in attendance~~.

Jury members will deliberate and vote on which model best meets the objectives they set in October 2017. They will present their preferred model and their reasoning ~~t~~to the Government together with anything they want Canberrans to understand~~know~~ about the scheme.

HOW WERE THE CTP SCHEME MODELS DEVELOPED?

The Stakeholder Reference Group has been in discussion about potential CTP scheme designs based on the jury's priorities ~~-~~since the jury provided its report in October 2017. The four models provided to the jury have been~~were~~ developed by ~~the contracted~~an expert scheme designer with detailed input from the Stakeholder Reference Group. ~~-~~The developed models were costed by an~~the contracted~~ experienced actuary.

Stakeholder Reference Group members have attended around 30 hours of meetings as well as providing input in between meetings.

Not all Stakeholder Reference Group members support all ~~of the~~ four models being presented to the jury. This reflects the diversity of the stakeholders ~~on the Stakeholder Reference Group~~within the group and the different perspectives they bring. ~~The result is that~~That is why the jury will be presented with~~re are~~ a range of options each of which ~~at least one Stakeholder Reference Group member believes~~ meets the jury's objectives as interpreted by at least one Stakeholder Reference Group member. ~~Stakeholder Reference Group~~The members ~~were~~have also been given the opportunity to provide ~~their~~ written feedback on the models and this ~~was~~will be provided to the jury in advance of their meeting.

Jury members will vote on which model they consider best meets the objectives they set in October 2017.

HOW DOES THE JURY REACH A FINAL DECISION?

The jury has been provided with a number of documents in advance of their final ~~weekend~~ meeting, including:

- a report on the models ~~(~~from the scheme designer~~)~~;
- a report on the estimated impact on premiums of each model ~~(~~from the actuary~~)~~;
- a visual summary of all four models;
- reflections on the models from members of the Stakeholder Reference Group (to be separately provided before the final jury weekend); and
- a full copy of the ~~j~~jury report from October 2017.

These documents are also available on Your Say.

At the weekend meeting the scheme designer will present the four models to the jury and the actuary will present on the estimated CTP premiums for each model.

The jury will then have the opportunity to deliberate on how well each model meets the priorities they set in October 2017. They will be able to ask questions of the Stakeholder Reference Group members in attendance.

~~A voting strategy has been developed by the independent facilitators to narrow the options to two models at the end ofon day 1. On day 2, the jury will vote for their preferred model from the two models selected the previous day. The model with the most votes on Day 2 will be the preferred model.~~ At the end of their deliberations~~ day on 25 March~~, the jury will present~~have written~~ a report to the ACT ~~present to~~ Government on their preferred model and why it was chosen. The Government has committed to pursuing the model preferred by the jury.

A copy of the strategy for the final weekend ~~can be found~~is available on Your Say.

~~WHY ARE MOTORCYCLES BEING CROSS SUBSIDISED~~HOW ARE MOTORCYCLES TREATED IN THE PROPOSED MODELS?

The costings report on the Your Say website provides information about the likely impact the four proposed models will have on passenger vehicle (car) premiums. One of the items included in the premium estimates is a small subsidisation for motorcycles.

The ACT CTP scheme currently covers people who are injured by someone else's negligence. One of the jury's priorities was to provide some CTP cover for everyone regardless of fault. This means that there will be an increase in the number of people eligible for benefits under an improved CTP scheme, whichever model is chosen.

In some vehicle classes, like motorcycles, the increase in the number of people covered will be relatively greater than in others. This is partly because motorcyclists are more likely to be in single vehicle accidents for example in poor weather conditions. The benefits paid out to an injured individual are also higher for motorcyclists than for those in other vehicles because they tend to suffer more serious injuries.

One of the ~~limits put on~~criteria nominated by Government for the deliberative democracy process ~~by the Government~~ was that premiums cannot rise as a result of any improvements to the scheme. Due to the disproportionate increase expected in motorcyclist claims, without subsidisation across other vehicle classes, motorcyclists would have to pay much higher premiums than they do now.

The ACT's CTP premiums are community-rated. This means that everyone pays the same premium for their vehicle class regardless of any other risk factors, like age or geographical location. The risk is spread over the larger community. The small cross-subsidisation in other vehicle classes for motorcycles is an extension of this community principle.

A number of the models reflect an estimated decrease in premiums for passenger vehicle premiums ~~(~~even after the motorcycle community rating~~ cross subsidisation~~). The amount~~level~~ of ~~the~~ cross-subsidisation by passenger vehicles ~~reflected in the costings report is only to the extent required for motorcycle premiums~~has been set to ensure motorcycle premiums do ~~to~~ not increase. This means that while passenger vehicle costings for some of the proposed models reflect a decrease in premiums there would not be any reduction in motorcycle premiums.

Cyclists and pedestrians involved in accidents with motor vehicles will also be covered under new the scheme, regardless of fault, without having to purchase CTP insurance. Risks to pedestrians and cyclists are factored into premiums for all vehicle classes.

~~WHY IS~~WHAT IS HAPPENING TO THE CTP REGULATOR LEVY ~~ESTIMATED TO INCREASE~~?

The CTP regulator levy is a separate levy payable ~~in respect of~~as part of each CTP policy. It is collected as part of the registration process and ~~is~~ passed on in ~~full~~its ~~entirety~~ to the ACT CTP Regulator which is a separate Territory authority. The levy ~~to~~ funds the regulator's ~~its~~ operations.

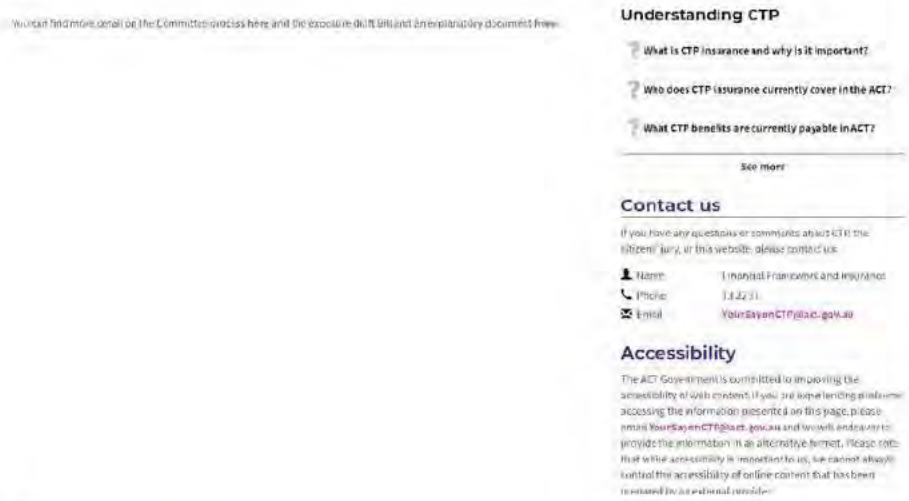
The CTP Levy ~~will~~is estimated to increase under each of the four proposed models ~~due to~~because of the ~~increased~~expanded role of the CTP Regulator ~~flowing from~~which comes from the priorities set by the jury. In all of the four proposed models the CTP Regulator will have a ~~stronger~~ ~~expanded~~ education role in ~~to~~ providing better information about the scheme to people who are making claims as well ~~ad~~ an expanded regulatory and monitoring role such as dispute resolution mechanism supports. ~~Enhanced ICT requirements will also be required due to the introduction of defined benefits.~~

Commented [RJ3]: Recommend we don't include these in the FAQ page ahead of the final weekend, but hold as back-pocket responses/add later if either becomes an issue.

CTP homepage (note the text in the screen shots has not yet been updated – refer to updated text below)

Commented [SC1]: Assume that this will be updated with the online release of the ED Bill and Guide




You can find more detail on the Committee process here and the executive draft bill and explanatory document here.

Understanding CTP

What is CTP insurance and why is it important?

Who does CTP insurance currently cover in the ACT?

What CTP benefits are currently payable in ACT?

See more

Contact us

If you have any questions or comments about CTP, the citizens' jury, or this website, please contact us:

Name: Financial Framework and Insurance

Phone: 13 22 81

Email: YourSayonCTP@act.gov.au

Accessibility

The ACT Government is committed to improving the accessibility of web content. If you are experiencing difficulties accessing the information presented on this page, please email YourSayonCTP@act.gov.au and we will endeavour to provide the information in an alternative format. Please note that while accessibility is important to us, we cannot always control the accessibility of online content that has been

Text:

How you had YourSay:

About 290,000 motor vehicles are registered in the ACT each year. Motorists pay for CTP Insurance as part of their motor vehicle registration. At the moment it doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get a full payout. Despite this, Canberrans pay some of the highest CTP premiums in the country.

From 22 August to 29 September 2017, we asked you for your priorities for a Compulsory Third Party (CTP) scheme.

We received more than 100 pieces of feedback, 725 survey responses and 328 people had their say on priorities for Canberra's CTP scheme. We also heard from 515 people through a telephone survey.

Your feedback was given to the citizens' jury to help inform their deliberations on priority areas for the scheme.

The jury – made up of a representative group of Canberrans – met over three weekends to analyse research and submissions from experts, consider feedback from the community, and deliberate and choose a new CTP model. The final report on the chosen model was presented to Chief Minister Andrew Barr MLA on Tuesday 27 March 2018.

What we have been doing:

The Government chose to use a citizens' jury process to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. Since the conclusion of the jury process, the government has been working on draft legislation for the jury's chosen model.

Commented [WC2]: Link to jury subpage

Commented [WH3R2]: Will link once live

About 600 more Canberrans each year will be entitled to treatment, care and lost wages when they are hurt in a motor vehicle accident under the new *Motor Accident Injuries Scheme*.

The new scheme will replace Canberra's existing Compulsory Third Party insurance arrangements. Under the new scheme, everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and lost wages – as long as they're not breaking the law at the time of the accident.

On 19 September 2018, the Government released an exposure draft of the *Motor Accident Injuries Scheme Bill,* which delivers the new approach to accident insurance recommended by the CTP Citizens' Jury.

Commented [SC4]: Understand that the docs will be released on 19 August

Next steps

The Government will refer the draft Bill to the Justice and Community Safety Committee for further community consultation on 20 September 2018. The outcome of the Committee process will inform the final Bill that is set to be introduced to the Legislative Assembly by the end of 2018.

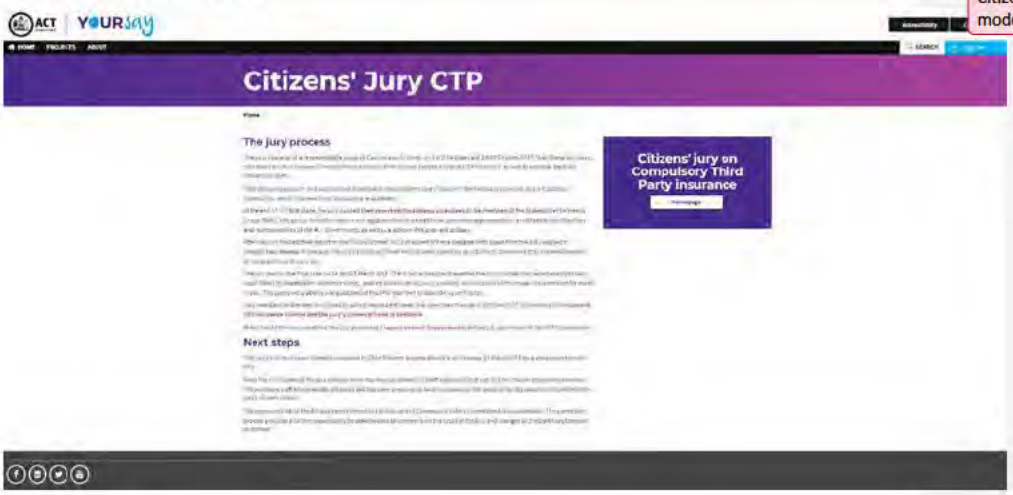
The exposure draft Bill and an explanatory document are here. To find out more about the Justice and Community Safety Committee process or provide input on the exposure draft, visit: here.

Commented [WC5]: Link to Bill and summary document to be put on home page

Commented [WC6]: Link to Leg Assembly page

Commented [SC7]: This sentence will not be uploaded until after the motion is passed

Citizens' Jury sub-page



Commented [SC8]: Tab should be called 'Overview of the Citizens' Jury Process' and be between Home and CTP models tabs

Overview of the Citizens' Jury Process

The jury, made up of a representative group of Canberrans, first met on 14-15 October and 28-29 October 2017. Over these four days, plus many hours in between, the jury heard evidence from injured people and past CTP claimants, as well as medical, legal and insurance experts.

They analysed research and submissions provided by these experts and considered the feedback provided by the Canberra community, which informed their discussions and debate. The information provided to the jury as part of this stage can be viewed under *Feedback and Information*.

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At the end of this first stage, the jury handed their **report on the scheme objectives** to the members of the Stakeholder Reference Group (SRG). This group included insurers, the legal profession, a health care consumer representative, a rehabilitation researcher and representatives of the ACT Government, as well as a scheme designer and actuary.

After the jury handed their report to the SRG in October 2017 an expert scheme designer with input from the SRG, worked to develop **four models** in line with the jury's priorities. These models were costed by an actuary to determine their potential impact on the premiums drivers pay.

The jury met for the final time on 24 and 25 March 2018. The scheme designer presented the four models that were developed with input from the Stakeholder Reference Group, and the contracted actuary provided an indication of the impact on premiums for each model. The jurors were able to ask questions of the SRG members in attendance on the day.

Documents that were provided to the jury in March 2018 can be viewed under *CTP Models*.

Commented [SC10]: Insert link

Jury members deliberated and voted on which model best meets the objectives they set in October 2017. A summary of the **current CTP insurance scheme and the jury's chosen scheme is available.**

At the end of their deliberations, the jury presented a **report on their chosen model** and why it was chosen to the ACT Government.

The jury's full report was formally presented to Chief Minister Andrew Barr MLA on Tuesday 27 March 2018 by a delegation from the jury.

ACT BAR ASSOCIATION

24 August 2017

Chief Minister Andrew Barr MLA
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Chief Minister,

Compulsory Third Party (CTP) Scheme – Citizens' Jury

Thank you for your letter dated 22 August 2017 inviting the ACT Bar Association to participate in a Stakeholder Reference Group in regards to a review of the current CTP scheme.

On 21 August 2017 the Bar Association received notification that the Government intended to announce, within days, that the first citizens' jury would examine the Territory's CTP scheme. At hastily arranged meetings on Monday, the Bar Association and Law Society were advised that a Stakeholder Reference Group would be convened to meet for four days in September 2017. We were told that the reference group would be involved in a process of developing and presenting to the citizens jury potential models for CTP reform. The first meeting of this reference group is to take place on 13 September 2013 with submissions to be made to it by 29 September 2017. The jury it was said, would sit for three to four days over the month of October. We were informed that the Stakeholder Reference Group would consist of a number of people, government representatives, companies and peak organisations.

It can be readily discerned that most of the participants in this group are generously resourced and therefore may be able to comply with this extraordinary timetable. At the meeting on Monday, I raised my concerns that the Bar Association would face difficulties in providing a representative to discharge a role in this jury process. We note that the Legal fraternity in effect is the only body represented on the Stakeholder Reference Group that represents those who are injured in motor vehicle accidents and therefore those who will be disadvantaged from regressive changes in the CTP scheme.

AMP BUILDING 1st Floor, 1 Hobart Place Canberra ACT 2601 Australia
T. 02 6257 1437 / E. ceo@actbar.com.au / PO Box 789, Canberra ACT 2601
DX 5654 / actbar.com.au

To enable our organisations to consult with road accident victims and to allow their case to be put to effectively and fairly, we ask that the proposed timetable for the jury process be abandoned so as to enable the wider community to be properly consulted.

What is proposed at the moment is not only unfair, it gives the appearance of being designed to be deliberately unfair and to ensure that only limited input is received from interests separate from government and large insurance companies.

Yours faithfully

Sch 2 s2(a)(ii)

ACT Bar Association

CC: Mr Gordon Ramsay, Attorney General
Mr Shane Rattenbury, Minister for Justice & Consumer Affairs
Mr Richard Glenn, Deputy Director General, Justice
Law Society of the ACT

ACT Government

Media alert

15 March 2017

Release of models for Compulsory Third Party insurance

Attention news editors and chiefs of staff

Not for broadcast or distribution

Canberrans will have an opportunity to see the models that will form the focus of deliberation by t~~T~~he CTP ~~ACT's first~~ citizens' jury ~~will select a preferred model for Compulsory Third Party (CTP) insurance from four options which will be~~when these are released through *YourSay* on ~~to the public on~~ Monday 19 March ~~2018~~.

The Government has piloted a citizens' jury so we can consider with the community and other key stakeholders how to improve our CTP scheme so it reflects the priorities of all road users.

Having set out their objectives for improving CTP, the citizens' jury will meet again on 24 and 25 March to select a model which best meets these objectives.

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The four potential models have been developed by a scheme designer and costed by an expert actuary, with input from a Stakeholder Reference Group made up of legal, insurance, health care and government representatives~~(SRG)~~.

~~The impact on premiums has been estimated by a contracted actuary.~~

~~The jury will select a preferred model on 24-25 March 2018, that best meets the objectives they set in October last year.~~ The government has committed to implementing~~pursuing~~ the model ~~preferred~~ chosen by the jury.

~~The models will not be open for community feedback as it is up to the jury members to now decide which model best meets the objectives they set, taking into account everything they have learnt so far.~~

~~The Government has chosen to pilot a Citizens' Jury so we can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of all road users. Importantly, any improvements to the scheme won't see a rise in the premiums motorists pay.~~

About 285,000 motor vehicles are registered in the ACT each year. Motorists purchase ~~their Compulsory Third Party (~~CTP~~)~~ Insurance ~~policy~~ from their chosen private ~~sector~~ insurer as part of their motor vehicle registration. Private insurers set premiums and all premiums collected are passed on to insurers.

If you would like to register your interest to speak with the scheme designer on Monday 19 March, register your interest to Nate Leslie at nate.leslie@act.gov.au by 5:00pm Friday 16 March.

WHAT:	Models for Compulsory Third Party insurance released to the public
DATE:	Monday 19 March
TIME:	10:30am
WHERE:	www.yoursay.act.gov.au/ctp

Media contact/s:
Nate Leslie **T** (02) 6207 0280 **E** nate.leslie@act.gov.au

ACT Government | Directorate name

GPO Box 158, Canberra ACT 2601 www.yoursay.act.gov.au

Media release

7 March 2018

Canberrans invited to observe and understand Citizens' Jury on CTP~~on CTP~~

Canberrans are invited to observe the final weekend of the Citizens' Jury on CTP Insurance on 24-25 March, as the jury meets to select~~it considers~~ a preferred model for ~~the ACT's Compulsory Third Party (CTP)~~~~reforming~~improving the ACT's scheme ~~insurance scheme~~.

This is an opportunity to see the jurors in action~~,~~ as they ~~deliberate on~~examine four different models for a reformed CTP scheme, and choose the one that~~which one~~ best meets the objectives they set during their ~~first meetings~~deliberations last October.

Observers will be briefed by a facilitator on the process and strategy behind the c~~C~~itizens' j~~J~~ury, and will be able to watch and listen as~~to~~ the jury and experts work together to understand the community benefits and trade-offs involved in an ~~reformed~~improved CTP scheme. ~~There will be limited number of observer tours, RSVPs are required by 20 March.~~

About 285,000 motor vehicles are registered in the ACT each year. Motorists pay an insurer for their Compulsory Third Party (CTP) Insurance policy as part of their motor vehicle registration.

Currently our CTP scheme does not cover everyone injured in a motor vehicle accident, and it can take up to two years or longer to get a full payout after an accident. Despite these gaps, the ACT has among the most expensive premiums in the country. That's why the government set up a citizens' jury to identify ways to improve the scheme to better protect Canberrans.

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The Government has chosen to pilot a Citizens' Jury so we can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of all road users. Importantly, any improvements to the scheme ~~can't result~~won't see ~~in~~ a rise in the premiums motorists~~'~~ pay.

The jury is made up of Canberrans from all walks of life, who broadly represent the demographics of the ACT. The objectives they set for an improved CTP scheme were developed through a detailed process culminating in~~over~~ four days of hearings last~~in~~ October. These objectives are ~~and are outlined~~ laid out in the jury's report.

Jurors heard evidence from injured people and past CTP claimants, as well as medical, legal and insurance experts. Over many hours they analysed research and submissions provided by experts and considered feedback from the Canberra community. These ~~many~~ different perspectives have informed their careful deliberations ~~debate~~ and discussion.

The models are being developed by the Stakeholder Reference Group using the jury's objectives. -This Group is made up of insurers, legal professionals, health care consumers, a rehabilitation researcher and representatives of the ACT Government, as well as a scheme designer and actuary. The government is committed to pursuing the model preferred by the jury.

The models will be released to the public ~~several days~~ before the last jury sit~~sting~~ on YourSay.

To respect the work of the jury observer tours will be limited. RSVPs are required by 20 March.

Date: 24 -25 March 2018

Time: 9.00am to 4.30pm each day

Venue: CIT Reid, 37 Constitution Avenue Canberra ACT

RSVP ~~**by 20 March**~~to : yoursay.act.gov.au/ctp

- Statement ends –

Media contact/s:
Nate Leslie **T** (02) 6207 0280 **E** nate.leslie@act.gov.au

ACT Government | Chief Minister, Treasury and Economic Development Directorate

GPO Box 158, Canberra ACT 2601

ACT Government

Media release

19 March 2018

Models for Compulsory Third Party insurance released for Citizens' Jury selection

Options for an improved CTP scheme are now live on *Your Say*, giving Canberrans the chance to explore the models that will be the focus of deliberation by the CTP citizens' jury at their final weekend of hearings.

~~Canberrans now have an opportunity to see the models that will form the focus of deliberation by the CTP citizens' jury when these are released on *YourSay*~~

Having nominated their priorities for an improved CTP scheme t~~T~~he jury will meet on 24 and 25 March to ~~will~~ select ~~a preferred model on 24-25 March 2018, that best meets the objectives they set in October last year~~the model that best meets these priorities. The government has committed to pursuing the model chosen~~preferred~~ by the jury.

The four potential models have been developed by a scheme designer and costed by an expert actuary, with input from a Stakeholder Reference Group made up of legal, insurance, health-care and government representatives.

The Canberra community has also had a say, with ~~Public feedback to the citizens' jury closed in September 2017 with~~ more than 100 pieces of feedback, 725 survey responses and 328 people ~~having their say on~~identifying their own priorities. All of this feedback was ~~, which were~~ presented to the jury in advance of their deliberations on objectives for an improved CTP scheme.

~~The models are publically available on YourSay. The models are not open for community feedback as it is up to the jury members to now decide which model best meets the objectives they set, taking into account everything they have learnt so far.~~

About 285,000 motor vehicles are registered in the ACT each year. Motorists purchase their Compulsory Third Party (CTP) insurance policy from their chosen private sector insurer as part of their motor vehicle registration. Private insurers set premiums and ~~premiums~~ these are~~collected are~~ passed on in full to insurers.

Currently our CTP scheme does not cover everyone injured in a motor vehicle accident, and it can take up to two years or longer to get a full payout after an accident. Despite these gaps, the ACT has among the most expensive premiums in the country. That's why the government set up a citizens' jury to identify ways to improve the scheme to better protect Canberrans.

~~The Government has piloted a citizens' jury so we can consider with the community and other key stakeholders how to improve our CTP scheme so it reflects the priorities of all road users. Importantly, any improvements to the scheme won't see a rise in the premiums motorists pay.~~

The jury is made up of Canberrans from all walks of life, who broadly represent the demographics of the ACT. The objectives they set for an improved CTP scheme were developed over four days of deliberations last October. These objectives are laid out in the jury's report.

Throughout the process the jury heard evidence from injured people and past CTP claimants, as well as medical, legal and insurance experts. They delved deeply into research and submissions provided by these experts and the wider Canberra

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community, which has helped to inform detailed discussion and debate on the issues behind CTP insurance.

Members of the public are invited to observe the jury process on 24-25 March 2018 and can request a tour. Register your interest.

Statement ends

Media contact/s:
Nate Leslie **T** (02) 6207 0280 **E** nate.leslie@act.gov.au

ACT Government | Chief Minister, Treasury and Economic Development Directorate

GPO Box 158, Canberra ACT 2601

DRAFT TERMS OF REFERENCE

The Public Accounts Committee (PAC) is to consider the following matters:

(i) in relation to the existing CTP scheme, examine:

(a) the ability of injured persons to access early treatment and care, including the barriers to the achievement of such treatment;
(b) potential areas of efficiencies in the operation and administration of the scheme;
(c) whether a no-fault component could be introduced into the CTP scheme, and if so on what basis;
(d) what is the most effective and cost-efficient means of extending coverage to at-fault drivers;
(e) any other aspects of the effectiveness of the existing ACT CTP scheme;

(ii) in relation to the model D CTP scheme proposed by the pilot citizens' jury, evaluate:

(a) the ability of the proposed scheme to achieve the objectives determined by the citizens' jury;
(b) the impact of the introduction of a whole person impairment (WPI) threshold on the level of compensation available to injured persons;
(c) the costings and assumptions underlying the proposed scheme;
(d) the methodology used to determine the expected spread of injuries under the WPI scale;
(e) the adequacy of the measures contained within the model to achieve the early treatment and care of injured persons;
(f) the adequacy of the proposed dispute resolution mechanisms and the proposed use of the ACT Magistrates Court to settle disputes;
(g) the potential use of any unearned premium surplus;
(h) any other aspects of the effectiveness of the proposed model.

Email to jurors on day of release – through DemocracyCo from Your Say inbox – not to be sent until motion is moved

Dear CTP Citizens' Jury member

The Government has today released an exposure draft of the *Motor Accident Injuries Scheme Bill,* which closely reflects the new approach to accident insurance recommended by the CTP Citizens' Jury – Model D. On a number of matters, more detail has been developed to make the scheme workable.

It is available to view on www.yoursay.act.gov.au/ctp along with a guide document. I have attached the guide for your information for ease of reading and understanding of the new scheme.

The jury's priorities report recommended a name change for the scheme to better reflect its purpose. The new scheme will be called the Motor Accident Injuries Scheme and the draft legislation is titled the *Motor Accident Injuries Bill.*

The Government has referred the draft bill to the Justice and Community Safety Committee for further community consultation. The Committee will report by the end of October and its input will inform the final bill that is set to be introduced to the Legislative Assembly by the end of 2018.

Provide contact yoursayonctp@act.gov.au if you have any questions.

Your Say on CTP Administration Team
GPO Box 158
Canberra City ACT 2601
YourSayonCTP@act.gov.au
Phone: 13 22 81

DRAFT

Email to jurors to invite them to a briefing

Dear CTP Citizens' Jury member

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) would like to invite you to a presentation on the development of legislation for the new proposed Compulsory Third Party (CTP) Insurance scheme.

Since the CTP Citizens' Jury met for the last time in March 2018, work has been underway to draft legislation to implement the jury's preferred model.

The briefing will take you through various aspects of the current draft of the Bill and will provide you with more information about the next steps toward meeting the Government's commitment to pursuing the jury's preferred model.

Date and Time: Tuesday 18 September 2018, 12:30pm – please feel free to bring your lunch with you
Venue: Nara Building, 1 Constitution Avenue (entrance off the courtyard on Constitution Avenue)
Access and Parking:

- Short 6 minute walk to the City Bus Interchange
- Parking can be located at the corner of London Circuit and Constitution Avenue; Canberra Olympic Pool; and the National Convention Centre.

RSVP: By 12 September to YourSayonCTP@act.gov.au. The briefing will occur in a secure building so you will need to RSVP and sign in. However, when you RSVP you may choose to provide your first name only if you prefer.

If you have any questions, please contact YourSayonCTP@act.gov.au

DRAFT

What is CTP insurance?

CTP insurance covers people (including pedestrians and passengers) injured in an accident with a motor vehicle. It is compulsory to buy CTP insurance when you register or re-register your vehicle.

CTP insurance schemes exist in every state and territory but they haveare different in designs and offer different levels of coverage, benefits and premiums.

The ACT has an at-fault common law scheme, which means that an injured person can sue another person for negligence and seek compensation. The scheme does not cover accidents where fault cannot be proven. It also and it does not pay benefits to the person who was at fault (although most people can access $5000 for early medical expenses).

Some other Australian states operate their CTP schemes on a no-fault basis, in some cases with limited common law access. A no-fault scheme provides some benefits regardless of who was at fault in anthe accident, without the need to sue and go to court.

The ACT's CTP scheme is underwritten by private insurers and the CTP premiums you pay are not Government fees or charges. For streamlining purposesconvenience, CTP premiums are paid as part of the registration processwhen you register your car, but they are fully on passed on in their entirety to the CTP insurer. The role of the CTP Regulator is separately funded through a levy, which is currently $1 per registration renewal.

Why is the Government using a citizens' jury to examine CTP insurance?

Currently our CTP scheme does not cover everyone injured in a motor vehicle accident, and it can take up to two years or longer to get a full payout after an accident. Despite these gaps, the ACT has some of among the most expensive premiums in the country. That's why the government set up a citizens' jury to identify ways to improve the scheme to better protect Canberrans.

The Government believes our CTP scheme could be improved to better protect Canberrans. That is whye we are using Government chose to pilot a citizens' jury to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. The Government has committed that premiums will not increase rise as a result of any reforms to CTP.

A 2016 survey found that many ACT motorists don't understand our CTP scheme. Without good information, it is difficult for people to think about how the scheme could be improved. The citizens' jury process is giving a group of Canberrans who are, representative of ourthe community, the opportunity to look at CTP in depth, hear from experts and ask questions.

Who has participated in the CTP jury?

The jury is made up of a representative group of 50 Canberrans – people -who responded to a mail out to 7,000 randomly--selected residents. People with experience of being injured in a motor vehicle accident were eligible to be part of the jury unless they had an open CTP claim. Medical, legal and insurance experts and people who have experienced motor accident injuries were able to participate as witnesses, providing information and perspectives to the jury for them to consider and discuss.

In September 2017 members of the public, including stakeholders and community groups, were invited to provide feedback. We received around 1,435 pieces of feedback, including 725 survey responses, 328 people told us their CTP priorities, 263 online quiz responses and 119 feedback responses. This information was provided to the jury to help inform their deliberations.

Key stakeholders in the CTP scheme are represented on the Stakeholder Reference Group, including healthcare providers, the legal profession, ~~health providers~~insurers and consumers. The ACT Government is also represented on this group.

DRAFT

Citizens' Jury on Compulsory Third Party (CTP) insurance – Frequently Asked Questions

Note: Note to be updated on Your Say until after the motion is moved

Understanding CTP

What is CTP insurance and why is it important?

If you own a motor vehicle, you are required by law to buy Compulsory Third Party (CTP) insurance every year as part of the vehicle registration process. CTP insurance covers other people (including pedestrians, passengers, pillion riders, and cyclists) injured in an accident with a motor vehicle that is found to be your fault. Without CTP insurance, if you are found to be at fault in a motor vehicle accident and other people were injured, you are personally responsible for the compensation costs arising from those injuries. These costs could amount to many thousands, and sometimes hundreds of thousands, of dollars. This is why CTP insurance is compulsory in every state and territory in Australia.

Who does CTP insurance currently cover in the ACT?

CTP insurance in the ACT currently only provides compensation to a person who is injured in a motor vehicle accident if someone else is found to be at fault (although most people can access $5,000 for early medical expenses). Fault must be investigated and proven. The CTP insurance you are required to buy as part of your vehicle registration covers other people who are injured (the 'third party') because of an accident that is found to be your fault. If you are in an accident that is found to be your fault, you cannot claim compensation for your own injuries under the scheme. If you are in an accident that wasn't anyone's fault (a 'blameless accident'), such as a collision with wildlife, you cannot claim compensation under the scheme.

What CTP benefits are currently payable in ACT?

The amount of CTP compensation an injured person receives, and the length of time taken to receive this compensation, depends on the individual circumstances of the injured person. Final amounts are negotiated between insurers and injured persons. If a person is injured in a motor vehicle accident and makes a claim against the at-fault person's CTP insurer, the compensation they get will depend on their injuries; the treatment they require; the circumstances of the accident; and the impact of their injuries (e.g. whether they have to take time off work). If they were partly at fault for the accident or their injuries (e.g. if they were not wearing a seatbelt), this will be taken into account and is likely to reduce the amount they will be paid for the claim.

Injured people who are not at fault can claim compensation for the following kinds of loss:

- Treatment and care costs – this compensates for past and estimated future costs of treatment and care needed as a result of the injuries, such as medical costs.

- Economic loss – compensates for financial loss, which can include lost wages if the injured person can't work.
- Non-economic loss – compensates for things like pain and suffering.

The cost of treatment and care for catastrophic injuries is covered by the Lifetime Care and Support Scheme introduced in 2014. This scheme is separate from the CTP scheme, is funded by a separate levy and covers everyone who suffers a catastrophic injury in a motor vehicle accident in the ACT, regardless of fault.

How long does it currently take after an accident to receive CTP benefits?

This depends on the circumstances of the accident and the severity of the injuries. Investigation into fault and injury severity can take time. People may have to wait until their injury stabilises before a severity assessment can be made and compensation determined. The ACT's scheme relies on negotiation between insurers and injured parties. If an agreement cannot be reached, it is often necessary to go to court to have the claim resolved. A full payout of benefits is not made until a claim is finalised. On average, large claims take around 48 months and small claims take 18 months to finalise.

Why do I have to pay for CTP if I have comprehensive insurance cover?

Your CTP insurance currently provides benefits to any person who suffers an injury in a motor vehicle accident that is found to be your fault. It is compulsory to have CTP insurance to cover injuries you may cause to someone else. You pay your CTP insurance premium when you pay your vehicle registration. Your comprehensive insurance will only cover damage to someone else's property (for example, their car) if you are at fault for an accident. Comprehensive insurance will also cover damage to your vehicle if you were at fault for the accident, but it will not cover you or anyone else for injury. Third-party property insurance only covers damage to someone else's property. If you choose not to purchase comprehensive or third-party property insurance, you will have to pay the cost of any damage you cause to someone else's vehicle or any other property (for example, a fence or building).

How is the current CTP scheme in the ACT different from other CTP schemes in Australia?

CTP insurance schemes exist in every state and territory but they have different designs and offer different levels of coverage, benefits and premiums.

The ACT currently has an at-fault common law scheme, which means that an injured person can sue another person for negligence and seek compensation. The scheme does not cover accidents where fault cannot be proven. It also does not pay benefits to the person who was at fault (although most people can access $5,000 for early medical expenses).

Some other Australian states, like Queensland, also have common law schemes but they are different from the ACT scheme because they define or have limits on the benefits that are payable for different types of injury, which can make premiums cheaper. Other Australian states operate their CTP schemes on a no-fault basis, in some cases with limited common law access. A no-fault scheme provides some benefits regardless of who was at fault for an accident, without the need to sue and go to court.

How do CTP premium costs currently compare with those around Australia?

Average premiums for passenger vehicles in the ACT have shrunk by around $40 or 6.8 per cent since the introduction of new insurers to the ACT market in 2013. But the ACT's average passenger class premium is still one of the highest in Australia. The reason ACT residents pay different premiums from other jurisdictions is largely because of the benefits structure, and court-based model of resolving claims. The benefits structure in each jurisdiction has a significant impact on the premiums needed to fund the scheme. For example, some other jurisdictions allow only people with severe injuries to take court action and claim damages for non-economic loss such as pain and suffering.

What does my CTP premium currently pay for?

Your CTP premiums are used to pay out compensation for injury claims against the CTP scheme. More than $108 million was paid out as benefits for 819 claims finalised in 2016-17. The majority of CTP claims in the ACT are for minor injuries (classified using the Abbreviated Injury Scale). Of the claims finalised in 2016-17:

- 77 per cent were for minor injuries, such as whiplash;
- 16 per cent were for moderate injuries; and
- 7 per cent were for injuries classified as serious, severe, critical or maximum.

The main type of motor accident injury in the ACT is whiplash. In 2016–17, whiplash claims represented 53 per cent of all finalised claims. The average whiplash claim cost just under $90,000 in that year, amounting to more than $39 million of the total $108 million in claims payments. The single largest component of CTP premium dollars payments is paid for non-economic loss, commonly known as 'pain and suffering' damages. These payments don't cover bills, but rather provide compensation for intangible losses like the experience of pain over time, or lost enjoyment of a person's time. In 2016-17, 27 per cent of finalised scheme payments went to treatment and care costs, with almost the same share going to legal and investigation costs (both plaintiff and defendant costs). In 2014-15 and 2015-16, legal and investigation costs for finalised claims amounted to more than treatment and care costs. Of the claims finalised in 2016-17, nearly three quarters of claimants chose to be legally represented by a lawyer.

The Citizens' Jury Process in Summary

Why was a Citizens' Jury used for CTP?

The Government believes our CTP scheme could be improved to better protect Canberrans. That is why we used a citizens' jury to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

There is no one right answer to what a CTP scheme should look like. The Government wanted to understand what the community's priorities are for the scheme. A 2016 survey found that many ACT motorists don't understand our CTP scheme. Without good information, it is difficult for people to think about how the scheme could be improved. The citizens' jury process is giving a group of Canberrans who are representative of our community, the opportunity to look at CTP in depth, hear from experts and injured people, and ask questions.

The citizens' jury set priorities for an improved CTP scheme in October 2017 A scheme designer with input from a Stakeholder Reference Group made up of legal, insurance, healthcare and government experts then developed four models for a new CTP scheme. The citizens' jury considered these models when it met on 24 and 25 March 2018, and decided which model best met their shared priorities. The Government has committed to pursue the model chosen by the jury.

How did the CTP Citizens' Jury work?

In the deliberative democracy process developed for CTP, a group of 50 Canberrans, representative of the community, were selected to participate in a two-part citizens' jury. Their deliberations were supported by a Stakeholder Reference Group and other experts. The community was asked to provide their views on CTP during September 2017. The survey results (both from Your Say and a phone survey) and feedback were provided to the jury for their consideration in October 2017.

In October 2017, the jury met to consider the question: *What should the objectives of an improved CTP scheme be to best balance the interests of all road users?* The jury heard from a range of experts and considered evidence, including the community feedback and survey results, to help the members come up with a set of priorities for an improved CTP scheme. The jury's priorities were provided to the Stakeholder Reference Group.

After the jury met in October 2017, an expert scheme designer with input from the Stakeholder Reference Group developed four workable models in line with the jury's priorities. These models were costed by an actuary to determine their potential impact on the premiums drivers pay. The jury considered the options in March 2018 and determined which model best met the priorities they came up with in the first stage. Following this process, the Government has committed to pursuing the jury's preferred model on the basis it meets the identified priorities.

Government's commitment to pursuing the chosen model

How is the model chosen by the jury different from the current CTP scheme?

The ACT Government's first Citizens' Jury on Compulsory Third Party (CTP) insurance has selected a preferred new scheme that will deliver improved coverage and better protect Canberrans.

The model chosen by the jury delivers the following improvements:

- everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault. This means approximately 40% of injured people who currently can't make a CTP claim will be covered, about 600 more Canberrans each year. Everyone will have earlier access to benefits after an accident. There will continue to be exclusions for serious criminal offences, in line with other Australian jurisdictions.
- quality of life benefits, which provide compensation for non-financial loss, will be available for all people who meet injury thresholds.
- anyone whose injury was caused by someone else's negligence and who is more seriously injured will still be able to access additional common law benefits.

A comparison of the chosen model and the current CTP scheme is here [insert link to graphic].

Why didn't any of the models address the jury's priority of safer driving?

The scheme designer didn't address road safety measures because road safety initiatives are already provided for through a levy paid with registration. The money goes into a special trust, and the use of that money has its own governance arrangements. The CTP regulator plays a part in in these arrangements. Safety on our roads is a priority for everyone in our community and government will continue working to improve road safety.

What has happened since the jury met for the last time?

Since the conclusion of the jury process in March 2018, the government has been working on draft legislation for the jury's chosen scheme.

On 19 September, the Government released an exposure draft of the *Motor Accident Injuries Scheme Bill*, together with an accompanying guide.

The Government referred the exposure draft to the Justice and Community Safety Committee for further community consultation on 20 September. The Committee will report by the end of October and its input will inform the final Bill that is set to be introduced to the Legislative Assembly by the end of 2018.

What is an exposure draft Bill?

An exposure draft Bill is draft legislation that is released to the public or to targeted stakeholders for comment prior to legislation being formally introduced into the Legislative Assembly. The exposure draft of the *Motor Accidents Injuries Bill* has been

referred to a committee. This process will allow stakeholders and interested community members to provide feedback on the exposure draft.

The Government committed to pursuing the jury's preferred model. Why has the exposure draft Bill been referred to a committee?

The Government invested significantly in the consultation process for CTP that began in August last year. Extensive feedback from the community, experts and stakeholders fed into the CTP Citizens' Jury process, and this was reflected in the jury reports.

Not all the detail required to make the scheme workable was presented to the jury. A lot of work has been undertaken to prepare the finerlevel of detail and to draft workable legislation.

The Committee process provides an opportunity for stakeholders to comment on the detail of the Bill. The Government may decide to make changes to the detail of the draft, depending on the outcomes of the committee process.

Does the legislation change any aspects of the model chosen by the jury?

The exposure draft of the bill closely reflects the model chosen by the jury as described in the scheme designer's report (the Finity Report). More detail has been developed to ensure the model is workable in practice.

The exposure draft Bill makes one change to the model chosen by the jury. The Finity Report said that an insurer would have three months to decide whether or not to accept a defined benefits application. In the draft bill this has been reduced to one month.

The change will ensure that the injured person's application will be considered more quickly which is in keeping with the priority of early payments and provides earlier certainty to the injured person that their application has been accepted.

If defined benefits cover everyone regardless of fault, why are there exclusions and limitations?

The Finity paper outlined three categories of exclusions or limitations:

A. Exclusion of all benefits for 'more serious' offences (e.g. commission of a crime);
B. Exclusion of income replacement and quality of life only for some offences (e.g. serious driving offences); and
C. Partial reduction of income loss and quality of life benefits for a not wearing a seatbelt, not wearing a helmet or low range driving under the influence.

A person who is convicted of a serious offence at the time of the accident will not be entitled to defined benefits. Treatment and care expenses, and income replacement, will still be payable while charges are pending. Examples of serious offences include:

- a high-level drink driving offence of a blood alcohol concentration level of 0.15g or more;
- aggravated furious, reckless or dangerous driving;
- causing the death of a person by using a motor vehicle.

Those convicted of a lower category driving offence will be entitled to treatment and care, but not income replacement (other than when charges are pending) and Quality of Life benefits. Examples of these types of offences are:

- a mid-range drink driving offence of a blood alcohol concentration level of between 0.08g and 0.15g;
- recklessly inflicting grievous bodily harm;
- driving while disqualified.

A 25 per cent reduction will be made to income replacement and Quality of Life benefits for people convicted of a low-level drink driving offence or that receive, and do not successfully challenge, certain infringement notices. Examples of these infringements are:

- not obeying the speed limit;
- not wearing a seatbelt;
- using a mobile phone.

If the coroner finds a person who died in an accident engaged in elements of conduct for a serious offence, then the estate of that person will not be entitled to death benefits. Funeral expenses can still be paid in these circumstances.

Other jurisdictions also have various exclusions for these types of offences. The exclusions reflect offences and infringements set out in the *Crimes Act 1900*, the *Criminal Code 2002*, the *Road Transport (Alcohol and Drugs) Act 1977*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (Driver Licensing) Regulation 2000* and the *Road Transport (Road Rules) Regulation 2017*.

Income replacement and Quality of Life benefits will generally not be payable to the injured driver or owner of an unregistered vehicle. Some exceptions will apply if the driver was not at-fault, did not know the vehicle was uninsured, or was involved in a blameless accident (e.g. collision with an animal). A person whose injuries are self-inflicted will only be entitled to treatment and care benefits; funeral benefits can be paid in the event of their death. Entitlements to treatment and care expenses will be restricted for people in custody and there will be no entitlement to defined benefits for accidents caused by acts of terrorism. A person who is a foreign national will be not be entitled to defined benefits to the extent their injuries are covered by insurance they hold for their stay.

What will happen at the end of this process?

In August 2017, the ACT Government announced we would undertake a deliberative democracy process to consider with the community and other key stakeholders how to

improve the scheme so it reflects the priorities of Canberrans. The Government set some criteria for this process, and committed to pursue the community's recommendations.

In line with our commitment, the Government is now pursuing the jury's recommended model by developing legislation which closely reflects this for introduction to the ACT Legislative Assembly.

How will I know what is happening with the process?

The Government has committed to an open, transparent and accountable process. Updates will continue to be provided on Your Say to keep Canberrans informed on progress and next steps. Sign up for project updates so we can let you know when there is new information available.

The Citizens' Jury Process in Detail

What did the jury consider?

In October 2017, the jury was asked to explore the right balance between the interests of injured people and motor vehicle owners in the CTP scheme. As part of this process, the jury considered what levels of coverage and benefits were desirable, balanced against the costs of the scheme. This involved considering a range of issues and trade-offs on issues, such as:

- who is covered;
- timeliness of access to benefits;
- how to best support injured people return to health;
- certain and equitable outcomes for injured people;
- efficiency of the scheme (how much of the total payments are provided to support the injured person); and
- affordability of premiums – noting that premiums cannot rise as a result of this process.

The jury heard from a number of expert witnesses, some of whom travelled from interstate to participate. People who have pursued claims under the current CTP scheme and those who were ineligible to do so because of its current at-fault design had the opportunity to give evidence before the jury as witnesses.

The jury met for the final time on 24 and 25 March 2018. The scheme designer presented the four models that were developed with input from the Stakeholder Reference Group, and the contracted actuary provided an indication of the impact on premiums for each model. Jury members deliberated and voted on which model best met the objectives they set in October 2017.

How was my feedback incorporated?

During September 2017, the community was invited to provide feedback on the CTP scheme. More than 100 pieces of written feedback were received, in addition to 725 online survey responses and 515 phone survey responses. A further 328 people had their say on priorities for the CTP scheme through the Your Say website. All of this information was given to the jury to consider before they met in October 2017 when they developed priorities for an improved scheme. It was also published on Your Say.

On 24 and 25 March 2018, the jury considered four models that were developed by an experienced scheme designer with input from the Stakeholder Reference Group made up of legal, insurance, healthcare and government experts. The four models are available on Your Say. In March 2015, the jury members decided which model best met the objectives they set, taking into account everything they have learnt.

How were the jury members selected?

The members of the citizens' jury were randomly selected using Australia Post's database of households in the ACT and the Vote Compass online panel. Australia Post randomly selected 6,000 households to receive invitations. A further 1,500 individuals were randomly selected from the Vote Compass database to receive online invites. A group of 54 jurors was chosen from those who responded, with the selection and stratification managed by the jury facilitators, democracyCo. This process has ensured the jury was made up a mix of people according to criteria such as age, gender and location that broadly corresponds with the demographics of the ACT population. The selection process has also sought to involve a diversity of types of road users and people with a diversity of knowledge of the CTP system

Were there any restrictions on who could sit on the jury?

It was important that the jury's deliberations were balanced and not unfairly influenced in any direction by people with a particular stake in the CTP scheme. For this reason, people who receive an income from the CTP system, such as a personal injury lawyer, a CTP insurance company employee or a person who works for government in personal injury compensation, or anyone in their households, were not eligible to be on the jury. These professions are represented within the Stakeholder Reference Group.

People who had experienced a motor accident injury were eligible for the jury unless they were in the process of having a CTP claim considered

Were there any limits on what the jury could consider?

The Government asked the citizens' jury to recommend priorities for an improved CTP scheme. Some limits were established including:

a) The CTP scheme must remain compulsory for all motorists. The jury will not be able to recommend an optional scheme.

b) The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums. The CTP scheme in the ACT is underwritten by private insurers, and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities which are influenced by the way the scheme is designed. While other factors may lead to a change in premiums over time, improvements to the CTP scheme coming out of the process cannot result in an increase in premiums.

c) The CTP scheme in the ACT must remain community-rated. In some states, people pay different amounts for their CTP depending on risk factors such as age. For example, NSW allows for risk rating of premiums, with insurers able to charge higher premiums for motorists they consider to be high-risk, such as young drivers up to 25 years old. In the ACT, motorists pay the same CTP insurance premium, which is a community-rated premium that applies to each vehicle class. The Government believes this is a central aspect of the CTP scheme and this will be maintained through the citizens' jury process.

d) The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process. The types of vehicles that are included in the CTP scheme and the way different premiums are calculated for different types of vehicles are complex and technical issues. These issues are not the focus of this citizens' jury.

e) The scheme must be workable and fit within other legal and regulatory frameworks. The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, the recommended model will need to meet legal requirements – such as human rights and privacy – and be workable in practice.

f) The deliberations will not examine the established Lifetime Care and Support Scheme. The treatment and care of people who are catastrophically injured in a motor vehicle accident is managed under the Lifetime Care and Support Scheme which is funded by a separate levy. Changes to this scheme are not within the scope of the deliberations.

Did jurors get paid?

Participating in the citizens' jury was voluntary but jurors were paid an honorarium for their time. For this project, each jury participant was paid a total of $450.

How could a jury of 50 people make recommendations for all Canberrans?

The jury was given the time and information to fully understand the complexities of the system so they can make informed decisions. The Government chose to pilot a citizens' jury to consider improvements to the CTP scheme with the community and other key stakeholders so it reflects the priorities of Canberrans. The broader community was able

to get involved and provide input into this process through the Your Say website and a phone survey. This information was given to the jury.

A key element of this process was giving the jury detailed information about CTP that most Canberrans don't have the time to consider. Experts and people who have experience with the CTP scheme or motor accident injuries came and talked to the jury. The jury was able to ask questions and test their ideas with each other. The experts did not all have the same views. The jury had to think critically about all the perspectives and then decide what was most important to them as diverse members of the community coming together to find common ground. The number of 50 jurors is large enough to reflect a diversity of views but small enough for the group to easily work together.

The jury used the skills and knowledge they gained in October 2017 to deliberate on, and select, a preferred model on 24 and 25 March 2018. The decision reached by the jury reflected the priorities they developed in October 2017.

The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, resulted in the jury deciding a much improved CTP scheme that will better meet the needs of all road users in Canberra.

Wasn't this issue too technical to ask a citizens' jury to do?

This citizens' jury process was designed to give ordinary citizens the time and information they needed to think about CTP issues in an informed way. The group was facilitated by experts in deliberative democracy. The jury heard from people who work in insurance, the legal system and the health system. An actuary and scheme design professional, both high qualified and experienced, were available to assist jury members. The facilitators used a variety of tried and tested methods to help the jury get across the issues and discuss them in a way that respected a diversity of views. A key part of this process was the inclusion of the Stakeholder Reference Group. The jury was not been asked to undertake any technical work. Rather, the jury was asked to consider the trade-offs available in a CTP scheme and develop priorities for the ACT's scheme that reflect their views as members of the community. The technical work was undertaken by the experts. The Government believed that with time, information and expert assistance, an engaged group of Canberrans could weigh up competing priorities and make considered recommendations, which they did.

Who was on the Stakeholder Reference Group?

The Stakeholder Reference Group was made up of people from organisations with expertise or special interest in CTP. The group consisted of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert. A complete list of members and their organisations is below.

- Lisa Holmes, representative for the CTP Regulator

- Richard Glenn, Deputy Director General, Justice – Justice and Community Safety Directorate
- Mark Blumer, Solicitor – Law Society of the ACT
- Jamie Ronald, Barrister – ACT Bar Association
- Madeleine Hibberd, Manager, Regulatory Policy – Insurance Australia Group (IAG)
- Jake Krausmann, Policy and Regulation Advisor – Suncorp (previously Surayez Rahman, Executive Manager, ACT CTP, Suncorp)
- Fiona Tito Wheatland, consumer representative – Health Care Consumers Association
- Professor Ian Cameron, Professor of Rehabilitation Medicine – John Walsh Centre for Rehabilitation Research, University of Sydney
- Geoff Atkins, Principal – Finity (contracted as insurance scheme design expert)
- Peter McCarthy, Executive Director – EY (contracted as actuary).

How were the CTP scheme models developed?

The Stakeholder Reference Group was in discussion about potential CTP scheme designs based on the jury's priorities from when the jury provided its report in October 2017 until March 2018. The four models provided to the jury were developed by an expert scheme designer with detailed input from the Stakeholder Reference Group. The developed models were costed by an experienced actuary.

Stakeholder Reference Group members attended around 30 hours of meetings as well as providing input in between meetings.

Not all Stakeholder Reference Group members supported all four models being presented to the jury. This reflects the diversity of the members within the group, and the different perspectives they bring. That is why the jury was presented with a range of options, each of which met the jury's objectives as interpreted by at least one Stakeholder Reference Group member. The members were also given the opportunity to provide written feedback on the models and this was provided to the jury in advance of their March 2018 final meeting.

How did the jury reach a final decision?

The jury was provided with a number of documents in advance of their final meeting, including:

- a report on the models from the scheme designer;
- a report on the estimated impact on premiums of each model from the actuary;
- a visual summary of all four models;
- reflections on the models from members of the Stakeholder Reference Group (to be separately provided before the final jury weekend); and
- a full copy of the jury report from October 2017.

These documents are also available on Your Say.

At the weekend meeting, the scheme designer presented the four models to the jury and the actuary presented on the estimated CTP premiums for each model.

The jury then had the opportunity to deliberate on how well each model met the priorities they set in October 2017. They were able to ask questions of the Stakeholder Reference Group members in attendance.

At the end of their deliberations, the jury presented a report to the ACT Government on their preferred model and why it was chosen. The Government has committed to pursuing the model preferred by the jury.

A copy of the strategy for the final weekend and the final report from the jury is available on Your Say.

Will the government be using citizens' juries for consultation on other issues?

A jury is just one of a range of deliberative democracy processes we have been exploring as part of our expanded community engagement. We will seek to match the right deliberative processes to each of the issues we engage on in the future.

Others include Better Suburbs, Housing Choices, and the Carers Strategy.

FAQs

Citizens' jury on Compulsory Third Party (CTP) insurance
Frequently asked questions

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FAQs

1. What is CTP insurance and why is it important?

If you own a motor vehicle, you are required by law to buy compulsory third-party (CTP) insurance every year as part of the vehicle registration process.

CTP insurance covers other people (including pedestrians, passengers, pillion riders and cyclist) injured in an accident with a motor vehicle that is found to be your fault.

Without CTP insurance, if you are found to be at fault in a motor vehicle accident and other people were injured, you are personally responsible for the compensation costs arising from those injuries. These costs could amount to many thousands, and sometimes hundreds of thousands, of dollars. This is why CTP insurance is compulsory in every state and territory in Australia.

2. Who does CTP insurance cover in the ACT?

CTP insurance in the ACT will only cover a person who is injured in a motor vehicle accident *if someone else is found to be at fault.*

Fault must be investigated and proven in every case. The CTP insurance you are required to buy as part of your vehicle registration covers other people who are injured (the 'third party') because of an accident that is found to be your fault.

If you are in an accident that is found to be your fault, you cannot claim compensation for your own injuries under the scheme. If you are in an accident that wasn't anyone's fault (a 'blameless accident'), such as a collision with wildlife, you cannot claim compensation under the scheme.

3. What CTP benefits are payable in ACT?

The amount of CTP compensation an injured person receives, and the length of time taken to receive this compensation, depends on the individual circumstances of the injured person. Final amounts are negotiated between insurers and injured persons.

If a person is injured in a motor vehicle accident and makes a claim against the at-fault person's CTP insurer, the compensation they get will depend on their injuries; the treatment they require; the circumstances of the accident; and the impact of their injuries (i.e. whether they have to take time off work). If they were partly at fault for the accident or their injuries (i.e. if they were not wearing a seatbelt), this will be taken into account and is likely to reduce the amount they will be paid for the claim.

Injured people can claim for the following kinds of loss:

- **Treatment and care costs** – this compensates for past and estimated future costs of treatment and care needed as a result of the injuries, such as medical costs.
- **Economic loss** – compensates for financial loss, which can include lost wages if the injured person can't work.
- **Non-economic loss** – compensates for things like pain and suffering.

FAQs

The cost of treatment and care for catastrophic injuries is covered by the *Lifetime Care and Support Scheme* introduced in 2014. This scheme is separate from the CTP scheme, is funded by a separate levy and covers everyone who suffers a catastrophic injury in a motor vehicle accident in the ACT, regardless of fault.

4. How long does it take after an accident to receive CTP benefits?

This depends on the circumstances of the accident and the severity of the injuries. Investigation into fault and injury severity can take time. People may have to wait until their injury stabilises before a severity assessment can be made and compensation determined.

The ACT's scheme relies on negotiation between insurers and injured parties. If an agreement cannot be reached, it is often necessary to go to court to have the claim resolved.

A full payout of benefits is not made until a claim is finalised. On average, large claims take around 48 months and small claims take 18 months to finalise.

5. Why do I have to pay for CTP if I have comprehensive insurance cover?

Your CTP insurance will provide benefits to any person who suffers an **injury** in a motor vehicle accident that is found to be your fault. It is compulsory to have CTP insurance to cover injuries you may cause to someone else. You pay your CTP insurance premium when you pay your vehicle registration.

Your comprehensive insurance will only cover damage to someone else's **property** (for example, their car) if you are at fault for an accident. Comprehensive insurance will also cover damage to your vehicle if you were at fault for the accident, but it will not cover you or anyone else for injury. Third-party property insurance only covers damage to someone else's property.

If you choose not to purchase comprehensive or third-party property insurance, you will have to pay the cost of any damage you cause to someone else's vehicle or any other property (for example, a fence or building).

6. How is the CTP scheme in the ACT different from other CTP schemes in Australia?

CTP insurance schemes exist in every state and territory but they are different in design and offer different levels of coverage, benefits and premiums.

The ACT has an at-fault common law scheme, which means that an injured person can sue another person for negligence and seek compensation. Some other states, like NSW, also have common law schemes but they are different from the ACT scheme because they define or have limits on the benefits that are payable for different types of injury, which can make premiums cheaper.

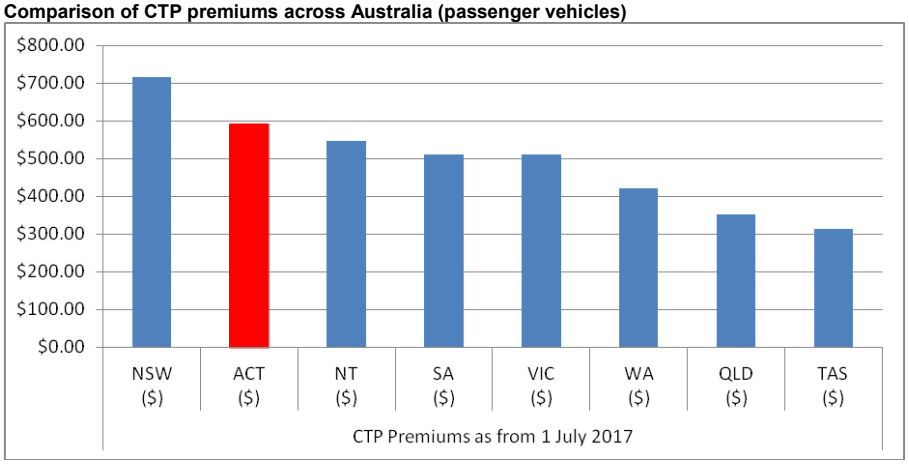
FAQs

Other states operate their schemes on a no-fault basis, in some cases with limited common law access. A no-fault scheme provides some benefits regardless of who was at fault for the accident, without the need to sue and go to court.

7. How do CTP premium costs compare with those around Australia?

Average premiums for passenger vehicles in the ACT have shrunk by around $35 or 5.8% since the introduction of new insurers to the ACT market in 2013. But the ACT's average passenger class premium is still the second-highest in Australia.

Comparison of CTP premiums across Australia (passenger vehicles)



The reason ACT residents pay different premiums from other jurisdictions is largely because of the benefits structure, and court-based model of resolving claims. The benefits structure in each jurisdiction has a significant impact on the premiums needed to fund the scheme. For example, some other jurisdictions allow only people with severe injuries to take court action and claim damages for non-economic loss such as pain and suffering.

8. What does my CTP premium pay for?

Your CTP premiums are used to pay out compensation for injury claims against the CTP scheme. More than $108 million was paid out as benefits for 819 claims finalised in 2016-17.

The majority of CTP claims in the ACT are for minor injuries. Of the claims finalised in 2016-17:

- 77% were for minor injuries, such as whiplash;
- 16% were for moderate injuries; and
- 7% were for injuries classified as serious, severe, critical or maximum.

The main type of motor accident injury in the ACT is whiplash. In 2016–17, whiplash claims represented 53 per cent of all finalised claims. The average whiplash claim cost just under $90,000 in that year, amounting to over $39 million of the total $108 million in claims payments.

FAQs

The single largest component of CTP premium dollars payments is paid for non-economic loss, commonly known as 'pain and suffering' damages. These payments don't cover bills, but rather provide compensation for intangible losses like the experience of pain over time, or lost enjoyment of a person's time.

In 2016-17, 27 per cent of finalised scheme payments went to treatment and care costs, with almost the same share going to legal and investigation costs. In 2014-15 and 2015-16, legal and investigation costs for finalised claims amounted to more than treatment and care costs. Of the claims finalised in 2016-17, nearly three quarters of claimants chose to be legally represented by a lawyer.

9. Why use a citizens' jury for CTP?

CTP in the ACT doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but we still pay some of the highest premiums in the country. The Government believes our CTP scheme could be improved to better protect Canberrans.

The government has chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

There is no one right answer to what a CTP scheme should look like. The Government wants to understand what the community's priorities are for the scheme.

A recent quiz found that many ACT motorists don't understand our CTP scheme. Without good information, it is difficult for people to think about how the scheme could be improved. The citizens' jury process gives a group of Canberrans, representative of the community, the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

~~People who are not on the jury will also have the opportunity to find out more about CTP and provide their views~~During September 2017, the community was invited to provide feedback on the CTP scheme. More than 100 pieces of written feedback were received, in addition to 725 online survey responses and 515 phone survey responses. A further ~~A further~~ 328 people had their say on priorities for the CTP scheme ~~on~~through the Your Say website. ~~and may also be contacted as part of a phone survey~~. All of this ~~This~~ information will be given to the jury to consider.

Commented [JR1]: Or should this be: Of these... – don t mind but either way, don t start a sentence with a number.

The process that has been designed for CTP will see the jury develop priorities for an improved scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community based on the priorities.

FAQs

10. Are there any limits on what the jury can consider?

The Government will ask the citizens' jury to recommend priorities for an improved CTP scheme. Some limits have been established for the jury's deliberations, including:

a) **The CTP scheme must remain compulsory for all motorists**.
The jury will not be able to recommend an optional scheme.

b) **The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums.**
The CTP scheme in the ACT is underwritten by private insurers, and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities which are influenced by the way the scheme is designed. While other factors may lead to a change in premiums over time, improvements to the CTP scheme coming out of the process cannot result in an increase in premiums.

c) **The CTP scheme in the ACT must remain community-rated.**
In some states, people pay different amounts for their CTP depending on risk factors such as age. For example, NSW allows for risk rating of premiums, with insurers able to charge higher premiums for motorists they consider to be high-risk, such as young drivers up to 25 years old. In the ACT, motorists pay the same CTP insurance premium, which is a community-rated premium that applies to each vehicle class. The Government believes this is a central aspect of the CTP scheme and this will be maintained through the citizens' jury process.

d) **The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process.**
The types of vehicles that are included in the CTP scheme and the way different premiums are calculated for different types of vehicles are complex and technical issues. These issues are not the focus of this citizens' jury.

e) **The scheme must be workable and fit within other legal and regulatory frameworks**.
The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, the recommended model will need to meet legal requirements – such as human rights and privacy – and be workable in practice.

f) **The deliberations will not examine the established Lifetime Care and Support Scheme**.
The treatment and care of people who are catastrophically injured in a motor vehicle accident is managed under the *Lifetime Care and Support Scheme* which is funded by a separate levy. Changes to this scheme are not within the scope of the deliberations.

11. How will the CTP citizens' jury work?

In the deliberative democracy process developed for CTP, a group of 50 Canberrans, representative of the community, will be selected to participate in a two-part citizens' jury. Their deliberations will be supported by a Stakeholder Reference Group and other experts.

The community ~~will be~~was asked to provide their views on CTP during September 2017~~. You can visit the Your Say website to complete a survey or provide feedback.~~ The survey results

(both from Your Say and a phone survey) and feedback will be provided to the jury for their consideration.

In October 2017, the jury will meet to consider the question: **What should the objectives of an improved CTP scheme be to best balance the interests of all road users?** The jury will hear from a range of experts and consider evidence, including the community feedback and survey results, to help the members come up with a set of priorities for improving the CTP scheme.

The Stakeholder Reference Group will then develop a number of workable models that are consistent with the jury's priorities, for an actuary to cost. Government, legal groups, insurers, health consumers and rehabilitation providers will all be represented on the Stakeholder Reference Group. After the models are costed, the jury will consider the options and determine which model best meets the priorities they came up with in the first stage.

Following this process, the Government has committed to pursuing the jury's preferred model on the basis it meets the identified priorities.

12. What will the jury need to consider?

In considering improvements to the ACT's CTP scheme, it will be important that the jury explore the right balance between the interests of injured people and motor vehicle owners.

As part of this process, the jury will consider what level of coverage and benefits are desirable, balanced against the costs of the scheme. This will involve considering a range of issues and trade-offs on issues such as:

- who is covered;
- timeliness of access to benefits;
- how to best support injured people return to health;
- certain and equitable outcomes for injured people;
- efficiency of the scheme (how much of the total payments are provided to support the injured person); and
- affordability of premiums – noting that premiums cannot rise as a result of this process.

13. How is the jury selected?

The members of the citizens' jury have been~~will be~~ randomly selected using Australia Post's database of households in the ACT and the Vote Compass online panel. Australia Post ~~will~~ randomly selected 6,000 households to receive invitations. A further 1,500 individuals were randomly selected from the Vote Compass database to receive online invites. ~~Any individual in the household will then be able to respond indicating their interest in being part of the process. Invitations will go out in early September with RSVP by 17 September 2017.~~

FAQs

A group of 50 jurors have been~~will be~~ chosen from those who responded, with the selection and stratification managed by the jury facilitators, democracyCo. This process has ~~will~~ ensured the jury is made up a mix of people according to criteria such as age, gender and location that broadly corresponds with the demographics of the ACT population. The selection process ~~will~~ has also sought~~eek~~ to involve a diversity of types of road users and people~~those~~ with a diversity of knowledge of the CTP system.

14. Are there any restrictions on who can sit on the jury?

It is important that the jury's deliberations are balanced and not unfairly influenced in any direction by people with a particularly stake in the CTP scheme. For this reason, people who receive an income from the CTP system, such as a personal injury lawyer, a CTP insurance company employee or a person who works for government in personal injury compensation, or anyone in their households, will not be eligible to be on the jury. These professions will be represented within the Stakeholder Reference Group.

People who are currently in the process of having a CTP claim considered and their household members will also be unable to participate on the jury.

15. Do jurors get paid?

Participating in the citizens' jury is voluntary but jurors will be paid an honorarium for their time. For this project, each jury participant will be paid a total of $450.

16. How does the jury reach a decision?

The jury facilitators will use techniques to search for common ground or consensus among jury members to reach an agreed outcome. If consensus cannot be achieved, then the model recommended will be the model that has the most support. The jury may choose to include in their recommendations reasons for recommending a particular model and any dissenting views.

17. How will a jury of 50 people make recommendations for all Canberrans?

The jury will be given the time and information to fully understand the complexities of the system so they can make informed decisions.

The government has chosen to pilot a citizens' jury so we can consider the CTP issue with the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

The broader community will also be able to get involved and provide input into this process through the Your Say website and a phone survey. This information will be given to the jury.

A key element of this process will be giving the jury detailed information about CTP that most Canberran's don't have the time to consider. Experts and people who have experience with the CTP scheme or motor accident injuries will come and talk to the jury. The jury will

be able to ask questions and test their ideas with each other. The experts won't all have the same views. The jury will need to think critically about all the perspectives and then decide what is most important to them as diverse members of the community coming together to find common ground.

The number of 50 jurors is large enough to reflect a diversity of views but small enough for the group to easily work together. The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, can deliver an improved CTP scheme that best meets the needs of all road users in Canberra.

18. Isn't this issue too technical to ask a citizens' jury to do?

This citizens' jury process is designed to give ordinary citizens the time and information they need to think about CTP issues in an informed way. The group will be facilitated by experts in deliberative democracy. The jury will hear from people who work in insurance, the legal system and the health system. There will be highly qualified and experienced actuarial and scheme design professionals available to assist. The facilitators will use a variety of tried and tested methods to help the jury get across the issues and discuss them in a way that respects a diversity of views. The jury will be helped to consider issues one at a time before bringing them back together to consider as a whole and make recommendations.

A key part of this process is the inclusion of the Stakeholder Reference Group. The jury is not being asked to undertake any technical work. The jury is being asked to consider the trade-offs available in a CTP scheme and develop priorities for the ACT's scheme that reflect their views as members of the community. The technical work will be undertaken by the experts.

The government believes that with time, information and expert assistance, an engaged group of Canberrans can weigh up competing priorities and make considered recommendations.

19. Who is on the Stakeholder Reference Group?

The Stakeholder Reference Group is made up of people from organisations with expertise or special interest in CTP. The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert.

A copy of the Stakeholder Reference Group terms of reference and a list of member organisations are available at www.yoursay.act.gov.au .

20. How can I be involved in the process? Can I be an observer?

~~There are a number of ways you can provide input or be involved in the CTP deliberative process. You can participate in the broader consultation process by completing the survey or providing feedback via:~~

~~the website: www.yoursay.act.gov.au/ctp~~

~~email: YourSayonCTP@act.gov.au~~

~~post: Citizens' Jury on CTP~~

~~c/o Financial Framework Management and Insurance Branch~~

~~Chief Minister, Treasury and Economic Development Directorate~~

~~GPO Box 158~~

~~Canberra ACT 2601~~

~~Feedback should be lodged by 29 September 2017 and will be published unless otherwise advised. You are encouraged to take our online quiz first and learn more about CTP before you give your feedback.~~

~~All feedback and survey results will be considered by the jury. It is vital that your feedback is clear, to the point and easy to understand. Most importantly, your feedback should help the jury to answer the question that they have been asked; we recommend your feedback be no longer than three pages.~~

The jury's deliberations are open to the general public but places will be limited. You can register your interest to attend an observer tour on www.yoursay.act.gov.au ~~at~~from the beginning of October ~~when we call for registrations~~. There will be a limited number of observer tours and participants will be randomly selected by the independent facilitators.

You can also subscribe to email updates about this process via Your Say so that we can let you know when there's new information available.

21. What will happen to my written feedback if I provide it?

Your feedback will be included in the material provided to the citizens' jury to assist their deliberations. All feedback received will be published on the website. You should read the information collection statement before providing your feedback. You should not include personal information you do not wish to be published and you should never include the personal information of someone else.

22. When will this process happen?

Consultation with the community was open from the end of August and throughout September. Submissions and surveys ~~will close~~closed on 29 September 2017. The jury ~~will also be~~was selected during September.

In stage one the jury will meet over two weekends in October.

The Stakeholder Reference Group will then develop models that will be costed by the actuary from November 2017 to March 2018.

The jury will then meet again in March 2018 to consider the models and make a final recommendation.

FAQs

23. How will I know what is happening with the process?

The Government has committed to an open, transparent and accountable process. Updates will be provided on the Your Say website to keep the community informed on progress and next steps. Subscribe to email updates so we can let you know when there's new information available.

24. What will happen at the end of this process?

The Government has committed to pursuing the model preferred by the jury on the basis that it meets the priorities developed to reflect those of the Canberra community.

The Government will take the practical steps needed to deliver this model, including changing legislation if necessary. The Government will inform Canberrans on the next steps after the process.

25. Will the Government be using citizens' juries for consultation on other issues?

A jury is just one of a range of deliberative democracy processes we will be exploring as part of our expanded community engagement. We will seek to match the right deliberative processes to each of the issues we engage on in the future.

26. Who is on the Stakeholder Reference Group?

The Stakeholder Reference Group is made up of people from organisations with expertise or special interest in CTP. The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert. A complete list of members and their organisations is below.

- Lisa Holmes, representative for the CTP Regulator
- Richard Glenn, Deputy Director General, Justice – Justice and Community Safety Directorate
- Mark Blumer, Solicitor – Law Society of the ACT
- Jamie Ronald, Barrister – ACT Bar Association
- Madeleine Hibberd, Manager, Regulatory Policy – Insurance Australia Group (IAG)
- Surayez Rahman, Executive Manager, ACT CTP – Suncorp
- Fiona Tito Wheatland, consumer representative – Health Care Consumers Association
- Professor Ian Cameron, Professor of Rehabilitation Medicine – John Walsh Centre for Rehabilitation Research, University of Sydney
- Geoff Atkins, Principal – Finity (contracted as insurance scheme design expert)

FAQs

- Peter McCarthy, Executive Director – EY (contracted as actuary)

FAQs

Citizens' jJury on Compulsory Third Party (CTP) iInsurance Frequently aAsked qQuestions

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FAQs

1. What is CTP insurance and why is it important?

If you own a motor vehicle, you are required by law to buy compulsory third-party (CTP) insurance every year as part of the vehicle registration process.

CTP insurance covers other people (including pedestrians, passengers, pillion riders and cyclist) injured in an accident with a motor vehicle that is found to be your fault.

Without CTP insurance, if you are~~were~~ found to be at fault in a motor vehicle accident and other people were injured, you are~~would~~ personally be responsible for the compensation costs arising from those injuries. These costs~~which~~ could amount to many thousands, and sometimes hundreds of thousands, of dollars. This is why CTP insurance is compulsory in every state and territory in Australia.

Commented [OE1]: I think they re talking about a hypothetical world without CTP rather than if you don t have it

2. Who does CTP Insurance cover in the ACT?

~~Compulsory third party (~~CTP~~)~~ insurance in the ACT will only cover a person who is injured in a motor vehicle accident *if someone else is found to be at fault*.

Fault must be investigated and proven in every case. The CTP insurance you are required to buy as part of your vehicle registration covers other people who are injured (the "third party") because of an accident that is found to be your fault.

If you are in an accident that is found to be your fault, you cannot claim compensation for your own injuries under the scheme. If you are in an accident that wasn't anyone's fault (a "blameless accident"), such as a collision with wildlife, you cannot claim compensation under the scheme. This means that XX per cent of people who are injured in motor vehicle accidents in the ACT currently receive no compensation.

3. What CTP benefits are payable in ACT?

The amount of ~~Compulsory Third Party (~~CTP~~)~~ compensation an injured person receives, and the length of time taken to receive this compensation, is assessed on a case-by-case basis~~depends on the individual circumstances of the injured person~~. ~~Final amounts are negotiated between insurers and injured persons.~~

If a person is injured in a motor vehicle accident and makes a claim against the at-fault person's CTP insurer, the compensation they get will depend on their injuries; the treatment they require; the circumstances of the accident; and the impact of their injuries (i.e. whether they have to take time off work). If they were partly at fault for the accident or their injuries (i.e. if they were not wearing a seatbelt), this will be taken into account and is likely to reduce the amount they will be paid for the claim.

Injured people can claim for the following kinds of loss:

- **Treatment and care costs** – this compensates for past and estimated future costs of treatment and care needed as a result of the injuries, such as physiotherapy or surgery.

Commented [JR2]: Feel free to replace with appropriate examples

FAQs

- **Economic loss** – compensates for financial loss, which can include lost wages if the injured person can't work.
- **Non-economic loss** – compensates for things like pain and suffering.

The cost of treatment and care for catastrophic injuries is covered by the *Lifetime Care and Support Scheme* introduced in 2014. This scheme is separate from the CTP scheme, is ~~(and~~ funded by a separate levy~~)~~ and covers everyone who suffers a catastrophic injury in a motor vehicle accident in the ACT, regardless of fault.

4. How long does it take after an ~~the~~ accident to receive CTP benefits?

This ~~will generally~~ depends on the circumstances of the accident and the severity of the injuries. Investigation into fault and injury severity can take time. People may have to wait until their injury stabilises before a severity assessment can be made and compensation determined.

The ACT's scheme relies on negotiation between insurers and injured parties. If an agreement cannot be reached, ~~the injured person and the insurer would need~~it is often necessary to go to court to have the claim resolved. In the ACT, XX per cent of claims are heard in court, compared with XX per cent in [A NO FAULT JURISDICTION].

A full payout of benefits is not made until a claim is finalised. On average, large claims take around 48 months and small claims take 18 months to finalise.

5. Why do I have to pay for CTP if I have comprehensive insurance cover?

Your ~~compulsory third-party (~~CTP~~)~~ insurance will provide benefits to any person who suffers an **injury** in a motor vehicle accident that is found to be your fault. ~~The purchase of~~It is compulsory to have CTP insurance ~~for~~ to cover injuries you may cause to someone else ~~is compulsory~~. You pay your CTP insurance premium when you pay your vehicle registration.

Your comprehensive insurance will only cover damage to someone else's **property** (for example, their car) if you are at fault for an accident. Comprehensive insurance will also cover damage to your vehicle ~~if you were at fault for the accident~~, but it will not cover you or anyone else for injury. Third-party property insurance only covers damage to someone else's property.

If you choose not to purchase comprehensive or third-party property insurance, you will have to pay the cost of any damage you cause to someone else's vehicle or any other property (for example, a fence or building).

6. How is the CTP scheme in the ACT different from~~to~~ other CTP schemes in Australia?

~~Compulsory third-party (~~CTP~~)~~ insurance schemes exist in every state and territory but they ~~are different in design and~~ offer different levels of coverage, benefits and premiums.

FAQs

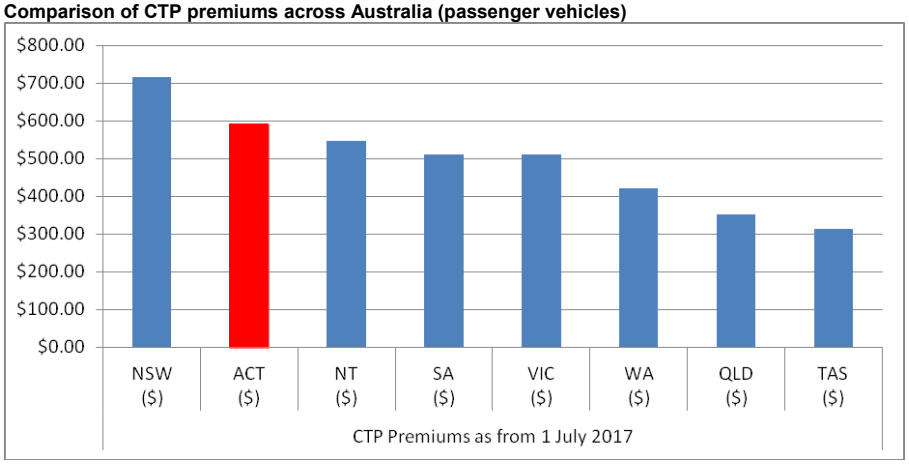
The ACT has ~~what is known as~~ an at-fault common law scheme, which means that an injured person can sue another person for negligence and seek compensation. ~~Some other states~~XX and XX also have common law schemes but ~~they are different from the ACT scheme because~~ they define~~have limits on~~ the benefits that are payable for different types of injury, which can make premiums cheaper.

O~~Some o~~ther states operate their schemes on a ~~have a~~ no-fault ~~scheme~~ basis, in some cases ~~or a no-fault scheme~~ with limited~~some~~ common law access. A no-fault scheme ~~is one that~~ provides some benefits regardless of who was at fault for the accident, without the need to sue and go to court.

7. How do CTP premium costs compare with those around~~in other Australian jurisdictions~~?

A~~While a~~verage premiums for passenger vehicles in the ACT have shrunk~~reduced~~ by around $35 or 5.8% since the introduction of new insurers to the ACT market in 2013. But~~,~~ the ACT's average passenger class premium is still the second~~-~~highest in Australia.

Comparison of CTP premiums across Australia (passenger vehicles)



The reason ACT residents pay different premiums from~~to~~ other jurisdictions is largely because of the benefits structure, and court-based model of resolving claims. The benefits structure in each jurisdiction has a significant impact on the premiums neededed~~cessary~~ to fund the scheme. For example, some other jurisdictions allow only people with very severe injuries to take court action and claim damages for non-economic loss ~~(~~such as pain and suffering~~)~~.

8. What does my CTP premium pay for?

Your CTP premiums are used to pay out compensation for injury claims against the CTP scheme, as well as cover other expenses like legal costs. More than $108 million was paid out as benefits for 819 claims finalised in 2016-17.

FAQs

The majority of CTP claims in the ACT are for minor injuries. Of the claims finalised in 2016-17:

- 77% were for minor injuries, such as whiplash;
- 16% were for moderate injuries; and
- 7% were for injuries classified as serious, severe, critical or maximum.

The main type of motor accident injury in the ACT is whiplash. In 2016–17, whiplash claims represented 53 per cent of all ~~436 out of 819 total~~ finalised claims ~~(53%)~~. The average whiplash claim cost just under $90,000 in that year, amounting to over $39 million of the total $108 million in claims payments.

The single largest component of CTP premium dollars payments is paid for non-economic loss, commonly known as '~~"~~pain and suffering'~~"~~ damages. These payments don't cover bills, but rather provide compensation for intangible losses like the experience of pain over time, or lost enjoyment of a person's time.

In ~~the~~ 2016-17 ~~financial year~~, 27 per cent~~%~~ of finalised scheme payments went to treatment and care costs, with almost ~~as much~~the same share going to legal and investigation costs ~~(26%)~~. In 2014-15 and 2015-16, legal and investigation costs for finalised claims amounted to more than treatment and care costs. Of the claims finalised in 2016-17, nearly three quarters of claimants chose to be legally represented by a lawyer.

~~9.~~ Why use a citizens' jury for CTP?

9.

CTP in the ACT doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but we still pay some of the highest premiums in the country. The Government believes our CTP scheme should be improved to better protect Canberrans.

The government has chosen to pilot a citizens' jury so we can consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

There is no one right answer to what a CTP scheme should look like. ~~The Government considers that the CTP scheme in the ACT could be improved but is not set on what those improvements should be or on any particular model or design.~~ The Government wants to understand what the community's priorities are for the scheme.

A recent quiz found that many ACT motorists don't ~~really~~ understand our CTP scheme. Without good information, ~~so~~ it is difficult for people to think about how the scheme~~it~~ could be improved. The citizens' jury process gives a representative group of ~~everyday~~ Canberrans the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will ~~need to~~ think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

FAQs

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website and may also be contacted as part of a phone survey. This information will be given to the jury to consider. ~~The community can also follow the jury deliberations.~~

The process that has been designed for CTP ~~recognises that the community cannot be expected to~~will see the jury develop priorities for a reformed scheme. These will then be handed to a Stakeholder Reference Group that will undertake the technical task~~s, like scheme design. That is why the citizens' jury is being asked to develop priorities for a scheme and an expert Stakeholder Reference Group is being established to~~ of designing and developing workable models. These models will be taken back to the jury for a final determination on which one best meets the needs of the Canberra community~~preference~~.

10. Are there any limits on what the jury can consider?

The Government will ask the citizens' jury to recommend priorities for an improved CTP scheme. Some criteria have been established for the jury's deliberations, including: ~~These priorities will be used by an expert group to come up with possible insurance scheme models.~~

~~However, there are certain things that the jury cannot consider as part of this process, which the Government has said are out of scope. These limits apply to both the deliberations of the jury and the models developed by the expert group.~~

~~Limits for the citizens' jury are:~~

a) **CTP premiums cannot become more expensive**
The jury cannot recommend a model that increases the cost of CTP for individual motorists.

~~a)~~b) **The CTP scheme must remain compulsory for all motorists.**
The jury will not be able to recommend an optional scheme.

~~b)~~c) **The scheme must~~will~~ continue to be privately underwritten and the overall scheme design ~~of the CTP scheme~~ cannot ~~in itself put upwards pressure on~~raise the cost of premium~~s~~.**
The CTP scheme in the ACT is underwritten by private insurers, ~~(currently NRMA, GIO, AAMI and APIA)~~ and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities ~~because of~~which are influenced by the way the scheme is designed. While other factors may lead to a change~~n increase~~ in premiums over time, improvements ~~to the CTP scheme coming out of the process cannot result in an~~recommended by the jury cannot increase ~~in~~ premiums.

~~c)~~d) **The CTP scheme in the ACT must remain community-rated.**
In some states, people pay different amounts for their CTP depending on risk factors such as age. For example, NSW allows for risk rating of~~es~~ premiums, with insurers able to charge higher premiums for motorists they consider to be high-risk, such as ~~(for example,~~ young drivers up to 25 years old~~)~~. In the ACT, all motorists pay the same CTP

Commented [OE3]: This is fundamental and needs to stand alone

Commented [OE4]: Will need a bit of a re-write noting point above

insurance premium, which is a community-rated premium that applies to each vehicle class. The Government believes this is a central~~n important~~ aspect of the CTP scheme and this will be maintained through thee citizens' jury ~~cannot change that aspect~~process.

~~d)~~e) **The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process.**
The types of vehicles that are included in the CTP scheme and the way different premiums are calculated for different types of vehicles ~~(relativities)~~ are complex and technical issues. Thesey issues are ~~not issues the Government wants~~ not the focus of this citizens' jury ~~to consider~~. ~~For example, bicycle owners currently cannot purchase insurance under the CTP scheme to cover other people injured in an accident caused by them on their bicycle. Bicycles are not registered vehicles. Insurance outside the CTP scheme is available for purchase by bicycle owners to cover injuries they cause to other people. Arrangements for bicycles cannot change through the jury process.~~

~~e)~~f) **The scheme must be workable and fit within other legal and regulatory frameworks**.
The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, ~~the Government requires that~~ the recommended model will need to meet~~s~~ legal requirements – ~~(~~such as human rights and privacy – ~~)~~ and be~~is~~ workable in practice.

~~f)~~g) **The deliberations will not examine~~consider~~ the established Lifetime Care and Support Scheme**.
The treatment and care of people who are~~those~~ catastrophically injured in a motor vehicle accident is managed under the *Lifetime Care and Support Scheme* ~~(LTCS)~~ which is funded by a separate levy. Changes to this scheme~~ LTCS~~ are not within the scope of the deliberations.

11. ~~What is proposed for the~~ How will the CTP citizens' jury ~~process and how will it~~ work?

In the deliberative democratic~~y~~ process developed for CTP, ~~around~~a representative group of ~~50~~ ~~everyday~~ Canberrans~~, who reflect the diversity of the community,~~ will be selected to participate in a two-part citizens' jury. They will be advised by experts in the field and their deliberations will be supported by a Stakeholder Reference Group.

The community will be asked to provide their views on CTP during September 2017. You can visit the Your Say website to complete a survey or provide feedback. The survey results (both from Your Say and a phone survey) and ~~your unedited~~ feedback will be provided to the jury for their consideration.

In October 2017, the jury will meet to consider the question ~~of~~: **What should the priorities of an improved CTP scheme be to best balance the interests of all road users?** The jury~~s~~ will hear from a range of experts and consider evidence, ~~(~~including the community feedback and survey results~~,)~~ to help the members~~m~~ come up with a set of priorities for improving the CTP scheme.

FAQs

The Stakeholder Reference Group [link to question on SRG] will then develop a number of workable models that are consistent with the jury's priorities, for an actuary to cost. Government, legal groups, insurers, health consumers and rehabilitation providers will all be represented on the Stakeholder Reference Group. After the models are costed, the jury will consider the options and determine which model best meets the priorities they came up with ~~when they met the first time~~in the first stage.

Following this process, the Government has committed to pursuing the jury's preferred model where it meets the identified priorities.

12. What will the jury need to consider?

In considering improvements to the ACT's CTP scheme, it will be important that the jury explore ~~whether the ACT has~~ the right balance ~~with its existing CTP Scheme~~ between the interests of injured people and motor vehicle owners.

As part of this process, the jury will consider what ~~are appropriate~~level of coverage and benefits are desirable, balanced against~~by~~ the costs of the scheme.~~what Canberrans are prepared to pay in premiums (remembering that premiums cannot rise as a result of this process).~~ This will involve considering a range of issues and trade-offs on issues such as:

- who is covered;
- timeliness of access to benefits;
- how to best support injured people return to health;
- certain and equitable outcomes for injured people;
- efficiency of the scheme (how much of the total payments are provided to support the injured person); and
- affordability of premiums – noting that premiums cannot rise as a result of any reforms recommended by the jury.

13. How is the jury selected?

The ~~50~~ members of the citizens' jury will be randomly selected ~~by an independent contractor. Recruitment will be undertaken~~ using Australia Post's database of households in the ACT. Australia Post will randomly select 6,000 households for invitations to be sent to. Any individual in the household will then be able to respond ~~(RSVP)~~ indicating their interest in being part of the process. Invitations will go out in early September with RSVP by 17 September 2017.

A representative group of~~The independent contractor will then undertake a process to identify~~ 50 jurors will chosen from those who respond. This process will ensure a mix of people according to criteria such as age, gender and location that broadly corresponds with the demographics of the ACT population.~~-~~ The selection process will also seek to involve a diversity of types of road users and those with a diversity of knowledge of the CTP system.

FAQs

14. ~~Who cannot be on~~Are there any restrictions on who can sit on the jury?

It is important that the jury's deliberations are fair and not skewed in any direction by people with a particularly stake in the CTP scheme. For this reason, people who ~~Anyone who~~ receive~~s~~ an income from the CTP system, such as a personal injury lawyer, a CTP insurance company employee or a person who works for government in personal injury compensation~~, or anyone in their household~~, will not be eligible to be on the jury. These professions will be ~~part of~~ represented within the Stakeholder Reference Group.

Commented [OE5]: What about beneficiaries of the scheme or people who have been in accidents that weren t covered?

People who are currently ~~going through~~in the process of having a CTP claim considered ~~and their household members~~ will also be unable to participate on the jury.

15. Do jurors get paid?

Participating in the~~a~~ citizens' jury is ~~largely~~ voluntary but~~however~~ jurors will be~~are~~ paid an honorarium ~~to compensate them~~ for their time. ~~F~~For this project~~,jury~~ each jury participant will be paid a total of $450.

16. How does the jury reach a decision?

The jury facilitators will use techniques to search for common ground or consensus among jury members ~~in order~~ to reach an agreed outcome. If full ~~n the event that~~ consensus cannot be achieved, then the model recommended will be the model that has the most support. The jury may choose to include in their recommendations reasons for recommending a particular model and any dissenting views.

17. How can a jury of 50 people make recommendations for all Canberrans?

The jury will be representative of the wider community and take the time to fully understand the complexities of the system so they can make informed decisions.

The government has chosen to pilot a citizens' jury so we can consider the CTP issue with the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

The broader community will also be able to get involved and provide input into this process through the Your Say website and ~~through~~ a phone survey ~~the government will commission~~. This information will be given to the jury.

A key element of this process will be giving the jury detailed information about CTP that most Canberran's don't have the time to consider. Experts and people who have experience with the CTP scheme or motor accident injuries will come and talk to the jury. The jury will be able to ask questions and test their ideas with each other. The experts won't all have the same views. The jury will need to think critically about all the perspectives and then decide what is most important to them as diverse members of the community coming together to find common ground.

FAQs

The number of 50 jurors is large enough to reflect a diversity of views but small enough for the group to easily work together. The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, ~~will result in~~can deliver an improved CTP scheme that best meets the needs of all road users in Canberra.

18. Isn't this issue too difficult to ask a citizens' jury to do?

This citizens' jury process is designed to give ordinary citizens the time and information they need to think about ~~and deliberate on~~ CTP issues in an informed way. The group will be facilitated by experts in 'deliberative democracy'. The jury will hear from people who work in insurance, the legal system and the health system. There will be highly qualified and experienced actuarial and scheme design professionals available to assist. The facilitators will use a variety of tried and tested methods to help the jury get across the issues and discuss them in a way that respects ~~that there will be~~ a diversity of views. The jury will be helped to consider issues one at a time before bringing them back together to consider as a whole and make recommendations.

Commented [OE6]: This is a wanky term that means nothing to most people. We should at least acknowledge this with single quotes.

A key part of this process is the inclusion of the Stakeholder Reference Group. The jury is not being asked to undertake any technical work. The jury is being asked to ~~understand~~ consider the trade-offs available in a CTP scheme and ~~to~~ develop priorities for the ACT's scheme that reflect their views as members of the community. The technical work will be undertaken by the experts.

The government ~~trusts the intelligence of the community and~~ believes that with time, information and expert assistance, an engaged group of ~~everyday~~ Canberrans can weigh up competing priorities and make considered recommendations.

19. Who is on the Stakeholder Reference Group?

The Stakeholder Reference Group is made up of people from organisations with expertise or special interest in CTP. The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert.

A copy of the Stakeholder Reference Group terms of reference and a list of member organisations are available at www.yoursay.act.gov.au .

~~19.~~20. How can I be involved in the process? Can I be an observer?

There are a number of ways you can provide input or be involved in the CTP deliberative process. You can participate in the broader consultation process by completing the survey or providing feedback via:

the website: www.yoursay.act.gov.au/ctp
email: YourSayonCTP@act.gov.au
post: Citizens' Jury on CTP
c/o Financial Framework Management and Insurance Branch

FAQs

Chief Minister, Treasury and Economic Development Directorate

GPO Box 158

Canberra ACT 2601

Feedback should be lodged by 29 September 2017 and will be published unless otherwise advised. You are encouraged to take our online quiz first and learn more about CTP before you give your feedback.

All feedback and survey results will be considered by the jury. It is vital that your feedback is clear, to the point and easy to understand. Most importantly, your feedback should help the jury to answer the question that they have been asked; we recommend. ~~It is suggested that~~ your feedback be no longer than three~~3~~ pages.

The jury's deliberations are open to the general public but places will be limited. You can~~may~~ register your interest to attend as an observer on www.yoursay.act.gov.au at the beginning of October when we call for registrations. There will be limited numbers of observers and participants will be randomly selected by the independent facilitators.

You can also subscribe to email updates about this process via Your Say [link to subscription form] so that we can let you know when there's new information available.

~~20.~~21. What will happen to my written feedback if I provide it?

Your feedback will be included in the material provided to the citizens' jury to assist their deliberations. All feedback received will be published on the website. You should read the information collection statement before providing your feedback [link to information collection statement]. You should not include personal information you do not wish to be published and you should never include the personal information of someone else.

~~21.~~22. When will this process happen?

Consultation with the community will be open from the end of August and throughout September. Submissions and surveys will close on 29 September 2017. The jury will also be selected during September.

In stage one the ~~The~~ jury will meet over~~for~~ two weekends in October~~ the 14th and 15th and the 28th and 29th~~.

The Stakeholder Reference Group will then develop models that will be costed by the actuary from November 2017 to March 2018.

The jury~~The jury~~ will then meet ~~for a final time~~again in ~~on 24 and 25~~ March 2018 to consider the models and make a final recommendation.

~~22.~~23. How will I know what is happening with the process?

The Government has committed to an open, transparent and accountable process. Updates will be provided on the Your Say website to keep the community informed on progress and

next steps. Subscribe to email updates so we can let you know when there's new information available.

~~23. Who is on the Stakeholder Reference Group?~~

~~The Stakeholder Reference Group is made up of people from organisations with expertise or special interest in CTP. The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert.~~

~~A copy of the Stakeholder Reference Group terms of reference and a list of member organisations are available at www.yoursay.act.gov.au .~~

24. What will happen at the end of this process?

~~The first jury meetings will consider the question of: *What should the priorities for an improved CTP scheme be to best balance the interests of all road users?* The government has committed to accepting the priorities developed by the jury.~~

~~The Stakeholder Reference Group will then develop a number of workable options that are consistent with the jury's priorities for an actuary to cost. An actuary is able to model the effects different aspects of a scheme design will have on premium levels.~~

~~The jury will then reconvene to consider the costed options and determine which model best meets the priorities they recommended.~~

The Government has committed to pursuing the model preferred by the jury on the basis that it meets the priorities developed ~~by the jury~~ to reflect ~~the priorities of~~those of the Canberra community.

The Government will take the practical steps needed to deliver this model, including changing legislation if necessary. ~~This may involve changes to the legislation.~~ The Government will ~~keep~~ inform ~~the community~~Canberrans on the next steps once the jury has provided its final report ~~informed of developments both during and after the process~~.

25. ~~Is this the new approach for consultation that Government will always use~~Will the Government be using citizens' juries for consultation on other issues?

A jury is just one of a range of deliberative democracy processes we will be exploring as part of our expanded community engagement. We will seek to match the right deliberative processes to each of the issues we engage on in the future.

~~It is important to emphasise that citizens' juries are not suitable for every topic. A jury is one of a range of deliberative democracy processes which can be specifically designed to suit a topic when it is appropriate. This specific approach would not necessarily be appropriate for any other topic.~~

FAQs

26. If the Government thinks there is a problem with the CTP scheme, why doesn't the Government just fix it?

CTP ~~i~~insurance affects all Canberrans who use ~~ACT~~ our roads. CTP schemes across Australia are different in design and offer different levels of coverage and benefits. There is no one right model.

The Government believes our CTP scheme should be improved to better protect Canberrans. CTP in the ACT doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout, but we still pay some of the highest premiums in the country.

~~The Government considers that the ACT's scheme could be improved and has identified what it considers to be a number of issues with the existing scheme. Right now our scheme does not cover everyone injured in a motor vehicle accident, it can take up to two years and sometimes longer to negotiate and receive a full payout after an accident, and the ACT has the second most expensive premiums in the country behind NSW.~~

The government has chosen to pilot a citizens' jury so we can consider this issue with the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, will result in an improved CTP scheme that best meets the needs of all road users in Canberra.

This is part of the ACT Government's commitment to strengthen community consultation processes so that we take into account the diverse range of views when developing policies and projects.

It is likely that any improvements recommended by the citizens' jury will result in changes to legislation. Legislative changes will be subject to the usual processes of Government and the Government will take full responsibility for those changes.

FAQs

Citizens' Jury on Compulsory Third Party (CTP) Insurance
Frequently Asked Questions

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FAQs

1. What is CTP insurance and why is it important?

If you own a motor vehicle, you are required by law to buy compulsory third-party (CTP) insurance every year as part of the vehicle registration process.

CTP insurance covers other people (including pedestrians, passengers, pillion riders and cyclist) injured in an accident with a motor vehicle that is found to be your fault.

Without CTP insurance, if you were found to be at fault in a motor vehicle accident and other people were injured, you would personally be responsible for the compensation costs arising from those injuries, which could amount to many thousands, sometimes hundreds of thousands of dollars. This is why CTP insurance is compulsory in every state and territory in Australia.

2. Who does CTP Insurance cover in the ACT?

Compulsory third-party (CTP) insurance in the ACT will only cover a person who is injured in a motor vehicle accident if someone else is found to be at fault.

Fault must be investigated and proven in every case. The CTP insurance you are required to buy as part of your vehicle registration covers other people who are injured (the "third party') because of an accident that is found to be your fault.

If you are in an accident that is found to be your fault, you cannot claim compensation for your own injuries under the scheme. If you are in an accident that wasn't anyone's fault (a "blameless accident"), such as a collision with wildlife, you cannot claim compensation under the scheme.

3. What CTP benefits are payable in ACT?

The amount of Compulsory Third Party (CTP) compensation an injured person receives, and the length of time taken to receive compensation, depends on the individual circumstances of the injured person. Final amounts are negotiated between insurers and injured persons.

If a person is injured in a motor vehicle accident and makes a claim against the at-fault person's CTP insurer, the compensation they get will depend on their injuries; the treatment they require; the circumstances of the accident; and the impact of their injuries (i.e. whether they have to take time off work). If they were partly at fault for the accident or their injuries (i.e. if they were not wearing a seatbelt), this will be taken into account and is likely to reduce the amount they will be paid for the claim.

Injured people can claim for the following kinds of loss:

- **Treatment and care costs** – this compensates for past and estimated future costs of treatment and care needed as a result of the injuries.
- **Economic loss** – compensates for financial loss, which can include lost wages if the injured person can't work.
- **Non-economic loss** – compensates for things like pain and suffering.

The cost of treatment and care for catastrophic injuries is covered by the *Lifetime Care and Support Scheme* introduced in 2014. This scheme is separate from the CTP scheme (and funded by a separate levy) and covers everyone who suffers a catastrophic injury in a motor vehicle accident in the ACT, regardless of fault.

4. How long does it take after the accident to receive CTP benefits?

This will generally depend on the circumstances of the accident and the severity of the injuries. Investigation into fault and injury severity can take time. People may have to wait until their injury stabilises before a severity assessment can be made and compensation determined.

If an agreement cannot be reached, the injured person and the insurer would need to go to court to have the claim resolved.

A full payout of benefits is not made until a claim is finalised. On average, large claims take around 48 months and small claims take 18 months to finalise.

5. Why do I have to pay for CTP if I have comprehensive insurance cover?

Your compulsory third-party (CTP) insurance will provide benefits to any person who suffers an **injury** in a motor vehicle accident that is found to be your fault. The purchase of CTP insurance for injuries you may cause to someone else is compulsory. You pay your CTP insurance premium when you pay your vehicle registration.

Your comprehensive insurance will only cover damage to someone else's **property** (for example, their car) if you are at fault for an accident. Comprehensive insurance will also cover damage to your vehicle if you were at fault for the accident, but it will not cover you or anyone else for injury. Third-party property insurance only covers damage to someone else's property.

If you choose not to purchase comprehensive or third-party property insurance, you will have to pay the cost of any damage you cause to someone else's vehicle or any other property (for example, a fence or building).

6. How is CTP scheme in the ACT different to other CTP schemes in Australia?

Compulsory third-party (CTP) insurance schemes exist in every state and territory but they are different in design and offer different levels of coverage, benefits and premiums.

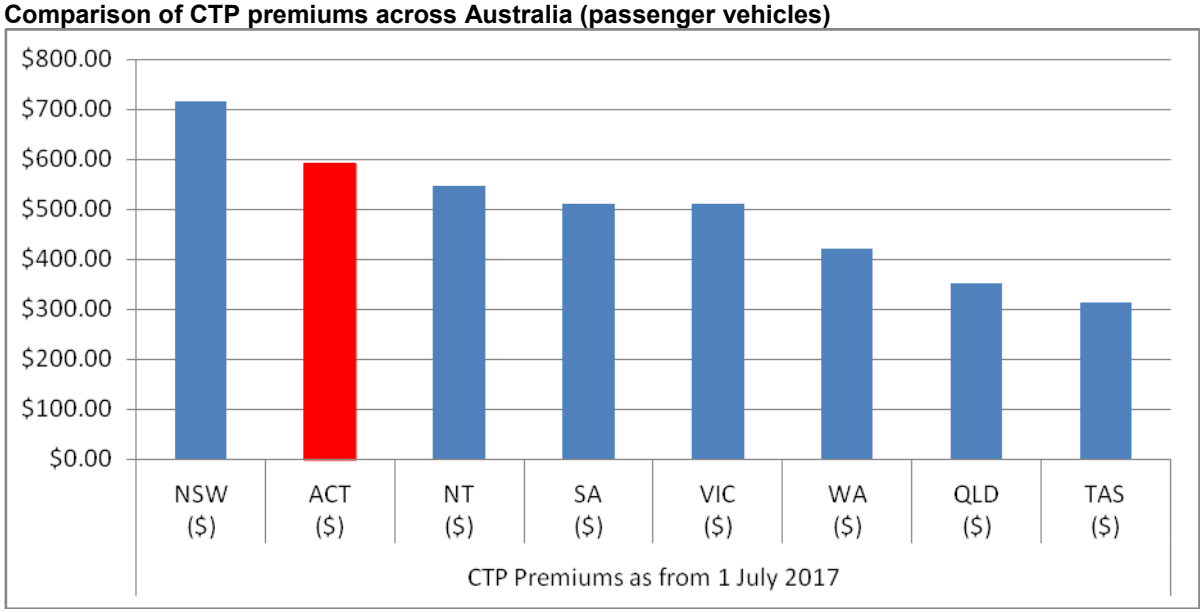
The ACT has what is known as an at-fault common law scheme, which means that an injured person can sue another person for negligence and seek compensation. Some other states have common law schemes but they are different from the ACT scheme because they have limits on the benefits payable, which can make premiums cheaper.

Some other states have a no-fault scheme or a no-fault scheme with some common law access. A no-fault scheme is one that provides some benefits regardless of who was at fault for the accident, without the need to sue.

7. How do CTP premium costs compare with those in other Australian jurisdictions?

While average premiums for passenger vehicles in the ACT have reduced by around $35 or 5.8% since the introduction of new insurers to the ACT market, the average passenger class premium is still the second highest in Australia.

Comparison of CTP premiums across Australia (passenger vehicles)



The reason ACT residents pay different premiums to other jurisdictions is largely because of the benefits structure, and court-based model of resolving claims. The benefits structure in each jurisdiction has a significant impact on the premium necessary to fund the scheme. For example, some other jurisdictions allow only people with severe injuries to take court action and claim damages for non-economic loss (such as pain and suffering).

8. What does my CTP premium pay for?

Your CTP premiums are used to pay out compensation for injury claims against the CTP scheme. More than $108 million was paid out as benefits for 819 claims finalised in 2016-17.

The majority of CTP claims in the ACT are for minor injuries. Of the claims finalised in 2016-17:

- 77% were for minor injuries, such as whiplash;
- 16% were for moderate injuries; and
- 7% were for injuries classified as serious, severe, critical or maximum.

The main type of motor accident injury in the ACT is whiplash. In 2016–17, whiplash claims represented 436 out of 819 total finalised claims (53%). The average whiplash claim cost just

under $90,000 in that year, amounting to over $39 million of the total $108 million in claims payments.

The single largest component of CTP premium dollars payments is paid for non-economic loss, commonly known as “pain and suffering” damages. These payments don’t cover bills, but rather provide compensation for intangible losses like the experience of pain over time, or lost enjoyment of a person’s time.

In the 2016-17 financial year, 27% of finalised scheme payments went to treatment and care costs, with almost as much going to legal and investigation costs (26%). In 2014-15 and 2015-16, legal and investigation costs for finalised claims amounted to more than treatment and care costs. Of the claims finalised in 2016-17, nearly three quarters of claimants chose to be legally represented by a lawyer.

9. Why use a citizens’ jury for CTP?

The government has chosen to pilot a citizens’ jury so we can consider **with** the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans.

There is no one right answer to what a CTP scheme should look like. The Government considers that the CTP scheme in the ACT could be improved but is not set on what those improvements should be or on any particular model or design. The Government wants to understand what the community’s priorities are for the scheme.

A recent quiz found that many ACT motorists don’t really understand our CTP scheme so it is difficult for people to think about how it could be improved. The citizens’ jury process gives a group of everyday Canberrans the opportunity to look at CTP in depth, hear from experts and ask questions. The jury will need to think critically about all the perspectives and then determine what is most important to them as diverse members of the community coming together to find common ground.

People who are not on the jury will also have the opportunity to find out more about CTP and provide their views on the Your Say website and may also be contacted as part of a phone survey. This information will be given to the jury to consider. The community can also follow the jury deliberations.

The process that has been designed for CTP recognises that the community cannot be expected to undertake technical tasks, like scheme design. That is why the citizens’ jury is being asked to develop priorities for a scheme and an expert Stakeholder Reference Group is being established to design and develop workable models. The models will be taken back to the jury for a final determination on preference.

10. Are there any limits on what the jury can consider?

The Government will ask the citizens’ jury to recommend priorities for an improved CTP scheme. These priorities will be used by an expert group to come up with possible insurance scheme models.

However, there are certain things that the jury cannot consider as part of this process, which the Government has said are out of scope. These limits apply to both the deliberations of the jury and the models developed by the expert group.

Limits for the citizens' jury are:

a) The CTP scheme must remain compulsory for all motorists.
The jury will not be able to recommend an optional scheme.

b) The scheme will continue to be privately underwritten and the overall design of the CTP scheme cannot in itself put upwards pressure on premiums.
The CTP scheme in the ACT is underwritten by private insurers (currently NRMA, GIO, AAMI and APIA) and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities because of the way the scheme is designed. While other factors may lead to an increase in premiums over time, improvements to the CTP scheme coming out of the process cannot result in an increase in premiums.

c) The CTP scheme in the ACT must remain community-rated.
In some states people pay different amounts for their CTP depending on risk factors such as age. For example, NSW risk rates premiums, with insurers able to charge higher premiums for motorists they consider to be high-risk (for example, young drivers up to 25 years old). In the ACT, motorists pay the same CTP insurance premium, which is a community-rated premium that applies to each vehicle class. The Government believes this is an important aspect of the CTP scheme and the citizens' jury cannot change that aspect.

d) The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process.
The types of vehicles that are included in the CTP scheme and the way different premiums are calculated for different types of vehicles (relativities) are complex and technical issues. They are not issues the Government wants the citizens' jury to consider. For example, bicycle owners currently cannot purchase insurance under the CTP scheme to cover other people injured in an accident caused by them on their bicycle. Bicycles are not registered vehicles. Insurance outside the CTP scheme is available for purchase by bicycle owners to cover injuries they cause to other people. Arrangements for bicycles cannot change through the jury process.

e) The scheme must be workable and fit within other legal and regulatory frameworks.
The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, the Government requires that the recommended model meets legal requirements (such as human rights and privacy) and is workable in practice.

f) The deliberations will not consider the Lifetime Care and Support Scheme.
The treatment and care of those catastrophically injured in a motor vehicle accident is managed under the *Lifetime Care and Support Scheme* (LTCS) which is funded by a separate levy. Changes to the LTCS are not within the scope of the deliberations.

11. What is proposed for the CTP citizens' jury process and how will it work?

In the deliberative democracy process developed for CTP, around 50 everyday Canberrans, who reflect the diversity of the community, will be selected to participate in a two-part citizens' jury. Their deliberations will be supported by a Stakeholder Reference Group.

The community will be asked to provide their views on CTP during September 2017. You can visit the Your Say website to complete a survey or provide feedback. The survey results (both from Your Say and a phone survey) and your unedited feedback will be provided to the jury for their consideration.

In October 2017, the jury will consider the question of: **What should the priorities of an improved CTP scheme be to best balance the interests of all road users?** They will hear from a range of experts and consider evidence (including the community feedback and survey results) to help them come up with a set of priorities for improving the CTP scheme.

The Stakeholder Reference Group [link to question on SRG] will then develop a number of workable models that are consistent with the jury's priorities for an actuary to cost. Government, legal groups, insurers, health consumers and rehabilitation providers will all be represented on the Stakeholder Reference Group. After the models are costed, the jury will consider the options and determine which model best meets the priorities they came up with when they met the first time.

Following this process, the Government has committed to pursuing the jury's preferred model.

12. What will the jury need to consider?

In considering improvements to the CTP scheme, it will be important that the jury explore whether the ACT has the right balance with its existing CTP Scheme between the interests of injured people and motor vehicle owners.

As part of this process, the jury will consider what are appropriate benefits balanced by what Canberrans are prepared to pay in premiums (remembering that premiums cannot rise as a result of this process). This will involve considering a range of issues and trade-offs on issues such as:

- who is covered;
- timeliness of access to benefits;
- how to best support injured people return to health;
- certain and equitable outcomes for injured people;
- efficiency of the scheme (how much of the total payments are provided to support the injured person); and
- affordability of premiums.

13. How is the jury selected?

The 50 members of the citizens' jury will be randomly selected by an independent contractor. Recruitment will be undertaken using Australia Post's database of households in the ACT. Australia Post will randomly select 6,000 households for invitations to be sent to. Any individual in the household will then be able to respond (RSVP) indicating their interest in being part of the process. Invitations will go out in early September with RSVP by 17 September 2017.

The independent contractor will then undertake a process to identify 50 jurors from those who respond. This process will ensure a mix of people according to criteria such as age, gender and location that broadly corresponds with the demographics of the ACT population. The selection process will also seek to involve a diversity of types of road users and those with a diversity of knowledge of the CTP system.

14. Who cannot be on the jury?

Anyone who receives an income from the CTP system, such as a personal injury lawyer, a CTP insurance company employee or a person who works for government in personal injury compensation, or anyone in their household, will not be eligible to be on the jury. These professions will be part of the Stakeholder Reference Group. People who are currently going through the process of having a CTP claim considered and their household members will also be unable to participate on the jury.

15. Do jurors get paid?

Participating in a citizens' jury is largely voluntary however jurors are paid an honorarium to compensate them for their time. For this jury each participant will be paid a total of $450.

16. How does the jury reach a decision?

The jury facilitators will use techniques to search for common ground or consensus among jury members in order to reach an agreed outcome. In the event that consensus cannot be achieved, then the model recommended will be the model that has the most support. The jury may choose to include in their recommendations reasons for recommending a particular model and any dissenting views.

17. How can a jury of 50 people make recommendations for all Canberrans?

The government has chosen to pilot a citizens' jury so we can consider the CTP issue **with** the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

The broader community will also be able to get involved and provide input into this process through the Your Say website and through a phone survey the government will commission. This information will be given to the jury.

A key element of this process will be giving the jury detailed information about CTP that most Canberran's don't have the time to consider. Experts and people who have experience with the CTP scheme or motor accident injuries will come and talk to the jury. The jury will be able to ask questions and test their ideas with each other. The experts won't all have the same views. The jury will need to think critically about all the perspectives and then decide what is most important to them as diverse members of the community coming together to find common ground.

The number of 50 jurors is large enough to reflect a diversity of views but small enough for the group to easily work together. The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, will result in an improved CTP scheme that best meets the needs of all road users in Canberra.

18. Isn't this issue too difficult to ask a citizens' jury to do?

This citizens' jury process is designed to give ordinary citizens the time and information they need to think about and deliberate on CTP issues in an informed way. The group will be facilitated by experts in deliberative democracy. The jury will hear from people who work in insurance, the legal system and the health system. There will be highly qualified and experienced actuarial and scheme design professionals available to assist. The facilitators will use a variety of tried and tested methods to help the jury get across the issues and discuss them in a way that respects that there will be a diversity of views. The jury will be helped to consider issues one at a time before bringing them back together to consider as a whole and make recommendations.

A key part of this process is the inclusion of the Stakeholder Reference Group. The jury is not being asked to undertake any technical work. The jury is being asked to understand the trade-offs available in a CTP scheme and to develop priorities for the ACT's scheme that reflect their views as members of the community. The technical work will be undertaken by the experts.

The government trusts the intelligence of the community and believes that with time, information and expert assistance, a group of everyday Canberrans can weigh up competing priorities and make considered recommendations.

19. How can I be involved in the process? Can I be an observer?

There are a number of ways you can provide input or be involved in the CTP deliberative process. You can participate in the broader consultation process by completing the survey or providing feedback via:

the website: www.yoursay.act.gov.au/ctp
email: YourSayonCTP@act.gov.au

post: Citizens' Jury on CTP

c/o Financial Framework Management and Insurance Branch

Chief Minister, Treasury and Economic Development Directorate

GPO Box 158

Canberra ACT 2601

Feedback should be lodged by 29 September 2017 and will be published unless otherwise advised. You are encouraged to take our online quiz first and learn more about CTP before you give your feedback. All feedback and survey results will be considered by the jury. It is vital that your feedback is clear, to the point and easy to understand. Most importantly your feedback should help the jury to answer the question that they have been asked. It is suggested that your feedback be no longer than 3 pages.

The jury's deliberations are open to the general public but places will be limited. You may register your interest to attend as an observer on www.yoursay.act.gov.au at the beginning of October when we call for registrations. There will be limited numbers of observers and participants will be randomly selected by the independent facilitators.

You can also subscribe to email updates about this process via Your Say [link to subscription form] so that we can let you know when there's new information available.

20. What will happen to my written feedback if I provide it?

Your feedback will be included in the material provided to the citizens' jury to assist their deliberations. All feedback received will be published on the website. You should read the information collection statement before providing your feedback [link to information collection statement]. You should not include personal information you do not wish to be published and you should never include the personal information of someone else.

21. When will this process happen?

Consultation with the community will be open from the end of August and throughout September. Submissions and surveys will close on 29 September 2017. The jury will also be selected during September.

The jury will meet for two weekends in October – the 14th and 15th and the 28th and 29th.

The Stakeholder Reference Group will develop models that will be costed by the actuary from November 2017 to March 2018.

The jury will meet for a final time on 24 and 25 March 2018 to consider the models and make a final recommendation.

22. How will I know what is happening with the process?

The Government has committed to an open, transparent and accountable process. Updates will be provided on the Your Say website to keep the community informed on progress and next steps. Subscribe to email updates so we can let you know when there's new information available.

23. Who is on the Stakeholder Reference Group?

The Stakeholder Reference Group is made up of people from organisations with expertise or special interest in CTP. The group consists of two government representatives, two representatives of the legal profession, two insurer representatives, a rehabilitation researcher, a health consumer advocate, an actuary and a scheme design expert.

A copy of the Stakeholder Reference Group terms of reference and a list of member organisations are available at www.yoursay.act.gov.au .

24. What will happen at the end of this process?

The first jury meetings will consider the question of: *What should the priorities for an improved CTP scheme be to best balance the interests of all road users?* The government has committed to accepting the priorities developed by the jury.

The Stakeholder Reference Group will then develop a number of workable options that are consistent with the jury's priorities for an actuary to cost. An actuary is able to model the effects different aspects of a scheme design will have on premium levels.

The jury will then reconvene to consider the costed options and determine which model best meets the priorities they recommended.

The Government has committed to pursuing the model preferred by the jury on the basis that it meets the priorities developed by the jury to reflect the priorities of the Canberra community. This may involve changes to the legislation. The Government will keep the community informed of developments both during and after the process.

25. Is this the new approach for consultation that Government will always use?

It is important to emphasise that citizens' juries are not suitable for every topic. A jury is one of a range of deliberative democracy processes which can be specifically designed to suit a topic when it is appropriate. This specific approach would not necessarily be appropriate for any other topic.

26. If the Government thinks there is a problem with the CTP scheme, why doesn't the Government just fix it?

CTP Insurance affects all Canberrans who use ACT roads. CTP schemes across Australia are different in design and offer different levels of coverage and benefits. There is no one right model.

The Government considers that the ACT's scheme could be improved and has identified what it considers to be a number of issues with the existing scheme. Right now our scheme does not cover everyone injured in a motor vehicle accident, it can take up to two years and sometimes longer to negotiate and receive a full payout after an accident, and the ACT has the second most expensive premiums in the country behind NSW.

FAQs

The government has chosen to pilot a citizens' jury so we can consider this issue **with** the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

The Government believes that this process, combining an informed community voice with the expertise and experience of interested stakeholders, will result in an improved CTP scheme that best meets the needs of all road users in Canberra.

This is part of the ACT Government's commitment to strengthen community consultation processes so that we take into account the diverse range of views when developing policies and projects.

It is likely that any improvements recommended by the citizens' jury will result in changes to legislation. Legislative changes will be subject to the usual processes of Government and the Government will take full responsibility for those changes.

Suncorp Group Ltd
ABN 66 145 290 124
10 Shelley Street
SYDNEY NSW 2000

First Party CTP insurance in the ACT

The selection of Model D by the citizens' jury provides an ideal opportunity to implement a first party CTP scheme, which will promote competition, early treatment and deliver significant benefits to customers and the scheme. It will mean the high levels of insurer accountability and service currently enjoyed by Motor (property) insurance customers will be extended to those injured on ACT roads.

What is first party?

The insurer of each vehicle involved manages the claims of all the people injured in that particular vehicle.

For example, if car A hits car B and the driver of car A is at fault, the driver and passengers of car B have their personal injury claims managed by the insurer of car B. Under a third party scheme, the insurer of car A (the at-fault vehicle) manages ***all*** claims, including the people injured in car B.

Customer benefit – choice of insurer linked to choice of claims manager

A key benefit of a first party scheme is that customer choice has consequences when it matters – when there's an accident and insurance claim. If a motorist chooses a particular CTP (bodily injury) insurer, they are guaranteed their chosen insurer will manage the claims of everyone in their vehicle, regardless of how the accident happened. The insurer is directly accountable to their policy holder.

Insurers are therefore incentivised to compete and market their product based on the quality of their personal injury claims management and customer service – something than does not occur in a third party scheme.

Customer and scheme benefit – early lodgement and treatment.

In the ACT, CTP claims are lodged on average 59 days after the accident. By comparison, Motor (property) claims are lodged on average 3.6 days after the accident, with 46% lodged on the same day and 73% within two days. Over 90% of Motor claims are accepted immediately. CTP insurers have six months to determine liability.[1]

First party would provide the opportunity for insurers to integrate Motor and CTP (bodily injury) claims lodgement, meaning a CTP claim could be created when a Motor claim is lodged (assuming the vehicle's Motor and CTP insurance were with the same insurer). Treatment could then be ***proactively*** provided by the insurer, reducing delays and hastening recovery, which reduces claim costs.

Customer benefit – liability delays removed

In a third party scheme, an insurer's priority is to establish which driver was at fault, and thus which insurer should be managing the claim. This can take time. In a first party scheme an insurer can immediately accept their customer's claim (as occurs routinely for Motor insurance) and begin treatment without delay.

Early treatment for injured people was a key priority of the jury. A first party scheme provides customer choice, promotes competition and facilitates prompt treatment, which is to the benefit of injured people and the scheme.

[1] Motor data based on Suncorp national statistics. CTP data based on Suncorp ACT CTP claims statistics.

Many Canberrans who are in an accident are not covered by CTP and even if you are covered it can take two years or more to get your full payout, but we still pay some of the highest premiums in the country. The Government believes our CTP scheme should be improved to better protect Canberrans.

Primary messages - CTP

About 285,000 motor vehicles are registered in the ACT each year. If you own a motor vehicle, you are required by law to buy compulsory third-party (CTP) insurance every year as part of your vehicle registration ~~process~~.

CTP insurance covers people (including pedestrians, passengers, pillion riders, and cyclists) injured in an accident with a motor vehicle where they can prove someone else was at fault.

It does not cover accidents where fault cannot be proven. For example if you hit a kangaroo you cannot claim under the CTP scheme for your injuries. In practice this means about XX per cent of people are not covered in an accident.

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The Government ~~considers~~ believes the ACT scheme could be improved ~~– we want to make sure the ACT scheme reflects the priorities of Canberrans~~to better protect Canberrans.

Right now CTP~~our~~ scheme does not cover everyone injured in a motor vehicle accident, it can take up to two years ~~and sometimes~~or longer to ~~negotiate and receive~~get a full payout after an accident and the ACT has ~~the second~~among the most expensive premiums in the country ~~behind NSW~~.

The government ~~has chosen to pilot~~will use a citizens' jury ~~so we can~~to consider this issue with the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

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One of the most important instructions to the jury will be that premiums cannot rise as a result of any improvements.

This is part of the ACT Government's commitment to strengthen community consultation ~~processes~~ so that we take into account the diverse ~~range of~~ views of~~across~~ all Canberrans when developing policies and projects.

~~We will work to continually improve our practices and this citizens' jury pilot will be an important step in learning as a government and community how we can work together to achieve policy outcomes which better reflect the views of the broader community.~~

Secondary messaging – explanation of the citizens' jury process for CTP

The jury process means a representative group of Canberrans will hear from a range of experts to come up with an improved CTP scheme.

A jury of 50 ~~everyday~~ Canberrans will come together to understand the scheme and the trade-offs involved. The jury~~It~~ will be asked to develop the priorities for a scheme which reflect the views of Canberrans.

The jurors will be assisted by an expert facilitator ~~consultants in citizens' juries~~ and will hear from~~.~~ ~~The jurors will be helped by experts and hear the views of the~~ many stakeholders including CTP and legal experts as well as the views of the wider community.

The first task of the jury will be to recommend the priorities for a CTP scheme.

The priorities determined by the jury will then be put to a Stakeholder Reference Group.

This group ~~represents the interests~~is made up of the key stakeholders in this area, including healthcare providers ~~the insurers,~~the legal profession, ~~healthcare providers~~insurers and consumers. The ACT Government will also be represented on this group. The Reference Group will take the jury's priorities and develop a number of potential~~workable~~ models which ~~meet those goals~~respond to these.

The jury will then come together again and assess which of the models best meets th~~e~~se priorities.

The government ~~has committed to~~will pursu~~e~~ing the model ~~which~~ the Jury prefers on the basis that it meets these ~~community's~~ priorities.~~'~~

The broader community will also be able to get involved ~~and provide input~~ in~~to~~ this process through the Your Say website and ~~through~~ comprehensive phone survey research ~~we will commission~~. This information on the community's views and priorities will be provided ~~available~~ to the jury as part of their deliberations.

~~We also expect there will be discussion in the media and we welcome that.~~

~~It is important to emphasize that citizens' juries are not suitable for every topic.~~ A jury is just one of a range of deliberative democracy processes ~~which can be specifically designed to suit a topic when it is appropriate~~we will be exploring as part of our expanded community engagement. ~~This specific strategy~~We will seek to match the right deliberative processes to each of the issues we engage on in the future. ~~would not necessarily be appropriate for any other topic.~~

Secondary messaging - Community Engagement reform

The Government is committed to deliver on our~~the~~ 2016 election commitment to improve the way we engage with our community. We are developing tools and strategies based on~~which deploy~~ deliberative democracy principles and~~.~~ t~~T~~he citizens' jury pilot is just one ~~aspect of our renewed approach to engagement~~part of this.

A small team of engagement experts, including those from the University of Canberra's world-leading Centre for Deliberative Democracy and Global Governance, have been engaged to advise on best-practice community engagement in our community.

This pilot will be an important step in learning, as a government and community, how we can work together to achieve policy outcomes which bestt~~ter~~ reflect the wishes of the community.

Primary messages - CTP

About 285,000 motor vehicles are registered in the ACT each year. If you own a motor vehicle, you are required by law to buy compulsory third-party (CTP) insurance every year as part of the vehicle registration process.

CTP insurance covers people (including pedestrians, passengers, pillion riders, and cyclists) injured in an accident with a motor vehicle where they can prove someone else was at fault.

It does not cover accidents where fault cannot be proven. For example if you hit a kangaroo you cannot claim under the CTP scheme for your injuries.

The Government considers the ACT scheme could be improved – we want to make sure the ACT scheme reflects the priorities of Canberrans.

Right now our scheme does not cover everyone injured in a motor vehicle accident, it can take up to two years and sometimes longer to negotiate and receive a full payout after an accident and the ACT has the second most expensive premiums in the country behind NSW.

The government has chosen to pilot a citizens' jury so we can consider this issue **with** the community and other key stakeholders to improve the scheme so it reflects the priorities of Canberrans.

One of the most important instructions to the jury will be that premiums cannot rise as a result of any improvements.

This is part of the ACT Government's commitment to strengthen community consultation processes so that we take into account the diverse range of views across all Canberrans when developing policies and projects.

We will work to continually improve our practices and this citizens' jury pilot will be an important step in learning as a government and community how we can work together to achieve policy outcomes which better reflect the views of the broader community.

Secondary messaging – explanation of the citizens' jury process for CTP

A jury of 50 everyday Canberrans will come together to understand the scheme and the trade-offs involved. It will be asked to develop the priorities for a scheme which reflect the views of Canberrans.

The jurors will be assisted by expert consultants in citizens' juries. The jurors will be helped by experts and hear the views of the many stakeholders as well as the views of the wider community.

The first task of the jury will be to recommend the priorities for a CTP scheme.

The priorities determined by the jury will then be put to a Stakeholder Reference Group.

This group represents the interests of the key stakeholders in this area, including the insurers, legal profession, healthcare providers and consumers. The ACT Government will also be represented on this group. The Reference Group will take the jury's priorities and develop a number of workable models which meet those goals.

The jury will then come together again and assess which of the models best meets those priorities.

The government has committed to pursuing the model which the Jury prefers on the basis that it meets the community's priorities'

The broader community will also be able to get involved and provide input into this process through the Your Say website and through comprehensive phone survey research we will commission. This information will be available to the jury.

We also expect there will be discussion in the media and we welcome that.

It is important to emphasize that citizens' juries are not suitable for every topic. A jury is one of a range of deliberative democracy processes which can be specifically designed to suit a topic when it is appropriate. This specific strategy would not necessarily be appropriate for any other topic.

Secondary messaging - Community Engagement reform

The Government is committed to deliver on the 2016 election commitment to improve the way we engage with our community, developing tools and strategies which deploy deliberative democracy principles. The citizens' jury pilot is just one aspect of our renewed approach to engagement.

A small team of engagement experts, including those from the University of Canberra's world-leading Centre for Deliberative Democracy and Global Governance, have been engaged to advise on best-practice community engagement in our community.

This pilot will be an important step in learning, as a government and community, how we can work together to achieve policy outcomes which better reflect the wishes of the community.

actlawsociety



1 September 2017

Mr Andrew Barr MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Dear Chief Minister,

Thank you for your correspondence dated 22 August 2017 inviting the Law Society of the ACT to nominate a member to participate in the Stakeholder Reference Group.

I am writing to advise that the Society's nomination as its representative on the Stakeholder Reference Group is Mr Mark Blumer.

In doing so, the Society notes reference in your correspondence to a Confidentiality Agreement (not attached). While the Society understands that a small amount of commercial in confidence material may be brought to the attention of the Stakeholder Reference Group, it believes that the imposition of a wide confidentiality restriction is inconsistent with the principles of transparency that are intended to apply to the citizen's jury process.

In addition, the Society is concerned that the composition of the Stakeholder Reference Group does not adequately reflect people who have direct experience of the ACT CTP scheme. The Society urges the Government to ensure that injured people have a fulsome opportunity to present their views to the jury.

As you are aware, legal practitioners in the ACT are uniquely placed to assist Government to improve the efficiency and to ensure the fairness of the CTP scheme. The Society would be pleased to work with Government to implement measures to improve the CTP scheme and the outcome for injured persons in the Territory.

The Society is most disappointed at the manner in which the pilot citizen's jury has been established and believes that the selective information that underpins the process (and available on the 'yoursay' website) compromises the process from the outset. In addition, the timeframes outlined for the process – and in particular, the four two-hour meetings that have been allocated for the development of up to four proposed CTP scheme models – is completely unrealistic. Similarly, if the Government is genuine about ensuring jury participants can be comprehensively briefed on the issue, the process must allow sufficient time for all interested parties to prepare and present their material.

In order to achieve the best outcome for the Canberra community, the Society therefore requests:

- the website material is revised to provide for a balanced presentation to the public. For example, if the Government is seeking the input of the public through the yoursay website, it should allow the public to

the law society of the australian capital territory a member of the law council of australia
fourth floor 1 farrell place canberra act 2601
gpo box 1562 canberra act 2601
dx 5623 canberra
telephone 02 6274 0300
mail@actlawsociety.asn.au www.actlawsociety.asn.au

indicate its priorities and not simply re-order the pre-determined priorities listed on the site. Similarly, the commentary throughout many of the documents seems to deliberately omit relevant information that underpins the structure of the scheme;

- the timeframe for the process is extended to allow for the presentation of a range of material to the jury and to allow those providing the information to the jury to do so comprehensively;
- the time allocated to the stakeholder reference group to develop possible CTP models is elongated so as to better align with the complexity of the task assigned.

Further, in order to be in a position to participate in the process in a meaningful manner, the Society requests the Government provide the following information prior to the commencement of the jury meetings:

- the criteria that will be used by the consultants to select the members of the public that will form the citizen's jury and the process that will be followed to select jury participants;
- the briefing material that was supplied to the facilitators of the deliberative democracy process;
- financial and statistical data related to the existing CTP scheme;
- the process that will be followed in order to determine the manner in which material will be put to the jury and whether any potential witnesses will be excluded from making a presentation.

I would appreciate your further advice in relation to the matters outlined above.

Yours sincerely,

Sch 2 s2(a)(ii)

7 February 2018

actlawsociety

Mr Andrew Barr MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Mr Gordon Ramsay MLA
Attorney General
ACT Legislative Assembly
GPO Box 1050
CANBERRA ACT 2601

Dear Chief Minister and Attorney General,

I refer to the citizens' jury process currently being undertaken on the Compulsory Third Party (CTP) insurance scheme in the ACT.

As you would be aware from our previous correspondence and public statements, the Society holds a number of concerns in relation to the process. In particular, the Society remains concerned at the partial nature and tone of much of the material provided to the jury, the lack of transparency of key aspects of the process and the lack of detail supplied to the jury in relation to many important elements of the CTP scheme.

Most recently, the scheme design experts appointed by Government have been developing a number of models for presentation to the jury. In reviewing version 5 of the models, the Society notes the following:

- a number of important elements of the models are not detailed, but are earmarked for 'future drafting'. The Society is concerned that this could mean a model will be put to the jury as a viable option, where in fact it will not work effectively in practice. For example, the current model proposals would require amendment to the *Limitation Act 1985*, the *Civil Law (Wrongs) Act 2002*, the *Road Transport (Third Party Insurance) Act 2008* and the *Legal Profession Act 2006*. In the case of the Legal Profession Act, amendment may be required to fundamental concepts including that of 'legal practice' meaning that the regulation of the legal profession in the ACT would diverge in key areas from equivalent provisions in other jurisdictions;

- it is of continuing concern that the models are not clearly explained as to how they would operate. For example, in some models there is a cap on 'quality of life' of $500k with as yet unspecified 'guidance' on how damages are to be assessed;

- having previously indicated a clear, reasoned preference for the use of Injury Scale Value (ISVs) for assessing general or non-economic loss damages over the American Medical Association (AMA) Guides, the latest version of the models has reverted to AMA guides and use of Whole Person Impairment (WPI). This fundamental change occurred unilaterally, and without the input of the SRG. As you would be aware, the Society remains strongly opposed to the imposition of thresholds;

- it is proposed that dispute resolution be undertaken by the Magistrates Court (and specifically the Registrar of the ACT Magistrates Court) and that the ability to seek a review of the merits of a decision is to be severely limited. The establishment of a specialised CTP Tribunal in this manner ignores the implications for an already overstretched Magistrates Court. The Society believes that an appropriate dispute resolution solution is integral to achieving timely resolution of disputes and of facilitating early treatment and recovery.

The Society believes that the way in which the models are presented to the jury and the methodology by which a preferred model will be selected by the jury – both of which the Society understands are yet to be determined – will greatly influence which model is selected.

the law society of the australian capital territory a member of the law council of australia
fourth floor 1 farrell place canberra act 2601
gpo box 1562 canberra act 2601
dx 5623 canberra
telephone 02 6274 0300
mail@actlawsociety.asn.au www.actlawsociety.asn.au

The Society remains concerned that the conduct of the citizens' jury has overtly encouraged the jury to a particular outcome. The *Independent Report on the ACT Citizens' Jury Pilot* prepared by Associate Professor Dr Ron Levy recognised that '*bias was evident in the official rhetoric surrounding the proceedings*'. The Society continues to believe that CTP insurance coverage is an important policy area that should be determined through extensive consultation and detailed review processes, rather than an experimental consultation process.

The Society reiterates that it is willing to work with the Government to implement measures to improve the CTP scheme and the outcome for injured persons in the Territory and would be pleased to further discuss this issue at your convenience.

Yours sincerely,

Sch 2 s2(a)(ii)

List of possible questions for the Q&A pack – Exposure Draft of the Bill

How was the Exposure Draft of the Bill developed

- Is the Exposure Draft Bill consistent with the jury's chosen model?
- What consultation has been undertaken in the development of the Exposure Draft Bill? How was any feedback incorporated/considered?

The proposed scheme as outlined in the Exposure Draft of the Bill

- What is the proposed commencement date of the new scheme? Will it apply retrospectively?
- Who will be covered under the proposed scheme? (including overseas residents)
- Does the Bill cover all the detail of how the scheme will operate?
- What will the premiums be for the new scheme?
- Will an injured person be assisted in navigating the new scheme?

The Regulator (Commissioner)

- Why has the name of the Regulator changed to Commissioner?
- Have the Regulator (Commissioner) functions changed? If yes, to what?
- What will the levy amount be for the new scheme? What will it fund?
- What data will be collected by the Regulator (Commissioner)?

Defined Benefits

- How does the scheme provide early treatment?
- What treatment can be accessed?
- What care can be accessed?
- How do you apply for defined benefits? (including timeframes)
- How long does an insurer have to make a decision on an application?
- Who is eligible for income replacement benefits? How are they calculated?
- Will defined benefits be indexed? How?

Common Law Claims

- When are you eligible to make a common law claim and how do you make a claim?
- How many people under the current scheme will no longer be able to make a common law claim under the proposed scheme?
- Will injured people currently able to make a common law claim be worse off under the new scheme?

Injury Assessment and Quality of Life payments

- What is Whole Person Impairment (WPI)?
- Can you dispute a WPI assessment? (including having a 2nd WPI assessment)

- How is a WPI assessment fair if it doesn't take into consideration the impact of the injury on their life?
- How are you eligible for a Quality of Life payment and how is the amount calculated?

Dispute Resolution Processes

- How will the insurer internal review process work?
- Can an injured person be legally represented in a dispute?
- Can an injured person dispute a decision of an insurer?

Insurers

- What requirements/duties will be placed on insurers?
- How will compliance by licensed insurers with the requirements of the Act be monitored and enforced?
- How will any Unearned Premium Surplus be managed?
- How will the Commissioner ensure that insurers don't make excess profits?

Interaction with Other ACT Insurance Schemes

- How will the new scheme interact with the workers' compensation scheme?

Exclusions and Limitations

- Why is the Government proposing to exclude people who engage in serious criminal behaviour or put others at risk from CTP coverage?
- Can a person driving an uninsured vehicle receive benefits under the scheme?

Tabling speech – *Motor Accident Injuries Bill 2018 - Exposure Draft*

- Madam Speaker, I seek leave to table the Exposure Draft of the *Motor Accident Injuries Bill 2018*, and the related motion circulated in my name referring this draft bill to the Standing Committee on Justice and Community Safety for inquiry.

- The ACT Government is reforming Canberra's Compulsory Third Party insurance arrangements because our current scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get a full payout, but Canberrans still pay some of the highest premiums in the country.

- For example, if you are the driver and get injured in a single car accident, you can't claim under Canberra's current CTP scheme. That means if you hit a kangaroo, or lose control on an icy patch of road, you can't make a claim to cover your medical bills, care needs and lost income.

- Under the new scheme, everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and income replacement benefits – as long as they're not breaking the law at the time of the accident.

- People who are very seriously injured will still be able to make a claim through the legal system if they need treatment and care long-term.

- This improved, no-fault approach means about 600 more Canberrans are year will be covered for motor accident injury insurance under the new scheme than is the case today. At the same time, it preserves the rights of people who are more seriously injured to pursue a legal settlement through the courts.

- The design of the new scheme was recommended by the Citizens' Jury on CTP. The jury was made up of about 50 Canberrans who met several times over six months to hear evidence about how our current CTP scheme works from experts and people with experience of making claims through the scheme.

- The jury recommended that Canberra's CTP scheme be reformed to prioritise early access to treatment and care for everyone who gets injured, and reduce the need to go

to court just so people can get the help they need. Canberrans can read the jury's full report and reasons for recommending reform by visiting the Your Say page on CTP.

- The CTP citizens' jury was the first large-scale trial of the deliberative democracy approach in the ACT, and it was impressive to see the commitment, dedication and community spirit the jury members applied to considering important questions about how our CTP scheme should work to give Canberrans the best protection on our roads.

- I want to again extend the Government's thanks to all of the jury members for their time and energies; as well as to the members of the Stakeholder Reference Group who supported their work including the ACT Law Society, the ACT Bar Association, insurer representatives, healthcare advocates and ACT Government directorates.

- The citizens' jury closely considered our CTP scheme, and recommended reform. The next stage is for Government to give effect to their recommendations through legislation in this Assembly. That is the step we move forward with today in releasing an exposure draft of the *Motor Accident Injuries Bill 2018*.

- This is not the final bill. On a topic as complex and technical as motor accident insurance, we want to make sure the policy and implementation details are just right. That is why the Government is today referring the bill to an inquiry for a further round of consultation and examination by stakeholders and the community.

- The committee is being asked to report back to this Assembly by the end of October. We have set this date because the work we are asking them to do is focused on the bill itself: will it deliver on the reforms recommended by the citizens' jury? Does it work in practice and in tandem with the ACT's existing suite of legislation?

- This inquiry is not intended to go back to Day 1 and re-prosecute the case for CTP reform. The citizens' jury has considered that question, and made their recommendations. We made a commitment to that jury and to the wider Canberra

community that we would follow through on the jury's recommendations, and that is what we intend to do.

- The Government understands that there are some stakeholders who would like to see our CTP scheme remain as it is; complete with adversarial, long and expensive legal battles. But we ask these stakeholders to accept the community's view, as reflected through the work of the citizens' jury, that our CTP scheme needs improving and can be improved so that everyone is better protected on our roads.

- We invite these – and all other stakeholders and interested parties – to get involved with the JACS committee inquiry and participate constructively in the process from here.

- Once the Government has received the committee's report, we will make any necessary amendments and aim to have a final bill introduced to this Assembly before the end of 2018.

- We have already been working through this CTP reform process for over a year, but we know that by taking the time to get it right and providing multiple opportunities for community and stakeholder involvement, we can deliver reforms that work for Canberra's 290,000 motorists who are required to take out compulsory accident insurance when they register their vehicles each year.

- We know Canberra's drivers want the best protection for themselves, their families and anyone who may end up involved in an accident on our roads – including fast access to treatment, care and lost wages without the need for a long and stressful court battle. That is what the reforms outlined in the *Motor Accident Injuries Bill* will deliver.

ACT Government

GUIDE TO THE *MOTOR ACCIDENT INJURIES BILL 2018* EXPOSURE DRAFT

Andrew Barr MLA
Treasurer

September 2018

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Background

Compulsory Third Party Insurance (CTP) in the ACT is currently regulated by the *Road Transport (Third-Party Insurance) Act 2008* (CTP Act) which has been in effect since 1 October 2008.

The ACT currently has an at-fault common law scheme where an injured person can sue another person for negligence and seek compensation through legal processes. The scheme does not cover accidents where fault cannot be proven. It also does not pay benefits to the person who was at fault, although most people can access up to $5,000 for early medical expenses. Under this scheme 'at fault' has a technical legal meaning which might not equate with what motorists think of as 'fault'. For many, it is the momentary inattention that is the cause of the accident and not any conscious action, but the driver is still 'at fault'. Examples may be checking the mirror but not seeing the car in their blind spot or the sneeze that causes a driver to hit another car.

Commented [HL1]: Additional words as requested on the meaning of 'at fault'

In August 2017, the ACT Government announced we would undertake a deliberative democracy process to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. The Government set a range of criteria for this process, and announced that we would pursue the community's recommendations as long as these were met:

1. The CTP scheme must remain compulsory for all motorists.
2. The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums.
3. The CTP scheme in the ACT must remain community-rated.
4. The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process.
5. The scheme must be workable and fit within other legal and regulatory frameworks.
6. The deliberations will not examine the established Lifetime Care and Support Scheme.

A group of 50 Canberrans, representative of the community, were randomly selected to participate in a two-part citizens' jury run by facilitators separate to Government. Their deliberations were supported by a Stakeholder Reference Group made up of legal, insurer, health care and consumer group representatives.

All Canberrans also had the opportunity to provide their views on CTP in September 2017, through surveys conducted on the ACT Government's *YourSay* website and by telephone. The survey results and feedback from these consultations were provided to the jury in the first stage of their deliberations in October 2017.

In this first stage, the jury met over two weekends to consider the question: *What should the objectives of an improved CTP scheme be to best balance the interests of all road users?*

The jury heard from a range of experts, injured people and those with experience of the current CTP scheme, to help guide their deliberations on a set of priorities for an improved CTP scheme. At the end of this process, the jury identified the following priorities:

1. Early access to medical treatment, economic support and rehabilitation services.
2. Equitable cover for all people injured in a motor vehicle accident.
3. A value for money and efficient system.
4. Promote broader knowledge of the scheme and safer driver practices.
5. Implement a support system to better navigate the claims process.

6. A system that strengthens integrity and reduces fraudulent behaviour.

The jury's priorities statement and information on the evidence they heard in developing this is available at: https://yoursay.act.gov.au/ctp

The jury's priorities and report were then provided to the Stakeholder Reference Group and an expert scheme designer so that they could develop a range of models for the jury's consideration.

The groups represented on the Stakeholder Reference Group were:

- ACT CTP Regulator (ACT Government)
- Justice and Community Safety Directorate (ACT Government)
- Law Society of the ACT
- ACT Bar Association
- Insurance Australia Group
- Suncorp
- Health Care Consumers Association
- John Walshe Centre for Rehabilitation Research
- Finity (scheme designer)
- EY (actuarial adviser)

Between November 2017 and March 2018, the scheme designer worked closely with the Stakeholder Reference Group to develop four workable models which aligned with the jury's priorities. These models were costed by an actuary to determine their potential impact on the premiums Canberra motorists pay.

Commented [HL2]: Jen – you suggested wording of 'worked together to develop'. I've slightly reworded given ultimately it was the decision of the scheme designer.

The jury re-convened in March 2018 to consider each of the models, including receiving information from the Stakeholder Reference Group about the merits of these.

Commented [HL3]: Jen – you suggested 'hearing from'. Receiving information might better reflect SRG members providing 200 words to the jury and the process on that final weekend

Finally, the jury chose the model that they believed to best meet the priorities they had identified in the first stage of the process. The jury's full recommendations report is available at: https://yoursay.act.gov.au/ctp

In line with our commitment, the Government is now pursuing the jury's recommended model by developing legislation for introduction to the ACT Legislative Assembly.

Outline

The purpose of the Motor Accident Injuries Bill 2018 is to implement the model for the new motor accident injuries scheme chosen by the citizens' jury.

The bill replaces the current at-fault compensation scheme operating under *the Road Transport (Third Party Insurance Act) 2008* (CTP Act) with a new hybrid no-fault common law scheme. These types of schemes are in place in other jurisdictions. For example, both New South Wales and Victoria have hybrid no-fault common law CTP schemes. However the scheme chosen by the jury offers different coverage and benefit levels compared with these jurisdictions. The jury chose a model with coverage and benefits that best met their priorities.

A key feature of the new scheme is that it will no longer be necessary to prove another driver was at fault in order to access benefits following injury in a motor accident.

Instead, the new scheme provides defined benefits, for treatment and care, and for income replacement, for up to five years, to anyone who is injured in a motor accident. Based on actuarial modelling, this means approximately 600 more Canberrans each year will be covered by the scheme, where currently they would be unable to make a claim.

Commented [HL4]: Jen – you suggested 'past data'. The modelling is based on data sets from multiple jurisdictions and a number of assumptions about application to the ACT

Quality of life (QOL) defined benefits to cover non-financial loss are payable to people who meet injury impairment thresholds. Additional common law benefits will also be available to people who are more seriously injured (meeting a Whole Person Impairment (WPI) threshold of 10 per cent or more) and whose injury was caused by someone else's fault.

People who engage in serious criminal behaviour or put others at risk with drink and drug driving offences will be partly or totally excluded from accessing benefits under the new scheme. This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

The bill also transfers the statutory position and functions of the current CTP regulator from the CTP Act. The bill replaces the current CTP regulator with the Motor Accident Injuries Commission and establishes a position of the Motor Accident Injuries Commissioner. Licensing, enforcement and nominal defendant arrangements, including the nominal defendant fund, also continue to operate under the bill.

Summary of benefits under the new scheme

Benefit Type	For all: Defined benefits	Common law benefits for people not-at fault
Reasonable and necessary treatment and domestic care	**5 years** Paid care only	**Limited to the 5 years of defined benefits if WPI below 10 per cent** No time limit if WPI 10 per cent or above. Paid care only.
Income replacement	**5 years** 95 per cent of pre-injury earnings for first 3 months then 80 per cent thereafter. Higher percentage amounts payable to people on low incomes. Maximum pre-injury weekly earnings amount of $2,250.	**Limited to the 5 years of defined benefits if WPI below 10 per cent** No time limit if WPI 10 per cent or above First 12 months: as per defined benefits After 12 months: 100 per cent of loss of earning capacity (future earnings) + superannuation with a maximum pre-injury weekly earnings amount of $4,500
Quality of life	**Maximum $350,000** Benefit based on WPI **Threshold:** No benefit if WPI below 5 per cent	**Maximum $500,000** Amount based on WPI scale **Threshold:** No benefit if WPI below 10 per cent
Death	Funeral cost + up to $350,000 if dependants	Funeral cost + common law damages for dependants

Summary of key provisions for new scheme

Duties and the provision of information

The bill places general duties on both insurers and applicants for defined benefits and common law damages to act in good faith and to endeavour to resolve a claim as fairly and expeditiously as possible.

Insurers must provide injured people with information to readily access and navigate through the new scheme. Information will also be provided by the Motor Accident Injuries Commission via a new website and assistance in making applications for defined benefits will be available through approved advocacy services.

Applications for benefits

Initial applications for defined benefits (other than funeral or death benefits) must be made within 13 weeks of a motor vehicle accident. An insurer may accept a late application, with a full and satisfactory explanation, within 2 years of an accident. The insurer with whom the application is lodged is required to provide an acknowledgement of receipt of the application with an individual claim identifier.

An insurer must then accept liability to pay defined benefits if the injury concerned occurred as a result of a motor vehicle accident. The insurer has 28 days to determine liability once they have provided a receipt notice for a complete application with all required information.

If an application is accepted, defined benefits for reasonable and necessary treatment and care and income replacement are payable for up to five years after an accident.

Pre-decision early treatment payments

An injured person will be able to receive payment for certain specified treatments on a reimbursement basis while an insurer is determining liability for a defined benefits application, so long as the application is made within the 13 week from the date of the accident. This means that people who are injured are able to start accessing treatment as soon as possible to aid in their recovery.

An injured person will be able to claim reimbursement of some medical expenses at the time of making the application, such as the cost of their appointment with their treating doctor. They will also be able to claim reimbursement for certain types of treatment such as physiotherapy (up to a specified maximum number of treatments), during the period between making an application and when an insurer makes their liability assessment. The types of treatment payable during this period, together with the specified maximum number of sessions, will be specified in guidelines. Insurers must still verify that services have been provided prior to making payments.

Once an application that was lodged on time is accepted, any other treatment and care dating back to the time of the accident that is assessed as reasonable and necessary by the insurer can be reimbursed. Guidelines will provide direction on what is reasonable and necessary treatment and care.

Income replacement and treatment and care benefits

An injured person who is unable to work after an accident can also receive income replacement payments. Payments can commence from when an insurer accepts liability for their application, backdated to the time of an accident so long as the application was submitted within the required timeframe. Payments will generally be based on a person's income over the 52 weeks prior to the accident. Interim payments can also be made if an insurer is still gathering information to calculate the actual amount of a payment.

Income replacement is payable at 95 per cent of pre-injury weekly income (pre-injury weekly income capped at $2,250 weekly) for the first 13 weeks after an accident and then 80 per cent thereafter. Income replacement payments for low income earners will be based on a higher percentage of their pre-injury weekly income.

A tailored recovery plan must be developed by an insurer for any applicant who is unable to return to their pre-injury duties and activities after 28 days from the receipt of their application. The plan will include pre-approval for treatment and care assessed as reasonable and necessary, that can then be billed by the provider directly to the insurer.

An insurer will generally rely on medical assessments carried out by a person's own doctor or health practitioner. In order to streamline the medical assessment process and limit the number of required assessments, an insurer may contact an injured person's doctor with questions, so that a medical report covers all information required by the insurer. An insurer can, however, still request an independent medical or vocational assessment if required. Guidelines will be provided to outline how and when this can happen.

An insurer can suspend income replacement payments if an injured person does not comply with a request for a medical or vocational assessment, or undertake treatment, rehabilitation or training in a recovery plan.

Quality of life benefits

Quality of life defined benefit payments are available to all injured people with a Whole Person Impairment assessment of at least five per cent. This assessment provides a medically based injury assessment on which to base a threshold. Whole Person Impairment assessments are already in use in a Workers' Compensation scheme in place in the ACT The Motor Accident Injuries Commission will appoint a service provider with appropriate experience, to select and provide independent medical examiners to undertake these assessments. The independent medical examiner selected will depend on the injuries needing to be assessed. This ensures that the person undertaking the assessment has not been appointed by either an insurer or a legal representative. An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia (SWA) Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These Guidelines modify some parts of *The Guides to the Evaluation of Permanent Impairment by the American Medical Association 5th edition* (AMA5).

Six months after an accident, an insurer must give an applicant information about claiming Quality of Life payments. These payments are based on a sliding scale for a given level of impairment. A maximum cap of $350,000 and $500,000 applies to defined benefit and common law amounts respectively. An insurer must also provide an applicant the opportunity to request a Whole Person Impairment assessment from this point in time, if their injury has stabilised. The insurer will pay for this assessment.

Death benefits

The defined benefit scheme will cover funeral expenses of up to $15,000 for a person who dies as a result of a motor accident. Lump sum death benefits are also payable to a deceased person's estate for their spouse and up to four children. A lump sum benefit will not be payable if the deceased person received a quality of life payment prior to their death. Applications for these benefits must be made within 13 weeks of a person's death unless the insurer accepts a full and satisfactory explanation from an applicant. An insurer may accept a late application up to 12 months after a person's death.

Common law claims

The new scheme continues to provide for common law damages for death or cases where a person is more seriously injured through someone else's fault. To access these damages a person needs a Whole Person Impairment assessment of 10 per cent or more. Applying the resources of common law to more seriously injured people while supporting those with less serious injuries to get back to health sooner was a key factor in the scheme design chosen by the jury, including the use of thresholds.

Quality of Life damages will only be available if the injured person has not accepted a defined benefit quality of life payment. That is, a person cannot claim quality of life damages twice. To limit claims to more serious injuries, damages for loss of earnings are capped to income replacement amounts available under the defined benefit scheme for the first 12 months from an accident. Consistent with the current provisions of the *Civil Law (Wrongs) Act 2002, t*he maximum amount of damages for loss of earnings is also capped at $4,500 per week.

Commented [HL5]: Reworded slightly so can't be interpreted as WPI currently being used as a threshold in the ACT

Commented [RJ6]: This is a bit unclear – can we be more specific about the panel process?

Commented [HL7R6]: Is this clearer? Have reworded and added extra sentence

Damages can be awarded in common law to dependants of a deceased person, but will be reduced by death benefit and quality of life amounts paid under the defined benefit scheme, to remove duplication of payments.

Claims for common law damages must be lodged within five years of an accident, unless a person's injury had not stabilised at that time. The claims process largely follows the *Civil Law (Wrongs) Act 2002* subject to some minor modifications set out in the bil.

Commented [HL8]: Jen, you suggested deleting these words. We consider that it would be better to leave these words in so that it clear how the Wrongs Act will be modified.

Indexation

Income replacement amounts, and all threshold and capped amounts under the new scheme will be indexed in line with adjustments to Average Weekly Earnings.

Dispute resolution

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about eligibility for, or the approved level of, defined benefits. The bill provides for timely and cost effective dispute resolution processes, with an internal review by the insurer being a prerequisite before lodging a dispute with an external dispute resolution body.

An applicant may ask an insurer to review decisions about certain defined benefit matters. Guidelines will stipulate who within an insurer can carry out an internal review and how the review is to be carried out. These guidelines will require a review to be carried out by a knowledgeable person not closely involved in the original decision. An internal review of a decision will generally be required to be completed within 10 working days from a request being made, so long as required information for the review is available.

The bill will enable an applicant to apply for an external review by a dispute resolution body of a defined benefit dispute that is not resolved through internal review, or involves a decision that is exempt from internal review. The Attorney General will be able to declare an entity to be responsible for carrying out external reviews, through a disallowable instrument. The Government is actively seeking feedback from stakeholders and the community on which of the ACT's legal bodies should have jurisdiction for conducting these reviews, with options including the ACT Magistrates Court and the ACT Civil and Administrative Tribunal.

Courts and tribunals have adopted alternative dispute resolution mechanisms as part of their current case management processes and these processes will also be adopted as part of any external review.

The bill also contains processes to minimise the number of possible disputes regarding Whole Person Impairment assessments. An insurer cannot dispute the initial independent impairment assessment. An injured person that does not agree with this assessment will be able to obtain their own assessment from an appropriately trained assessor in accordance with medical guidelines set out in a disallowable instrument, and submit this to an insurer for review. As part of its review, the insurer then has the option of providing this alternate assessment to the original medical assessor for comment. An insurer can respond by affirming the original assessment or increasing the assessment, with the assessment not to increase more than second Whole Person Impairment assessment.

Commented [RJ9]: Can we strengthen this? E.g. 'The insurer must then either provide this alternate assessment to the original medical assessor for review, or respond to the applicant with updated advice about offered benefits.'

Commented [HL10R9]: Additional sentence added beneath

Other matters

The bill will carry over provisions from the CTP Act requiring compulsory motor accident injury insurance on registration of a motor vehicle in the ACT. A Motor Accident Injuries policy will insure against liability for personal injury resulting from a motor accident, and will also provide defined

benefits, on a no-fault basis, to people injured in a motor accident. The Motor Accident Injuries Commission will continue to approve premiums for policies in the scheme. A nominal defendant fund, for the payment of claims for uninsured and unidentified vehicles as well as vehicles with an unregistered vehicle permit, will also continue to operate under the new scheme.

Under the new scheme the Motor Accident Injuries Commission will continue to licence scheme insurers. The majority of the licensing provisions in the CTP Act are being carried over to the bill, with some enhancements to reflect the new scheme. The Motor Accident Injuries Commission will also continue to have a range of enforcement powers in the bill, with some provisions from the CTP Act being updated to be consistent with other ACT provisions.

The bill provides the Motor Accident Injuries Commission with the power to collect information specified in regulations from both insurers and legal practitioners, in relation to applications and claims made under the new scheme. The bill also allows for publication of statistical data based on this information, by the Motor Accident Injuries Commission.

Chapter Overview

Chapter 1 Preliminary

In part 1.1 the new Act will be named the *Motor Accident Injuries Act 2018*. The removal of the reference to Third Party Insurance in the name of the Act reflects the new scheme now covering anyone injured in a motor accident. It is intended that the Act will commence on a day fixed by the Minister by written notice. The new scheme will cover death or injury of a person that results from a motor accident that happens in the ACT after a day determined by the Minister. It includes the standard application of Chapter 2 of the *Criminal Code*. It also notes that the theft, fraud and forgery chapter of the Criminal Code applies.

Part 1.1 also includes new objects to reflect the priorities of the new Motor Accident Injuries Scheme including ensuring benefits are available to support all people injured in motor accidents on a no fault basis (subject to some exclusions and limitations), encouraging early treatment and care, and providing support for people injured in motor accidents to access defined benefits under the scheme. It further includes an object to promote and encourage the early, quick, cost effective and fair resolution of disputes.

Part 1.2 set outs out both injury and insurance concepts used in the bill. The bill includes the concept of a relevant insurer to identify the insurer responsible for a defined benefits application or common law claim. An interstate insurer of an at-fault vehicle (the relevant insurer) is required to pay defined benefits in accordance with the bill and can enter into an arrangement with another licenced insurer or the Nominal Defendant to manage the application. While the relevant insurer is determined based on rules of fault or deemed fault, this is has no impact on an injured person's entitlement to defined benefits.

Part 1.2 also places general duties on both licensed insurers and applicants for defined benefits and claimants of common law damages to act in good faith and to endeavour to resolve a claim as fairly and expeditiously as possible. If a dispute body is hearing a dispute they may take a duty of a party into consideration, and make an order in relation to that duty. Insurers will also need to comply with their duties as a condition of their licence

Part 1.3 establishes the Motor Accident Injuries Commission, and provides for the appointment of a Motor Accident Injuries Commissioner. In line with the recommendations of the citizens' jury, the Motor Accident Injuries Commission's functions have been expanded from those of the former CTP

regulator to include providing information and assistance on the new scheme and a stronger regulatory and enforcement role.

Chapters 2 & 3 Motor accident injuries - defined benefits - Matters applying to both defined benefit and common law damages

Chapter 2 establishes entitlements to defined benefits for death or injury caused by a motor vehicle accident in the ACT. These benefits are for:

- income replacement;
- treatment and care;
- loss of quality of life;
- funeral expenses and death benefits.

An application should be lodged with a relevant insurer. The relevant insurer will be an at-fault insurer, or the most at-fault insurer, for an accident. Insurers can enter into arrangements under the industry deed to determine which vehicle is most at-fault in a multi-vehicle accident. Where only one vehicle is involved in an accident, including an accident involving a cyclist or pedestrian, the insurer of that vehicle will be deemed to be the at-fault insurer. In the case of an unregistered or unidentified vehicle that is most at-fault the relevant insurer will be the nominal defendant. Vehicles with an unregistered vehicle permit are also covered by the nominal defendant.

A relevant insurer will be liable to pay defined benefits under the scheme. Arrangements for sharing the management and liability for defined benefits by insurers will be dealt with through the insurance industry deed.

Exemptions and exclusions

There will be certain exceptions and limitations to entitlements for defined benefits. A person who is convicted of a serious offence at the time of the accident will not be entitled to defined benefits. Treatment and care expenses, and income replacement, will still be payable while charges are pending. Examples of serious offences include:

- a high-level drink driving offence of a blood alcohol concentration level of 0.15g or more;
- aggravated furious, reckless or dangerous driving;
- causing the death of a person by using a motor vehicle.

Those convicted of a lower category driving offence will be entitled to treatment and care, but not income replacement (other than when charges are pending) and Quality of Life benefits. Examples of these types of offences are:

- a mid-range drink driving offence of a blood alcohol concentration level of between 0.08g and 0.15g;
- recklessly inflicting grievous bodily harm;
- driving while disqualified.

A 25 per cent reduction will be made to income replacement and Quality of Life benefits for people that receive, and do not successfully challenge, certain infringement notices. Examples of these infringements are:

- not obeying the speed limit;
- not wearing a seatbelt;

- using a mobile phone.

If the coroner finds a person who died in an accident engaged in elements of conduct for a serious offence, then the estate of that person will not be entitled to death benefits. Funeral expenses can still be paid in these circumstances.

These exclusions reflect those set out in the *Crimes Act 1900,* the *Criminal Code 2002,* the *Road Transport (Alcohol and Drugs) Act 1977,* the *Road Transport (Safety and Traffic Management) Act 1999,* the *Road Transport (Driver Licensing) Act 1999,* the *Road Transport (Driver Licensing) Regulation 2000* and the *Road Transport (Road Rules) Regulation 2017*

Commented [RJ11]: Please add

Commented [HL12R11]: Done

Income replacement and Quality of Life benefits will generally not be payable to the injured driver or owner of an unregistered vehicle. Some exceptions will apply if the driver was not at-fault, did not know the vehicle was uninsured, or was involved in a blameless accident (e.g. collision with an animal). A person whose injuries are self-inflicted will only be entitled to treatment and care benefits; funeral benefits can be paid in the event of their death. Entitlements to treatment and care expenses will be restricted for people in custody and there will be no entitlement to defined benefits for accidents caused by acts of terrorism. A person who is a foreign national will be not be entitled to defined benefits to the extent their injuries are covered by an insurance they hold for their stay, although further policy consideration will be given on the operation of this provision prior to the introduction of the bill.

Information and support for applicants

The guidelines will make provision for information and support to be provided by insurers to applicants for defined benefits. Information and support will be required to be provided to applicants on their first contact with an insurer, on receipt of an application, on acceptance of liability for an application, and six months after an accident when a person may be eligible for a Quality of Life payment. An insurer will also be able to directly contact an applicant (whether or not an applicant has legal representation) to give the applicant information or to discuss the applicant's defined benefits including their treatment and care needs. It is intended that information will be given simultaneously to the applicant and their representative (if there is one) to expedite the person receiving their entitlements.

Application for defined benefits

An injured person seeking defined benefits payments for treatment and care and income replacement needs to make an initial application within 13 weeks of an accident. Late applications may be accepted up to two years after an accident if a full and satisfactory explanation is given. An example of a full and satisfactory explanation would be if a person injured in a motor accident becomes aware of their injury sometime after this takes place.

Details of the form and content of an application, and the manner an application can be made, will be set out in guidelines.

An application will need to include a signed authority to disclose personal health information so this information can be dealt with by the insurer and exchanged between them and an injured person's treating health service providers, members of their treating team, or an independent medical examiner. The authority will be given for the purposes of processing, assessing or otherwise managing a person's application and ongoing entitlement for defined benefits. An applicant will be able to withdraw this authority, but a withdrawal will delay the payment of defined benefits.

The guidelines will require that, at a minimum, an application contain information about the time, date, location, circumstances and vehicles involved in an accident and also include:

- notification of the details to the police (AFP Crash report) or police accident report; and
- a medical report certifying the injuries are consistent with a motor vehicle accident.

Guidelines will also require an insurer to pay for an initial medical consultation, and up to two allied health services, provided prior to making an application. Receipts or invoices for these services will be able to be submitted with an initial application.

Applications for defined benefits should be lodged with a relevant insurer. Guidelines will give insurers three business days to acknowledge receipt of a complete application. Applicants will also be given an individual claim identifier. An insurer then has up to 28 days to accept or deny liability for the application.

Certain treatment expenses will be approved for reimbursement from receipt of an application irrespective of whether an insurer has made a decision to accept liability for an application (see the treatment and care benefits section below). Arrangements will also be put in place to transfer an application to a different insurer where it is determined that the other insurer is the relevant insurer for an application. An insurer that provides a receipt notice, and then does not accept liability for a valid application, will have a right of recovery for these expenses from the relevant insurer but not directly from the applicant.

The requirements for applications for funeral and death benefits will be set out separately in guidelines and will be subject to different timeframes. To receive Quality of Life benefits, an initial applicant for defined benefits will also need to apply to their insurer for a Whole Person Impairment assessment once their injury has stabilised.

Income replacement benefits

These payments compensate people for income lost through being unable to work, or through working at a reduced capacity, because of their injury.

To be entitled to payments a person needs to show they had a connection with the workforce at the time of the accident. Eligible people include those in paid work and those who have worked at least 260 hours in the last year, as well as people that would join or return to the workforce at a later date, including full-time students over 15 years of age. In this case, payments will not start until the date a person was anticipated to join or return to the workforce.

Payments will generally be based on a person's pre-injury income, being their average weekly income during the 52 weeks prior to an accident. A shorter income period may apply for people who have a significant change in circumstances, such as starting a new job, or moving from part-time to full-time work during the period. Special rules will apply for calculating weekly income for people joining or returning to the workforce.

An employee's income will include all amounts of income from employment other than compulsory superannuation contributions, or one-off amounts payable on termination of employment. A self-employed person's income will be the net income they derive from carrying on a business to the extent the income is attributed to personal services the person provides to that business. A person will be able to combine income received from multiple employers, or self-employment arrangements.

An injured person with a recent work history will be able to start to receive payments from the time an insurer accepts liability for their application. If an insurer is still gathering information to calculate the actual amount of a payment, the insurer may make interim income payments, covering up to the first 13 weeks after an accident so long as the application was made within 13 weeks of the accident. Regulations will set the minimum amount of an interim payment as a prescribed percentage of the pre-injury weekly income cap ($2,250).

If an application is lodged within 13 weeks of an accident, payments can be backdated to the time of the accident. If a late application is accepted, payments will only be backdated four weeks prior to the application, other than in exceptional circumstances. Payments can be made for up to five years after an accident.

For the first 13 weeks (first payment period) payments will be made at 95 percent of pre-injury weekly income (pre-injury weekly income is capped at $2,250) and then 80 percent thereafter (second payment period with the pre-injury weekly income cap still applying). A low income adjustment will apply, with people who had pre-injury weekly income below $800 receiving full income replacement, and those with weekly income from $800 to $1,000 receiving 95 per cent replacement. Payments, thresholds and caps will be indexed in line with adjustments to Average Weekly Earnings on a biannual basis. Apprentices, trainees and junior workers will also receive adjustments to their payments for increments they may have otherwise received.

Ongoing payments will be subject to an injured person providing a fitness for work certificate. The amount of a person's pre-injury weekly income will be reduced to the extent that a person receives earnings from any work, or has the capacity to work after an accident. Insurers will be required to follow guidelines when making decisions to stop or reduce payments based on a person's capacity to work. A person that has been in continuous receipt of payments for at least four weeks will be given at least two weeks' notice of such a decision. An insurer can also suspend payments if a person does not comply with a request for a medical or vocational assessment, or undertake the treatment outlined in a recovery plan. A person will also cease to be entitled to payments once they reach age pension age plus six months.

An injured person may ask an insurer to reimburse their employer for the cost of any paid leave taken as a result of the person's injury, in lieu of receiving income payments.

Example 1

> Suzy was hit by a car while riding her bicycle on David Street, Turner on 2nd November 2019. She suffered a fractured collar bone, concussion and lacerations to her face and limbs. At the time of the accident Suzy was 19 and in her first year of full-time university studies. She was working casually as a barista at a coffee shop, and also had recently worked as a football referee.
>
> Suzy lodges an application for personal injury benefits with the car's Motor Accident Injuries insurer on 16 November 2019.
>
> Suzy's treating doctor provides her with a certificate stating that she is unfit to work as a barista for eight weeks following the accident. Suzy downloads electronic payslips from her two employers showing she worked a total of 620 hours during the 52 weeks prior to the accident, and received gross income of $15,800. She provides these documents to the insurer with her application.

The insurer forms the view that given the nature of Suzy's injuries, she does not have any capacity to undertake any other type of work during the eight weeks following the accident.

Suzy's average weekly income will be calculated as:

$15,800 ÷ 52 = $303.85

As this income is less than $800 per week, Suzy will be entitled to full income replacement payments of $303.85 per week for at least eight weeks following the accident. These will be back-paid to Suzy from the date of the accident.

As Suzy has a recent work history, it does not matter that she was also a full-time student at the time of the accident, or that she earns her income on a casual basis.

Treatment and care benefits

An injured person will be entitled to defined benefits for their reasonable and necessary treatment and care needs, including for paid domestic services and care. An injured person will also be entitled to benefits to pay for domestic services if they can no longer provide to a child or other dependant who was in their care before the accident.

Treatment and care expenses will not be payable to participants in the Lifetime Care and Support (Catastrophic Injuries) Scheme.

In assessing whether an application for treatment and care is reasonable and necessary, an insurer will be required to consider whether the treatment and care is:

- directly related to a person's injury;
- cost effective;
- appropriate for the injury; and
- will benefit the person.

Treatment and care must also be provided by an appropriately qualified professional or a bona fide service provider.

Guidelines will stipulate what constitutes reasonable and necessary care, amounts and limits on benefits payable, and the evidence required to verify treatment and care needs and costs.

When acknowledging receipt of an application insurers must provide information about the approval of future treatment and care expenses. Certain medical services will be automatically approved during the first four weeks from the receipt of an application under the above guidelines and will be paid on a reimbursement basis. This will ensure access to early treatment and care is not delayed. Under the guidelines approved expenses are likely to include:

- up to four services from a general practitioner; and
- up to eight allied health services where a doctor's referral has been provided.

If an application is receipted within 13 weeks of an accident, reasonable and necessary treatment and care expenses not already paid will be back-paid to the time of the accident. For late applications, expenses will be back-paid to 13 weeks from the date of receipt of an application unless exceptional circumstances apply.

A tailored recovery plan to manage and coordinate the delivery of medical treatment, rehabilitation and training services will be required for people with ongoing incapacity. Guidelines will set out how

a plan is developed and what needs to be included in a plan, and an injured person's obligations under a plan.

A plan must be developed for any applicant who is unable to resume their pre-injury duties and activities within 28 days from receipt of their application. These plans will be reviewed at 13 week intervals by the insurer. Treatment and care in this plan will be pre-approved as reasonable and necessary treatment and care and providers will be able to bill an insurer directly. A plan will generally need to be given to an injured person and their doctor within 28 days after the receipt of an injured person's application for defined benefits. A longer period will apply if a person was hospitalised after an accident, or medical information is still being gathered for the plan.

An insurer will generally rely on medical assessments carried out by a person's own doctor or health practitioner when preparing a recovery plan or making decisions about their liability to pay benefits. This will minimise stress on an injured person and avoid the cost of multiple assessments.

An insurer may contact a person's doctor so that a medical report can cover specific information required by the insurer. They can also request an independent medical or vocational assessment. Guidelines will stipulate how and when this can happen.

Treatment and care expenses will generally be payable in arrears and cannot be commuted to a lump sum. All expenses will need to be verified in accordance with guidelines. Expenses can be paid for up to five years after an accident.

Funeral and death benefits

If someone dies as a result of injuries from a motor vehicle accident within two years of this accident, a lump sum benefit will be payable to the deceased person's estate for their spouse and up to four children at the time of the accident. The amounts payable are $190,000 for a spouse and $40,000 for each child, and will be indexed annually.

A spouse can include a person in a domestic partnership at the time of an accident, or a former domestic partner if that former partner was financially dependent on the deceased at the time of the accident. The definition of a child will include all children of the deceased including adopted children and other non-biological children. A child will include any person under 18 years, any person under 25 years enrolled in full-time study, and adult children with a permanent disability who were financially dependent on the deceased at the time of the accident.

A lump sum benefit will not be payable if the deceased person received a Quality of Life payment prior to their death.

The defined benefit scheme also covers funeral expenses of up to $15,000 for a person who dies as a result of a motor accident. A person's legal personal representative, or a person liable to pay these expenses, may make an application for these benefits.

Applications for funeral and death benefits must be made within 13 weeks of a person's death unless the insurer accepts a full and satisfactory explanation from an applicant. An insurer may accept a late application up to 12 months after a person's death.

Quality of Life benefits

A person will be eligible for defined benefits for the loss of Quality of Life if they receive a Whole Person Impairment assessment of five per cent or more as a result of injuries sustained in the motor vehicle accident. A higher quality of life benefit can be pursued through a common law claim, if a WPI assessment is 10 per cent or more.

A scaled formula is set out in the bill for calculating Quality of Life defined benefit payments. A maximum payment of $350,000 is payable to a person with a Whole Person Impairment of 100 per cent. Each dollar amount in the scaled formula will be indexed annually in line with adjustments to Average Weekly Earnings. The Motor Accident Injuries Commission will make a notifiable instrument setting out the Quality of Life defined benefit payments for each level of Whole Person Impairment on commencement of the new scheme, and then on each subsequent indexing day. An insurer may delay paying an indexation adjustment, if an instrument is not made until after an indexing day.

Whole Person Impairment assessment

Chapter 2 deals with the process and procedures for obtaining a Whole Person Impairment assessment, for both defined benefits and common law damages.

An assessment of Whole Person Impairment will need to be provided by an independent medical examiner, selected and provided by the appointed medical service provider. The Motor Accident Injuries commissioner will authorise service providers with appropriate expertise in arranging independent assessments. A deed of services will set out operational requirements for a service provider and will include a schedule of fees for Whole Person Impairment assessment services.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These national guidelines are largely based on the *American Medical Association Guides to the evaluation of Permanent Impairment* (5th Edition) (referred to as AMA5), with certain modifications for some bodily systems.

The bill includes provision for guidelines to be made for insurers to provide information to a personal injury applicant. The guidelines will require, for example, that six months after an accident an insurer must give an applicant sufficient information for them to make an informed decision about pursuing a defined benefit or common law Quality of Life payment. This will include information about the criteria for these payments and the process for applying for a Whole Person Impairment assessment.

These assessments cannot be undertaken earlier than 26 weeks from the date of the accident, and generally not later than four years and six months after an accident. Whole Person Impairment assessments can be conducted only after the injured person and the insurer agree an injury has stabilised. If an injury has not stabilised after four years, a stabilisation medical assessment and Whole Person Impairment assessment will be carried out at this time.

An insurer must arrange a Whole Person Impairment assessment, on application, if the available information indicates that a person is likely to have a permanent impairment. A decision that a person is not likely to have a permanent impairment will not be subject to internal review. If an insurer does not believe a person has a permanent impairment, the applicant may still request a Whole Person Impairment assessment, but will need to pay an excess to the insurer for this cost. The proposed excess will be the greater of $500 or 25 per cent of the cost of the assessment. The excess will be refundable if the person is assessed with a Whole Person Impairment of at least one per cent. The guidelines will stipulate how the insurer is to make a decision on whether a person has a permanent impairment.

If a Whole Person Impairment assessment is between five per cent and nine per cent, the insurer will offer the applicant a defined benefit Quality of Life payment. The applicant will have 26 weeks to accept the offer. It is open for an applicant to seek an alternative Whole Person Impairment assessment, at their own expense, and submit the assessment to the insurer for reconsideration.

The insurer will have processes and strict rules they must follow if an applicant disagrees with their Whole Person Impairment assessment and during any offer process. If an applicant seeks an alternative assessment, and disagrees with the subsequent final offer by the insurer, the applicant may seek an external review of the decision.

If the WPI assessment is 10 per cent or more, a defined benefit offer may also be made but the insurer must inform the applicant that accepting this offer will disqualify them from accessing common law Quality of Life benefits. The applicant may accept the offer at any time up to the end of the defined benefit period unless they receive common law damages (including Quality of Life payments) or are deceased.

Example 2

> Sarah was stopped at lights on Northbourne Avenue while driving her Toyota sedan and was wearing her seatbelt when she was rear-ended by another car. Sarah was taken to hospital by ambulance. As she was complaining of posterior neck pain, the ambulance officers placed a cervical collar on Sarah. At hospital, Sarah was assessed as being neurologically normal. She was discharged home with painkillers and a soft collar. She had no significant past history of neck injury.
>
> At home Sarah persisted with normal activities, but attended a physiotherapist over a period of a couple of months, with her need for physiotherapy diminishing thereafter. She was able to continue with her normal part-time clerical work and was not required to take any time off work.
>
> At eight months post-accident, Sarah was experiencing intermittent daily headaches and mild posterior neck pain, and stiffness in the neck. Her daily activities remained essentially uninterrupted and she had no difficulty with her personal care. Every so often (about once a week) she experienced transient pain radiating into her left arm to the left thumb and index finger. Her insurer determines that Sarah's injury has stablished and she is likely to have a permanent impairment.
>
> The insurer arranges an assessment through the approved service provider for an independent Whole Person Impairment assessment. Sarah receives a Whole Person Impairment classification of five per cent. The insurer pays the scheduled fee for the assessment and accompanying report. As the Whole Person Impairment assessment is five per cent, the bill specifies the quality of life payment to be $7,000.
>
> Sarah's insurer makes an offer of a payment of $7,000. This offer remains open for 26 weeks from the 15 July 2020. Sarah chooses to accept the offer on 18 July 2020.

Injured people residing overseas and foreign nationals

Special provisions have been included in the bill to assist insurers with paying defined benefits to Australians living overseas and foreign nationals.

An Australian citizen or permanent resident who lives overseas, or intends to live overseas for an extended period, may receive defined benefits through a periodic payment. Guidelines will make provision for determining the period that a person must live overseas, and the amount and frequency of payments that can be made to a person.

A relevant insurer may enter into an agreement to pay defined benefits to a foreign national as a lump sum amount. Guidelines will make provision for the eligibility of a foreign national to enter into

an agreement, the defined benefits that may be taken into account when calculating a lump sum payment, and procedures for paying defined benefits prior to an agreement being made.

Interactions with workers compensation schemes

The final bill will contain provisions so injured people covered under a workers compensation scheme have the choice of receiving defined benefits under either their workers compensation scheme or the new Motor Accident Injuries scheme. A person who starts to receive worker compensation benefits will also be able to switch to the new Motor Accident Injuries scheme within one month of making a workers compensation claim. A person who receives workers compensation benefits or a workers compensation settlement will also be able to receive top up benefits under a Motor Accident Injuries common law claim.

Dispute resolution

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about entitlements to defined benefits. Part 2.11 provides for timely and cost effective dispute resolution processes, with an internal review of an insurer's decision generally being required before engaging with an external dispute resolution body.

Internal review

An insurer must review a decision relating to defined benefit entitlements, including a request for an impairment assessment, on request from an applicant. A request will generally need to be made within 28 days of an insurer making a decision, unless exceptional circumstances apply.

The review is to be carried out by a knowledgeable person not closely involved in the original decision. An applicant may provide new information to an insurer (such as an alternative medical assessment or evidence of financial dependency) that was not available at the time of a decision, for the purposes of the review. An insurer may also invite an applicant to an informal conference as part of the review. A request for internal review will not stay a decision of an insurer or otherwise prevent an insurer from acting on a decision.

Under proposed guidelines an internal review will generally need to be completed, and the applicant informed of the outcome, within ten business days of a request being received by an insurer. The guidelines will also include criteria for accepting late requests for a review, providing an extension for review and notification time frames.

External review

The bill will enable a dispute regarding a defined benefit decision that is not resolved through internal review, or involves a decision that is exempt from internal review, to be decided by external review. The guidelines will make provision for how an application is be made, and to limit the time a person may apply, for external review. There is no stay on a decision where an application for external review is made. An external review decision will be binding on all parties.

Power is given to the Attorney-General to make a declaration conferring jurisdiction on an external review entity. The Government is seeking input on the appropriate legal bodies to hear Motor Accident Injuries Scheme disputes, and this component to be addressed in the final bill.

Regulations will be made on the types of matters that will be covered by internal and external review processes. The following areas of the scheme have been identified as likely dispute points:

- the payment of treatment and care expenses

- a person's capacity to work after an accident
- the determination of income replacement benefits
- whether a person was a dependant of a deceased person
- liability disputes (e.g. whether an injury was caused by the motor accident), and
- disputes regarding Whole Person Impairment assessments.

Information support services

As part of improving access to information about the scheme, the Motor Accident Injuries Commission may approve a person to provide information support services for applicants under the new scheme. Guidelines will make provision for approving information support services, including the qualifications of providers, and the services to be provided. The regulations will set out a schedule of fees that insurers will be required to pay for a given service.

Chapter 3 - Motor accident injuries –common law damages

The chapter provides for common law damages for death or injury in a motor vehicle accident caused by someone else's fault.

Claims will be able to be made by people who are more seriously injured in a motor vehicle accident that are receiving, or have previously received, personal injury defined benefits. The court will determine a claim in accordance with the personal injury claims procedure in the *Civil Law (Wrongs) Act 2002*, the court procedures rules and the common law.

The bill includes specific provisions for motor vehicle accident claims. To pursue a claim through common law, a person's injury must have been caused by someone else's fault and they must have a Whole Person Impairment assessment of 10 per cent or more. In a blameless accident, the driver is deemed to be at-fault for the purpose of others being able to make a common law claim; for example where a driver suffers a medical incident or strikes wildlife.

The period of time that a person can lodge a claim for common law damages has been extended to within five years of an accident. Provision has been made for a Whole Person Impairment assessment in the event an injury has not stabilised, so that a person can establish what their Whole Person Impairment may be in order to make a notice of claim and commence proceedings within the five year limitation period. The conference provisions previously outlined in the CTP Act have been carried over to this bill, to continue to encourage the settlement of a claim before court proceedings occur.

Caps will also apply to damage amounts, with non-economic loss replaced by a Quality of Life benefit.

There is no cap on the amount of treatment and care expenses payable for a person under a common law claim, or limits on the amount of time that these expenses can be paid. However, no damages can be awarded for treatment, care, support or services provided to an injured person where payment has not occurred or where there is no liability to pay. For example, benefits will not be paid when domestic assistance is provided by a partner on an unpaid basis.

Damages for loss of earnings may not be awarded for the income replacement amounts paid for the first 12 months from an accident. This is because these amounts are paid under the defined benefit scheme. After the first 12 months, the maximum amount of damages for loss of earnings is capped at $4,500 per week, in accordance with the current provisions in the *Civil Law (Wrongs) Act 2002*.

A scaled formula is set out in the bill for the purposes of calculating Quality of Life payments under common law. These amounts are more generous than amounts for an equivalent degree of impairment available under the defined benefit scheme. A maximum amount of $500,000 is payable to a person with a Whole Person Impairment of 100 per cent. A person who has already accepted a Quality of Life defined benefit payment will be unable to then claim an equivalent payment under common law.

Damages can also be awarded in common law for dependants of a deceased person, but to remove duplication payments will be reduced by any death benefit and Quality of Life amounts paid through the defined benefit scheme.

Chapter - 4 Costs and fees

The bill will prohibit payments by a lawyer for referrals of applications or claims for legal representation, or for lawyers to receive payments from other service providers. A payment is defined to include any fee or financial benefit. These provisions will assist in ensuring that legal services are provided on an impartial and cost effective basis, and the selection of key service providers such as medical assessors is not compromised.

The prohibition of referral fees will assist with deterring claims farming practices that involve members of the public receiving cold calls or social media prompts, seeking personal details regarding possible involvement in car accidents. These claim farmers encourage people to make a CTP claim. They then sell these details, for a commission, to legal firms.

Regulations will also be able to be made prescribing the legal costs payable by applicants and insurers for legal services relating to defined benefit applications.

Chapter 5 - Motor accident injuries insurance

This chapter carries over provisions from the CTP Act requiring compulsory motor accident injury insurance on registration of a motor vehicle in the ACT. A Motor Accident Injuries policy will insure against liability for personal injury resulting from a motor accident, and will also provide defined benefits, on a no-fault basis, to people injured in a motor accident.

The Motor Accident Injuries Commission will continue to regulate premiums charged by insurers for Motor Accident Injuries policies, based on compliance with premium guidelines and independent actuarial advice on whether a premium meets the fully funded test and is not excessive. Guidelines will specify how premiums are to be worked out and what additional information the Motor Accident Injuries Commission requires insurers to provide with a premium filing. The guidelines will continue to require information on claims handling expenses, interest earned on investments, inflation assumptions and return on capital. All these factors are considered by the scheme actuary when assessing premiums.

A nominal defendant fund will also continue to operate under the bill for the payment of defined benefits and claims for uninsured, unidentified vehicles and vehicles with an unregistered vehicle permit.

This chapter also includes provisions enabling the recovery of costs from an injured person, by a Motor Accident Injuries scheme insurer and the nominal defendant. These are based on existing provisions in the CTP Act for premium fraud, intentional injury and alcohol or drugs affecting a driver's ability to control a vehicle. Provision is also made for an insurer to recover costs from a manufacturer or repairer for a defective vehicle, and for the nominal defendant to recover costs from the responsible person for an uninsured or unidentified motor vehicle.

Chapter 6 – Motor Accident Injuries scheme insurer licences

Under the new scheme the Motor Accident Injuries Commission will continue to licence Motor Accident Injury scheme insurers, with insurers being required to apply for licences for the new scheme. The licencing process will be streamlined for existing licenced insurers, given the CTP regulator currently holds information in relation to those insurers. The type of information required is likely to include documents such as a new business plan covering how the insurer will meet the defined benefit requirements for the new scheme. The majority of the licensing provisions in the CTP Act are being carried over to the bill, with some enhancements for the new scheme.

The bill will impose additional conditions on an insurer's licence, including requirements to manage applications for defined benefits in a timely and efficient manner, and to achieve the early payment of reasonable and necessary treatment and care for injured people. The scope of the insurance industry deed will also be expanded to include provisions dealing with applications for defined benefits. Improvements are also made to provisions dealing with the suspension or cancellation of an insurer's licence, including on the transfer of a licence to another insurer. New provisions have been included that will authorise the Motor Accident Injuries Commission to report on the net profitability of licensed insurers.

Chapter 7 - Enforcement

The Motor Accident Injuries Commission will also continue to have a range of enforcement powers under the bill, with some provisions from the CTP Act being updated to reflect provisions in other ACT legislation and to remove impediments to the conduct of investigations. In particular, a provision has been included for the Motor Accident Injuries Commission to appoint a public servant as an authorised officer for the purposes of exercising enforcement powers under the bill. The CTP Act formerly gave this power to the road transport authority.

Provision is also made for these officers to be given identity cards and for these cards to be shown when an authorised officer exercises a power under the bill. The general powers of an authorised officer that enters premises also now include a specific power for an authorised officer to examine and take copies of documents relating to possible contraventions of the bill.

Chapter 8 - Information collection and secrecy

The chapter includes provisions to enable licensed insurers to share information between themselves and, in the event it is required to be given to another party – for example a health service provider. This may occur where an insurer shares liability for a claim, or another insurer is liable or potentially liable for an application. The applicant will be advised that their information may be shared. The information sharing provisions have been drafted to ensure the protections provided by the *Health Records (Privacy and Access) Act 1997* and the *Privacy Act 1988 (Cwlth*) continue to operate in relation to the information, including the giving of consent.

Chapter 9 - Miscellaneous

This chapter includes miscellaneous provisions dealing with the operation of the new scheme, including the power for the Motor Accident Injury Commission to issue scheme guidelines and also for those guidelines to make provision for making forms. The Motor Accident Injuries scheme guidelines will be a disallowable instrument under the bill and so are legally binding.

The Minister will set the motor accident levy, to fund the Motor Accident Injuries Commission's operations, and the Commission must refund a proportion of the levy on the cancellation of the registration of a motor vehicle. The chapter also includes a regulation-making power and enables the Minister to determine fees for the new scheme. A fee determination will be a disallowable

instrument. The operation of the new scheme will be reviewed as soon as practicable after the end of every third year of its operation.

This Chapter also repeals the CTP Act, and regulations and all other legislative instruments made under the CTP Act.

Schedule 1 - Consequential amendments

Schedule 1 makes a number of consequential amendments to the Civil Law (*Wrongs) Act 2002*, and other road transport legislation, to replace references to the CTP Act with references to the new Act. There are also some modifications made to the Civil Law (Wrongs) Act to reflect time frames for making common law claims under the new scheme and to tailor provisions so they reflect motor accident claim procedures. A new limitation period for motor accident claims has been inserted into the *Limitation Act 1985* to place a five year limit on commencing a motor accident injury claim.

Dictionary

Provides for the terms used in the bill.

Transitional provisions to be included in the bill when introduced

The final bill will contain transitional provisions between the old and new schemes. The provisions will enable the CTP Act to apply to any existing claims made under that Act as if that Act had not been repealed. A CTP policy will continue to remain in place until the earlier of the policy being replaced by an Motor Accident Injuries policy, or the ending of the grace period for the renewal of registration. If a personal injury arises out of a motor accident prior to the day the new Act comes into operation, the claim will be dealt with as if the new Act had not been enacted. A CTP policy with a duration that extends beyond the day the new scheme commences will automatically transition to a Motor Accident Injuries policy on the date the new scheme commences. Transitional provisions will enable the Motor Accident Injuries Commissioner to direct the application of any unearned premium surplus, as a result of a CTP policy transitioning to a Motor Accident Injuries policy.

The provisions will also state that the person who was, immediately before the operational day, the CTP regulator, will be taken to be appointed as the Motor Accident Injuries Commissioner. The nominal defendant will continue to have the rights and liabilities under the new scheme that it currently has under the CTP Act.

Consultation

The Justice and Community Safety Standing Committee of the ACT Legislative Assembly is conducting an inquiry into the provisions of the exposure draft of the *Motor Accident Injuries Insurance Bill 2018*.

Submissions can be lodged via the Committee's website: https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-justice-and-community-safety



Andrew Barr
Treasurer

September 2018

ACT Government

GUIDE TO THE *MOTOR ACCIDENT INJURIES BILL 2018* EXPOSURE DRAFT

Andrew Barr MLA
Treasurer

September 2018

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Background

Compulsory Third Party Insurance (CTP) in the ACT is currently regulated by the *Road Transport (Third-Party Insurance) Act 2008* (CTP Act) which has been in effect since 1 October 2008.

The ACT currently has an at-fault common law scheme where an injured person can sue another person for negligence and seek compensation through legal processes. The scheme does not cover accidents where fault cannot be proven. It also does not pay benefits to the person who was at fault, although most people can access up to $5,000 for early medical expenses.

Under this scheme 'at fault' has a technical legal meaning. In many cases, momentary inattention is the cause of an accident rather than any conscious action, but the driver is still legally 'at fault'. Examples can include checking the mirror but not seeing a car in the blind spot or a sneeze that causes a driver to hit another car.

In August 2017, the ACT Government announced we would undertake a deliberative democracy process to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. The Government set some criteria for this process, and committed to pursue the community's recommendations as long as these were met:

1. The CTP scheme must remain compulsory for all motorists.
2. The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums.
3. The CTP scheme in the ACT must remain community-rated.
4. The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process.
5. The scheme must be workable and fit within other legal and regulatory frameworks.
6. The deliberations will not examine the established Lifetime Care and Support Scheme.

A group of 50 Canberrans, representative of the community, were randomly selected to participate in a two-part citizens' jury run by facilitators separate to Government. Their deliberations were supported by a Stakeholder Reference Group made up of legal, insurer, health care and consumer group representatives.

All Canberrans also had the opportunity to provide their views on CTP in September 2017, through surveys conducted on the ACT Government's *YourSay* website and by telephone. The survey results and feedback from these consultations were provided to the jury in the first stage of their deliberations in October 2017.

In this first stage, the jury met over two weekends to consider the question: *What should the objectives of an improved CTP scheme be to best balance the interests of all road users?*

The jury heard from a range of experts, injured people and those with experience of the current CTP scheme, to help guide their deliberations on a set of priorities for an improved CTP scheme. At the end of this process, the jury identified the following priorities:

1. Early access to medical treatment, economic support and rehabilitation services.
2. Equitable cover for all people injured in a motor vehicle accident.
3. A value for money and efficient system.
4. Promote broader knowledge of the scheme and safer driver practices.

5. Implement a support system to better navigate the claims process.
6. A system that strengthens integrity and reduces fraudulent behaviour.

The jury's priorities statement and information on the evidence they heard in developing this is available at: https://yoursay.act.gov.au/ctp

The jury's priorities and report were then provided to the Stakeholder Reference Group and an expert scheme designer so that they could develop a range of models for the jury's consideration.

The groups represented on the Stakeholder Reference Group were:

- ACT CTP Regulator (ACT Government)
- Justice and Community Safety Directorate (ACT Government)
- Law Society of the ACT
- ACT Bar Association
- Insurance Australia Group
- Suncorp
- Health Care Consumers Association
- John Walshe Centre for Rehabilitation Research
- Finity (scheme designer)
- EY (actuarial adviser)

Between November 2017 and March 2018, the scheme designer worked closely with the Stakeholder Reference Group to develop four workable models which aligned with the jury's priorities. These models were costed by an actuary to determine their potential impact on the premiums Canberra motorists pay.

The jury re-convened in March 2018 to consider each of the models, including receiving information from the Stakeholder Reference Group about the merits of these.

Finally, the jury chose the model that they believed to best meet the priorities they had identified in the first stage of the process. The jury's full recommendations report is available at: https://yoursay.act.gov.au/ctp

In line with our commitment, the Government is now pursuing the jury's recommended model by developing legislation which closely reflects this for introduction to the ACT Legislative Assembly.

Outline

The purpose of the Motor Accident Injuries Bill 2018 is to implement the model for the new motor accident injuries scheme chosen by the citizens' jury.

The bill replaces the current at-fault compensation scheme operating under *the Road Transport (Third Party Insurance Act) 2008* (CTP Act) with a new hybrid no-fault common law scheme. These types of schemes are in place in other jurisdictions. For example, both New South Wales and Victoria have hybrid no-fault common law CTP schemes. However the scheme chosen by the jury offers different coverage and benefit levels compared with these jurisdictions. The jury chose a model with coverage and benefits that best met their priorities.

A key feature of the new scheme is that it will no longer be necessary to prove another driver was at-fault in order to access benefits following injury in a motor accident.

Instead, the new scheme provides defined benefits, for treatment and care as well as income replacement, for up to five years to anyone who is injured in a motor accident. Based on actuarial modelling, this means approximately 600 more Canberrans each year will be covered by the scheme, where currently they would be unable to make a claim.

Quality of Life defined benefits to cover non-financial loss are payable to people who meet injury impairment thresholds. Additional common law benefits will also be available to people who are more seriously injured (meeting a Whole Person Impairment threshold of 10 per cent or more) and whose injury was caused by someone else's fault.

People who engage in serious criminal behaviour or put others at risk with drink and drug driving offences will be partly or totally excluded from accessing benefits under the new scheme. This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

The bill also transfers the statutory position and functions of the current CTP regulator from the CTP Act. The bill replaces the current CTP regulator with the Motor Accident Injuries Commission and establishes a position of the Motor Accident Injuries Commissioner. Licensing, enforcement and nominal defendant arrangements, including the nominal defendant fund, also continue to operate under the bill.

Summary of benefits under the new scheme

Benefit Type	For all: Defined benefits	Common law benefits for people not-at fault
Reasonable and necessary treatment and domestic care	**5 years** Paid care only	**Limited to the 5 years of defined benefits if Whole Person Impairment below 10 per cent** No time limit if Whole Person Impairment 10 per cent or above. Paid care only.
Income replacement	**5 years** 95 per cent of pre-injury earnings for first 3 months then 80 per cent thereafter. Higher percentage amounts payable to people on low incomes. Maximum pre-injury weekly earnings amount of $2,250.	**Limited to the 5 years of defined benefits if Whole Person Impairment below 10 per cent** No time limit if Whole Person Impairment 10 per cent or above First 12 months: as per defined benefits After 12 months: 100 per cent of loss of earning capacity (future earnings) + superannuation with a maximum pre-injury weekly earnings amount of $4,500
Quality of life	**Maximum $350,000** Benefit based on Whole Person Impairment **Threshold:** No benefit if Whole Person Impairment is below 5 per cent	**Maximum $500,000** Amount based on Whole Person Impairment scale **Threshold:** No benefit if Whole Person Impairment below 10 per cent
Death	Funeral cost + up to $350,000 if dependants	Funeral cost + common law damages for dependants

Summary of key provisions for new scheme

Duties and the provision of information

The bill places general duties on both insurers and applicants for defined benefits and common law damages to act in good faith and to endeavour to resolve a claim as fairly and expeditiously as possible.

Insurers must provide injured people with information to readily access and navigate through the new scheme. Information will also be provided by the Motor Accident Injuries Commission via a new website and assistance in making applications for defined benefits will be available through approved information support services.

Applications for benefits

Initial applications for defined benefits (other than funeral or death benefits) must be made within 13 weeks of a motor vehicle accident. An insurer may accept a late application, with a full and satisfactory explanation, within 2 years of an accident. The insurer with whom the application is lodged is required to provide an acknowledgement of receipt of the application with an individual claim identifier.

An insurer must then accept liability to pay defined benefits if the injury concerned occurred as a result of a motor vehicle accident. The insurer has 28 days to determine liability once they have provided a receipt notice for a complete application with all required information.

If an application is accepted, defined benefits for reasonable and necessary treatment and care and income replacement are payable for up to five years after an accident.

Pre-decision early treatment payments

An injured person will be able to receive payment for certain allowable treatments on a reimbursement basis while an insurer is determining liability for a defined benefits application, so long as the application is made within the 13 weeks from the date of the accident. This means that people who are injured are able to start accessing treatment as soon as possible to aid in their recovery.

An injured person will be able to claim reimbursement of some treatment expenses at the time of making the application, such as the cost of their appointment with their treating doctor. They will also be able to claim reimbursement for certain types of treatment such as physiotherapy (up to a specified maximum number of treatments), during the period between making an application and when an insurer makes their liability assessment. The types of treatment payable during this period, together with the specified maximum number of sessions, will be specified in guidelines. Insurers must still verify that services have been provided prior to making payments.

Once liability for an application that was lodged on time is accepted, any other treatment and care dating back to the time of the accident that is assessed as reasonable and necessary by the insurer can be reimbursed. Guidelines will provide direction on what is reasonable and necessary treatment and care.

Income replacement and treatment and care benefits

An injured person who is unable to work after an accident can also receive income replacement payments. Payments can commence from when an insurer accepts liability for their application, backdated to the time of an accident so long as the application was submitted within the required timeframe. Payments will generally be based on a person's income over the 52 weeks prior to the accident. Interim payments can also be made if an insurer is still gathering information to calculate the actual amount of a payment.

Income replacement is payable at 95 per cent of pre-injury weekly income (pre-injury weekly income capped at $2,250 weekly) for the first 13 weeks after an accident and then 80 per cent thereafter. Income replacement payments for low income earners will be based on a higher percentage of their pre-injury weekly income.

A tailored recovery plan must be developed by an insurer for any applicant who is unable to return to their pre-injury duties and activities after 28 days from the receipt of their application. The plan will include pre-approval for treatment and care assessed as reasonable and necessary, that can then be billed by the provider directly to the insurer.

An insurer will generally rely on medical assessments carried out by a person's own doctor or health practitioner. In order to streamline the medical assessment process and limit the number of required assessments, an insurer may contact an injured person's doctor with questions, so that a medical report covers all information required by the insurer. An insurer can, however, still request an independent medical or vocational assessment if required. Guidelines will be provided to outline how and when this can happen.

An insurer can suspend income replacement payments if an injured person does not comply with a request for a medical or vocational assessment, or undertake treatment, rehabilitation or training in a recovery plan.

Quality of life benefits

Quality of life defined benefit payments are available to all injured people with a Whole Person Impairment assessment of at least five per cent. This assessment provides a medically based injury assessment on which to base a threshold. Whole Person Impairment assessments are already in use in the Comcare Workers' Compensation scheme operating in the ACT. The Motor Accident Injuries Commission will appoint a service provider with appropriate experience, to select and provide independent medical examiners to undertake these assessments. The independent medical examiner selected will depend on the injuries needing to be assessed. This ensures that the person undertaking the assessment has not been appointed by either an insurer or a legal representative. An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia (SWA) Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These Guidelines modify some parts of *The Guides to the Evaluation of Permanent Impairment by the American Medical Association 5th edition* (AMA5).

Six months after an accident, an insurer must give an applicant information about claiming Quality of Life payments. These payments are based on a sliding scale for a given level of impairment. A maximum cap of $350,000 and $500,000 applies to defined benefit and common law amounts respectively. An insurer must also provide an applicant the opportunity to request a Whole Person Impairment assessment from this point in time, if their injury has stabilised. The insurer will pay for this assessment.

Death benefits

The defined benefit scheme will cover funeral expenses of up to $15,000 for a person who dies as a result of a motor accident. Lump sum death benefits are also payable to a deceased person's estate for their spouse and up to four children. A lump sum benefit will not be payable if the deceased person received a quality of life payment prior to their death. Applications for these benefits must be made within 13 weeks of a person's death unless the insurer accepts a full and satisfactory explanation from an applicant. An insurer may accept a late application up to 12 months after a person's death.

Common law claims

The new scheme continues to provide for common law damages for death or cases where a person is more seriously injured through someone else's fault. To access these damages a person needs a Whole Person Impairment assessment of 10 per cent or more. Applying the more extensive entitlements of common law and the resources of the court to more seriously injured people while supporting those with less serious injuries to get back to health sooner was a key factor in the scheme design chosen by the jury, including the use of thresholds.

Quality of Life damages will only be available if the injured person has not accepted a defined benefit quality of life payment. That is, a person cannot claim quality of life damages twice. To limit claims to more serious injuries, damages for loss of earnings are capped to income replacement amounts available under the defined benefit scheme for the first 12 months from an accident. Consistent with the current provisions of the *Civil Law (Wrongs) Act 2002, t*he maximum amount of damages for loss of earnings is also capped at $4,500 per week.

Damages can be awarded in common law to dependants of a deceased person, but will be reduced by death benefit and quality of life amounts paid under the defined benefit scheme, to remove duplication of payments.

Claims for common law damages must be lodged within five years of an accident. The claims process largely follows the *Civil Law (Wrongs) Act 2002* subject to some minor modifications set out in the bill.

Indexation

Income replacement amounts, and all threshold and capped amounts under the new scheme will be indexed in line with adjustments to Average Weekly Earnings.

Dispute resolution

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about eligibility for, or the approved level of, defined benefits. The bill provides for timely and cost effective dispute resolution processes, with an internal review by the insurer being a prerequisite before lodging a dispute with an external dispute resolution body.

An applicant may ask an insurer to review decisions about certain defined benefit matters. Guidelines will stipulate who within an insurer can carry out an internal review and how the review is to be carried out. These guidelines will require a review to be carried out by a knowledgeable person not closely involved in the original decision. An internal review of a decision will generally be required to be completed within 10 working days from a request being made, so long as required information for the review is available.

The bill will enable an applicant to apply for an external review about certain defined benefit matters by a dispute resolution body of a defined benefit dispute that is not resolved through internal review, or involves a decision that is exempt from internal review. The Attorney General will be able to declare an entity to be responsible for carrying out external reviews, through a disallowable instrument. The Government is actively seeking feedback from stakeholders and the community on which of the ACT's legal bodies should have jurisdiction for conducting these reviews, with options including the ACT Magistrates Court and the ACT Civil and Administrative Tribunal.

Courts and tribunals have adopted alternative dispute resolution mechanisms as part of their current case management processes and these processes will also be adopted as part of any external review.

The bill also contains processes to minimise the number of possible disputes regarding Whole Person Impairment assessments. An insurer cannot dispute the initial independent impairment assessment. An injured person that does not agree with this assessment will be able to obtain their own assessment from an appropriately trained examiner in accordance with medical guidelines set out in a disallowable instrument, and submit this to an insurer for review. As part of its review, the insurer then has the option of providing this alternate assessment to the original medical examiner for comment. An insurer can respond by affirming the original assessment or increasing the

assessment, with the assessment not to increase more than the second Whole Person Impairment assessment.

Other matters

The bill will carry over provisions from the CTP Act requiring compulsory motor accident injury insurance on registration of a motor vehicle in the ACT. A Motor Accident Injuries policy will insure against liability for personal injury resulting from a motor accident, and will also provide defined benefits, on a no-fault basis, to people injured in a motor accident. The Motor Accident Injuries Commission will continue to approve premiums for policies in the scheme. A nominal defendant fund, for the payment of claims for uninsured and unidentified vehicles as well as vehicles with an unregistered vehicle permit, will also continue to operate under the new scheme.

Under the new scheme the Motor Accident Injuries Commission will continue to licence scheme insurers. The majority of the licensing provisions in the CTP Act are being carried over to the bill, with some enhancements to reflect the new scheme. The Motor Accident Injuries Commission will also continue to have a range of enforcement powers in the bill, with some provisions from the CTP Act being updated to be consistent with other ACT provisions.

The bill provides the Motor Accident Injuries Commission with the power to collect information specified in regulations from both insurers and legal practitioners, in relation to applications and claims made under the new scheme. The bill also allows for publication of statistical data based on this information, by the Motor Accident Injuries Commission.

Chapter Overview

Chapter 1 Preliminary

In part 1.1 the new Act will be named the *Motor Accident Injuries Act 2018*. The removal of the reference to Third Party Insurance in the name of the Act reflects the new scheme now covering anyone injured in a motor accident. It is intended that the Act will commence on a day fixed by the Minister by written notice. The new scheme will cover death or injury of a person that results from a motor accident that happens in the ACT on or after the day the Act commences. It includes the standard application of Chapter 2 of the *Criminal Code 2002*. It also notes that the theft, fraud and forgery chapter of the Criminal Code applies.

Part 1.1 also includes new objects to reflect the priorities of the new Motor Accident Injuries Scheme including ensuring benefits are available to support all people injured in motor accidents on a no fault basis (subject to some exclusions and limitations), encouraging early treatment and care, and providing support for people injured in motor accidents to access defined benefits under the scheme. It further includes an object to promote and encourage the early, quick, cost effective and fair resolution of disputes.

Part 1.2 set outs out both injury and insurance concepts used in the bill. The bill includes the concept of a relevant insurer to identify the insurer responsible for a defined benefits application or common law claim. An interstate insurer of an at-fault vehicle (the relevant insurer) is required to pay defined benefits in accordance with the bill and can enter into an arrangement with another licenced insurer or the Nominal Defendant to manage the application. While the relevant insurer is determined based on rules of fault or deemed fault, this is has no impact on an injured person's entitlement to defined benefits.

Part 1.2 also places general duties on both licensed insurers and applicants for defined benefits and claimants of common law damages to act in good faith and to endeavour to resolve a claim as fairly and expeditiously as possible. If a dispute body is hearing a dispute they may take a duty of a party into consideration, and make an order in relation to that duty. Insurers will also need to comply with their duties as a condition of their licence

Part 1.3 establishes the Motor Accident Injuries Commission, and provides for the appointment of a Motor Accident Injuries Commissioner. In line with the recommendations of the citizens' jury, the Motor Accident Injuries Commission's functions have been expanded from those of the former CTP regulator to include providing information and assistance on the new scheme and a stronger regulatory and enforcement role.

Chapters 2 & 3 Motor accident injuries - defined benefits - Matters applying to both defined benefit and common law damages

Chapter 2 establishes entitlements to defined benefits for death or injury caused by a motor vehicle accident in the ACT. These benefits are for:

- income replacement;
- treatment and care;
- loss of quality of life;
- funeral expenses and death benefits.

An application should be lodged with a relevant insurer. The relevant insurer will be an at-fault insurer, or the most at-fault insurer, for an accident. Guidelines will specify which insurer an injured

person should lodge their application with if they can't work out the relevant insurer. Insurers can enter into arrangements under the industry deed to determine which vehicle is most at-fault in a multi-vehicle accident. Where only one vehicle is involved in an accident, including an accident involving a cyclist or pedestrian, the insurer of that vehicle will be deemed to be the at-fault insurer. In the case of an unregistered or unidentified vehicle that is most at-fault the relevant insurer will be the nominal defendant. Vehicles with an unregistered vehicle permit are also covered by the nominal defendant.

A relevant insurer will be liable to pay defined benefits under the scheme. Arrangements for sharing the management and liability for defined benefits by insurers will be dealt with through the insurance industry deed.

Exemptions and exclusions

There will be certain exceptions and limitations to entitlements for defined benefits. A person who is convicted of a serious offence at the time of the accident will not be entitled to defined benefits. Treatment and care expenses, and income replacement, will still be payable while charges are pending. Examples of serious offences include:

- a high-level drink driving offence of a blood alcohol concentration level of 0.15g or more;
- aggravated furious, reckless or dangerous driving;
- causing the death of a person by using a motor vehicle.

Those convicted of a lower category driving offence will be entitled to treatment and care, but not income replacement (other than when charges are pending) and Quality of Life benefits. Examples of these types of offences are:

- a mid-range drink driving offence of a blood alcohol concentration level of between 0.08g and 0.15g;
- recklessly inflicting grievous bodily harm;
- driving while disqualified.

A 25 per cent reduction will be made to income replacement and Quality of Life benefits for people convicted of a low-level drink driving offence or that receive, and do not successfully challenge, certain infringement notices. Examples of these infringements are:

- not obeying the speed limit;
- not wearing a seatbelt;
- using a mobile phone.

If the coroner finds a person who died in an accident engaged in elements of conduct for a serious offence, then the estate of that person will not be entitled to death benefits. Funeral expenses can still be paid in these circumstances.

Other jurisdictions also have various exclusions for these types of offences. The exclusions reflect offences and infringements set out in the *Crimes Act 1900,* the *Criminal Code 2002,* the *Road Transport (Alcohol and Drugs) Act 1977,* the *Road Transport (Safety and Traffic Management) Act 1999,* the *Road Transport (Driver Licensing) Act 1999,* the *Road Transport (Driver Licensing) Regulation 2000* and the *Road Transport (Road Rules) Regulation 2017.*

Income replacement and Quality of Life benefits will generally not be payable to the injured driver or owner of an unregistered vehicle. Some exceptions will apply if the driver was not at-fault, did not

know the vehicle was uninsured, or was involved in a blameless accident (e.g. collision with an animal). A person whose injuries are self-inflicted will only be entitled to treatment and care benefits; funeral benefits can be paid in the event of their death. Entitlements to treatment and care expenses will be restricted for people in custody and there will be no entitlement to defined benefits for accidents caused by acts of terrorism. A person who is a foreign national will be not be entitled to defined benefits to the extent their injuries are covered by insurance they hold for their stay.

Information and support for applicants by insurers

The guidelines will make provision for information and support to be provided by insurers to applicants for defined benefits. Information and support will be required to be provided to applicants on their first contact with an insurer, on receipt of an application, on acceptance of liability for an application, and six months after an accident when a person may be eligible for a Quality of Life payment. An insurer will also be able to directly contact an applicant (whether or not an applicant has legal representation) to give the applicant information or to discuss the applicant's defined benefits including their treatment and care needs. It is intended that information will be given simultaneously to the applicant and their representative (if there is one) to expedite the person receiving their entitlements.

Application for defined benefits

An injured person seeking defined benefits payments for treatment and care and income replacement needs to make an initial application within 13 weeks of an accident. Late applications may be accepted up to two years after an accident if a full and satisfactory explanation is given. An example of a full and satisfactory explanation would be if a person injured in a motor accident becomes aware of their injury sometime after this takes place.

Details of the form and content of an application, and the manner an application can be made, will be set out in guidelines.

An application will need to include a signed authority to disclose personal health information so this information can be dealt with by the insurer and exchanged between them and an injured person's treating health service providers, members of their treating team, or an independent medical examiner. The authority will be given for the purposes of processing, assessing or otherwise managing a person's application and ongoing entitlement for defined benefits. An applicant will be able to withdraw this authority, but a withdrawal will delay the payment of defined benefits.

The guidelines will require that, at a minimum, an application contain information about the time, date, location, circumstances and vehicles involved in an accident and also include:

- notification of the details to the police (AFP Crash report) or police accident report; and
- a medical report certifying the injuries are consistent with a motor vehicle accident.

Guidelines will also require an insurer to pay for an initial medical consultation, and up to two allied health services, provided prior to making an application. Receipts or invoices for these services will be able to be submitted with an initial application.

Applications for defined benefits should be lodged with a relevant insurer. Guidelines will give insurers three business days to acknowledge receipt of a complete application. Applicants will also be given an individual claim identifier. An insurer then has up to 28 days to accept or deny liability for the application.

Certain allowable treatment expenses will be approved for reimbursement from receipt of an application irrespective of whether an insurer has made a decision to accept liability for an

application (see the treatment and care benefits section below). Arrangements will also be put in place to transfer an application to a different insurer where it is determined that the other insurer is the relevant insurer for an application. An insurer that provides a receipt notice, and then does not accept liability for a valid application, will have a right of recovery for these expenses from the relevant insurer but not directly from the applicant.

The requirements for applications for funeral and death benefits will be set out separately in guidelines and will be subject to different timeframes. To receive Quality of Life benefits, an initial applicant for defined benefits will also need to apply to their insurer for a Whole Person Impairment assessment once their injury has stabilised.

Income replacement benefits

These payments compensate people for income lost through being unable to work, or through working at a reduced capacity, because of their injury.

To be entitled to payments a person needs to show they had a connection with the workforce at the time of the accident. Eligible people include those in paid work and those who have worked at least 260 hours in the last year, as well as people that would join or return to the workforce at a later date, including full-time students over 15 years of age. In this case, payments will not start until the date a person was anticipated to join or return to the workforce.

Payments will generally be based on a person's pre-injury income, being their average weekly income during the 52 weeks prior to an accident. A shorter income period may apply for people who have a significant change in circumstances, such as starting a new job, or moving from part-time to full-time work during the period. Special rules will apply for calculating weekly income for people joining or returning to the workforce.

An employee's income will include all amounts of income from employment other than compulsory superannuation contributions, or one-off amounts payable on termination of employment. A self-employed person's income will be the net income they derive from carrying on a business to the extent the income is attributed to personal services the person provides to that business. A person will be able to combine income received from multiple employers, or self-employment arrangements.

An injured person with a recent work history will be able to start to receive payments from the time an insurer accepts liability for their application. If an insurer is still gathering information to calculate the actual amount of a payment, the insurer may make interim income payments, covering up to the first 13 weeks after an accident so long as the application was made within 13 weeks of the accident. Regulations will set the minimum amount of an interim payment as a prescribed percentage of the pre-injury weekly income cap ($2,250).

If an application is lodged within 13 weeks of an accident, payments can be backdated to the time of the accident. If a late application is accepted, payments will only be backdated four weeks prior to the application, other than in exceptional circumstances. Payments can be made for up to five years after an accident.

For the first 13 weeks (first payment period) payments will be made at 95 percent of pre-injury weekly income (pre-injury weekly income is capped at $2,250) and then 80 percent thereafter (second payment period with the pre-injury weekly income cap still applying). A low income adjustment will apply, with people who had pre-injury weekly income below $800 receiving full income replacement, and those with weekly income from $800 to $1,000 receiving 95 per cent

replacement. Payments, thresholds and caps will be indexed in line with adjustments to Average Weekly Earnings on a biannual basis. Apprentices, trainees and junior workers will also receive adjustments to their payments for increments they may have otherwise received.

Ongoing payments will be subject to an injured person providing a fitness for work certificate. The amount of a person's pre-injury weekly income will be reduced to the extent that a person receives earnings from any work, or has the capacity to work after an accident. Insurers will be required to follow guidelines when making decisions to stop or reduce payments based on a person's capacity to work. A person that has been in continuous receipt of payments for at least four weeks will be given at least two weeks' notice of such a decision. An insurer can also suspend payments if a person does not comply with a request for a medical or vocational assessment, or undertake the treatment outlined in a recovery plan. A person will also cease to be entitled to payments once they reach age pension age plus six months.

An injured person may ask an insurer to reimburse their employer for the cost of any paid leave taken as a result of the person's injury, in lieu of receiving income payments.

Example 1

> Suzy was hit by a car while riding her bicycle on David Street, Turner on 2nd November 2019. She suffered a fractured collar bone, concussion and lacerations to her face and limbs. At the time of the accident Suzy was 19 and in her first year of full-time university studies. She was working casually as a barista at a coffee shop, and also had recently worked as a football referee.
>
> Suzy lodges an application for personal injury benefits with the car's Motor Accident Injuries insurer on 16 November 2019.
>
> Suzy's treating doctor provides her with a certificate stating that she is unfit to work as a barista for eight weeks following the accident. Suzy downloads electronic payslips from her two employers showing she worked a total of 620 hours during the 52 weeks prior to the accident, and received gross income of $15,800. She provides these documents to the insurer with her application.
>
> The insurer forms the view that given the nature of Suzy's injuries, she does not have any capacity to undertake any other type of work during the eight weeks following the accident.
>
> Suzy's average weekly income will be calculated as:
>
> $15,800 ÷ 52 = $303.85
>
> As this income is less than $800 per week, Suzy will be entitled to full income replacement payments of $303.85 per week for at least eight weeks following the accident. These will be back-paid to Suzy from the date of the accident.
>
> As Suzy has a recent work history, it does not matter that she was also a full-time student at the time of the accident, or that she earns her income on a casual basis.

Treatment and care benefits

Certain treatment expenses (allowable expenses) will be automatically approved during the first four weeks from the receipt of an application and will be paid on a reimbursement basis. This will ensure access to early treatment and care is not delayed. Under the guidelines allowable expenses are likely to include:

- up to four services from a general practitioner; and
- up to eight allied health services where a doctor's referral has been provided.

Once liability for an application is accepted, an injured person will be entitled to defined benefits for their reasonable and necessary treatment and care needs, including for paid domestic services and care. An injured person will also be entitled to benefits to pay for domestic services if they can no longer provide to a child or other dependant who was in their care before the accident.

Treatment and care expenses will not be payable to participants in the Lifetime Care and Support (Catastrophic Injuries) Scheme.

In assessing whether an application for treatment and care is reasonable and necessary, an insurer will be required to consider whether the treatment and care is:

- directly related to a person's injury;
- cost effective;
- appropriate for the injury; and
- will benefit the person.

Treatment and care must also be provided by an appropriately qualified professional or a bona fide service provider.

Guidelines will stipulate what constitutes reasonable and necessary care, amounts and limits on benefits payable, and the evidence required to verify treatment and care needs and costs.

When acknowledging liability for an application insurers must provide information about the procedure for approval and payment of treatment and care expenses. If an application is receipted within 13 weeks of an accident, reasonable and necessary treatment and care expenses not already paid will be back-paid to the time of the accident. For late applications, expenses will be back-paid to 13 weeks from the date of receipt of an application unless exceptional circumstances apply.

A tailored recovery plan to manage and coordinate the delivery of medical treatment, rehabilitation and training services will be required for people with ongoing incapacity. Guidelines will set out how a plan is developed and what needs to be included in a plan, and an injured person's obligations under a plan.

A plan must be developed for any applicant who is unable to resume their pre-injury duties and activities within 28 days from receipt of their application. These plans will be reviewed at 13 week intervals by the insurer. Treatment and care in this plan will be pre-approved as reasonable and necessary treatment and care and providers will be able to bill an insurer directly. A plan will generally need to be given to an injured person and their doctor within 28 days after the receipt of an injured person's application for defined benefits. A longer period will apply if a person was hospitalised after an accident, or medical information is still being gathered for the plan.

An insurer will generally rely on medical assessments carried out by a person's own doctor or health practitioner when preparing a recovery plan or making decisions about their liability to pay benefits. This will minimise stress on an injured person and avoid the cost of multiple assessments.

An insurer may contact a person's doctor so that a medical report can cover specific information required by the insurer. They can also request an independent medical or vocational assessment. Guidelines will stipulate how and when this can happen.

Treatment and care expenses will generally be payable in arrears and cannot be commuted to a lump sum. All expenses will need to be verified in accordance with guidelines. Expenses can be paid for up to five years after an accident.

Funeral and death benefits

If someone dies as a result of injuries from a motor vehicle accident within two years of this accident, a lump sum benefit will be payable to the deceased person's estate for their spouse and up to four children at the time of the accident. The amounts payable are $190,000 for a spouse and $40,000 for each child, and will be indexed annually.

A spouse can include a person in a domestic partnership at the time of an accident, or a former domestic partner if that former partner was financially dependent on the deceased at the time of the accident. The definition of a child will include all children of the deceased including adopted children and other non-biological children. A child will include any person under 18 years, any person under 25 years enrolled in full-time study, and adult children with a permanent disability who were financially dependent on the deceased at the time of the accident.

A lump sum benefit will not be payable if the deceased person received a Quality of Life payment prior to their death.

The defined benefit scheme also covers funeral expenses of up to $15,000 for a person who dies as a result of a motor accident. A person's personal representative, or another person liable to pay these expenses, may make an application for these benefits.

Applications for funeral and death benefits must be made within 13 weeks of a person's death unless the insurer accepts a full and satisfactory explanation from an applicant. An insurer may accept a late application up to 12 months after a person's death.

Quality of Life benefits

A person will be eligible for defined benefits for the loss of Quality of Life if they receive a Whole Person Impairment assessment of five per cent or more as a result of injuries sustained in the motor vehicle accident. A higher quality of life benefit can be pursued through a common law claim, if a Whole Person Impairment assessment is 10 per cent or more.

A scaled formula is set out in the bill for calculating Quality of Life defined benefit payments. A maximum payment of $350,000 is payable to a person with a Whole Person Impairment of 100 per cent. Each dollar amount in the scaled formula will be indexed annually in line with adjustments to Average Weekly Earnings. The Motor Accident Injuries Commission will make a notifiable instrument setting out the Quality of Life defined benefit payments for each level of Whole Person Impairment on commencement of the new scheme, and then on each subsequent indexing day. An insurer may delay paying an indexation adjustment, if an instrument is not made until after an indexing day.

Whole Person Impairment assessment

Chapter 2 deals with the process and procedures for obtaining a Whole Person Impairment assessment, for both defined benefits and common law damages.

An assessment of Whole Person Impairment will need to be provided by an independent medical examiner, selected and provided by the appointed service provider. Neither insurers nor legal

representatives will play a role in selecting the medical expert to conduct an initial Whole Person Impairment assessment. The Motor Accident Injuries Commissioner will authorise service providers with appropriate expertise in arranging independent assessments. A deed of services will set out operational requirements for a service provider and will include a schedule of fees for Whole Person Impairment assessment services.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These national guidelines are largely based on the *American Medical Association Guides to the evaluation of Permanent Impairment* (5th Edition) (referred to as AMA5), with certain modifications for some bodily systems.

The bill includes provision for guidelines to be made for insurers to provide information to a personal injury applicant. The guidelines will require, for example, that six months after an accident an insurer must give an applicant sufficient information for them to make an informed decision about pursuing a defined benefit or common law Quality of Life payment. This will include information about the criteria for these payments and the process for applying for a Whole Person Impairment assessment.

These assessments cannot be undertaken earlier than 26 weeks from the date of the accident, and generally not later than four years and six months after an accident. Whole Person Impairment assessments can be conducted only after the injured person and the insurer agree an injury has stabilised. If an injury has not stabilised after four years and six months, a Whole Person Impairment assessment will be carried out at this time.

An insurer must arrange a Whole Person Impairment assessment, on application, if the available information indicates that a person is likely to have a permanent impairment. If an insurer does not believe a person has a permanent impairment, the applicant may still request a Whole Person Impairment assessment, but will need to pay an excess to the insurer for this cost. The proposed excess will be the greater of $500 or 25 per cent of the cost of the assessment. The excess will be refundable if the person is assessed with a Whole Person Impairment of at least one per cent. The guidelines will stipulate how the insurer is to make a decision on whether a person has a permanent impairment.

If a Whole Person Impairment assessment is between five per cent and nine per cent, the insurer must offer the applicant a defined benefit Quality of Life payment. The applicant will have 26 weeks to accept the offer. It is open for an applicant to seek an alternative Whole Person Impairment assessment, at their own expense, and submit the assessment to the insurer for reconsideration. The insurer will have processes and strict rules they must follow if an applicant disagrees with their Whole Person Impairment assessment and during any offer process. If an applicant seeks an alternative assessment, and disagrees with the subsequent final offer by the insurer, the applicant may seek an external review of the decision.

If the Whole Person Impairment assessment is 10 per cent or more, a defined benefit offer may also be made but the insurer must inform the applicant that accepting this offer will disqualify them from accessing common law Quality of Life benefits. The same processes available to the five per cent and nine per cent Whole Person Impairment will apply to an applicant who is unable to claim common law Quality of Life benefits. If an applicant is able to proceed to common law, the applicant may accept a defined benefit Quality of Life benefits offer at any time up to the end of the defined benefit period, for example, if they were unsuccessful in their common law claim.

Example 2

Sarah was stopped at lights on Northbourne Avenue while driving her Toyota sedan and was wearing her seatbelt when she was rear-ended by another car. Sarah was taken to hospital by ambulance. As she was complaining of posterior neck pain, the ambulance officers placed a cervical collar on Sarah. At hospital, Sarah was assessed as being neurologically normal. She was discharged home with painkillers and a soft collar. She had no significant past history of neck injury.

At home Sarah persisted with normal activities, but attended a physiotherapist over a period of a couple of months, with her need for physiotherapy diminishing thereafter. She was able to continue with her normal part-time clerical work and was not required to take any time off work.

At eight months post-accident, Sarah was experiencing intermittent daily headaches and mild posterior neck pain, and stiffness in the neck. Her daily activities remained essentially uninterrupted and she had no difficulty with her personal care. Every so often (about once a week) she experienced transient pain radiating into her left arm to the left thumb and index finger. Her insurer determines that Sarah's injury has stabilised and she is likely to have a permanent impairment.

The insurer arranges an assessment through the approved service provider for an independent Whole Person Impairment assessment. Sarah receives a Whole Person Impairment classification of five per cent. The insurer pays the scheduled fee for the assessment and accompanying report. As the Whole Person Impairment assessment is five per cent, the bill specifies the quality of life payment to be $7,000.

Sarah's insurer makes an offer of a payment of $7,000. This offer remains open for 26 weeks from the 15 July 2020. Sarah chooses to accept the offer on 18 July 2020.

Injured people residing overseas and foreign nationals

Special provisions have been included in the bill to assist insurers with paying defined benefits to Australians living overseas and foreign nationals.

An Australian citizen or permanent resident who lives overseas, or intends to live overseas for an extended period, may receive defined benefits through a periodic payment. Guidelines will make provision for determining the period that a person must live overseas, and the amount and frequency of payments that can be made to a person.

A relevant insurer may enter into an agreement to pay defined benefits to a foreign national as a lump sum amount. Guidelines will make provision for the eligibility of a foreign national to enter into an agreement, the defined benefits that may be taken into account when calculating a lump sum payment, and procedures for paying defined benefits prior to an agreement being made.

Interactions with workers compensation schemes

The final bill will contain provisions so injured people covered under a workers compensation scheme have the choice of receiving defined benefits under either their workers compensation scheme or the new Motor Accident Injuries scheme. A person who starts to receive worker compensation benefits will also be able to switch to the new Motor Accident Injuries scheme within one month of making a workers compensation claim. A person who receives workers compensation benefits or a workers compensation settlement will also be able to receive top up benefits under a Motor Accident Injuries common law claim.

Dispute resolution

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about entitlements to defined benefits. Part 2.10 provides for timely and cost effective dispute resolution processes, with an internal review of an insurer's decision generally being required before engaging with an external dispute resolution body.

Internal review

An insurer must review a decision relating to defined benefit entitlements, including a request for an impairment assessment, on request from an applicant. A request will generally need to be made within 28 days of an insurer making a decision, unless exceptional circumstances apply.

The review is to be carried out by a knowledgeable person not closely involved in the original decision. An applicant may provide new information to an insurer (such as an alternative medical assessment or evidence of financial dependency) that was not available at the time of a decision, for the purposes of the review. An insurer may also invite an applicant to an informal conference as part of the review. A request for internal review will not stay a decision of an insurer or otherwise prevent an insurer from acting on a decision.

Under proposed guidelines an internal review will generally need to be completed, and the applicant informed of the outcome, within ten business days of a request being received by an insurer. The guidelines will also include criteria for accepting late requests for a review, providing an extension for review and notification time frames.

External review

The bill will enable a dispute regarding certain defined benefit matters that is not resolved through internal review, or involves a decision that is exempt from internal review, to be decided by external review. The guidelines will make provision for how an application is be made, and to limit the time a person may apply, for external review. There is no stay on a decision where an application for external review is made. An external review decision will be binding on all parties.

Power is given to the Attorney-General to make a declaration conferring jurisdiction on an external review entity. The Government is seeking input on the appropriate legal bodies to hear Motor Accident Injuries Scheme disputes, and this component to be addressed in the final bill.

Regulations will be made on the types of matters that will be covered by internal and external review processes. The following areas of the scheme have been identified as likely dispute points:

- the payment of treatment and care expenses
- a person's capacity to work after an accident
- the determination of income replacement benefits
- whether a person was a dependant of a deceased person
- liability disputes (e.g. whether an injury was caused by the motor accident), and
- disputes regarding Whole Person Impairment assessments.

Legal Costs

Regulations will be able to be made prescribing the legal costs payable by applicants and insurers for legal services relating to defined benefit applications. This provision is intended to regulate legal costs and fees so as to ensure these are appropriate within the overall scheme and will specify what legal services will be payable by the new scheme (by insurers). The regulation will not limit an applicant being able to obtaining legal assistance from a lawyer.

Information support services

As part of improving access to information about the scheme, the Motor Accident Injuries Commission may approve a body to provide information support services for applicants under the new scheme. For example, the Motor Accident Commission could approve a community legal service to provide this service but cannot approve an individual lawyer to provide services.

Guidelines will make provision for approving information support services, including the qualifications of providers, and the services to be provided. The regulations will set out a schedule of fees that insurers will be required to pay for a given service.

Chapter 3 - Motor accident injuries – common law damages

The chapter provides for common law damages for death or injury in a motor vehicle accident caused by someone else's fault.

Claims will be able to be made by people who are more seriously injured in a motor vehicle accident that are receiving, or have previously received, personal injury defined benefits. The court will determine a claim in accordance with the personal injury claims procedure in the *Civil Law (Wrongs) Act 2002*, the court procedures rules and the common law.

The bill includes specific provisions for motor vehicle accident claims. To pursue a claim through common law, a person's injury must have been caused by someone else's fault and they must have a Whole Person Impairment assessment of 10 per cent or more. In a blameless accident, the driver is deemed to be at-fault for the purpose of others being able to make a common law claim; for example where a driver suffers a medical incident or strikes wildlife. The period of time that a person can lodge a claim for common law damages has been extended to be five years from the date of an accident.

A notice of claim in accordance with the *Civil Law (Wrongs) Act 2002* will be required to be given to the at-fault insurer within three months of the Whole Person Impairment report. This is to allow the person the time to make a decision about whether to proceed with a common law claim but also allow the at-fault insurer to be put on notice that a common law claim is being made. Provision has been made for a Whole Person Impairment assessment in the event an injury has not stabilised, so that a person can have an estimate of their Whole Person Impairment at four years and six months, in order to be in the positon of submitting a notice of claim and commence proceedings within the five year limitation period.

The conference provisions previously provided for in the CTP Act have been carried over to this bill, to continue to encourage the settlement of a claim before court proceedings occur. This includes the mandatory final offer process. Where damages over $50,000 are awarded, excluding Quality of Life damages, costs may be awarded according to whether the amount was more or less than the amount of the mandatory final offer.

Caps will apply to damage amounts.

There is no cap on the amount of treatment and care expenses payable for a person under a common law claim, or limits on the amount of time that these expenses can be paid. However, no damages can be awarded for treatment, care, support or services provided to an injured person where payment has not occurred or where there is no liability to pay. For example, benefits will not be paid when domestic assistance is provided by a partner on an unpaid basis.

Damages for loss of earnings may not be awarded for the income replacement amounts paid for the first 12 months from an accident. This is because these amounts are paid under the defined benefit scheme. After the first 12 months, the maximum amount of damages for loss of earnings is capped at $4,500 per week, in accordance with the current provisions in the *Civil Law (Wrongs) Act 2002.*

Consistent with defined benefits, non-economic loss has been replaced by Quality of Life damages. A scaled formula is set out in the bill for the purposes of calculating Quality of Life payments under common law. These amounts are more generous than amounts for an equivalent degree of impairment available under the defined benefit scheme. A maximum amount of $500,000 is payable to a person with a Whole Person Impairment of 100 per cent. A person who has already accepted a Quality of Life defined benefit payment will be unable to then claim an equivalent payment under common law.

Damages can also be awarded in common law for dependants of a deceased person, but to remove duplication payments will be reduced by any death benefit and Quality of Life amounts paid through the defined benefit scheme.

Chapter 4 - Motor accident injuries insurance

This chapter carries over provisions from the CTP Act requiring compulsory motor accident injury insurance on registration of a motor vehicle in the ACT. A Motor Accident Injuries policy will insure against liability for personal injury resulting from a motor accident, and will also provide defined benefits, on a no-fault basis, to people injured in a motor accident.

The Motor Accident Injuries Commission will continue to regulate premiums charged by insurers for Motor Accident Injuries policies, based on compliance with premium guidelines and independent actuarial advice on whether a premium meets the fully funded test and is not excessive. Guidelines will specify how premiums are to be worked out and what additional information the Motor Accident Injuries Commission requires insurers to provide with a premium filing. The guidelines will continue to require information on claims handling expenses, interest earned on investments, inflation assumptions and return on capital. All these factors are considered by the scheme actuary when assessing premiums.

A nominal defendant fund will also continue to operate under the bill for the payment of defined benefits and claims for uninsured, unidentified vehicles and vehicles with an unregistered vehicle permit.

This chapter also includes provisions enabling the recovery of costs from an injured person, by a Motor Accident Injuries scheme insurer and the nominal defendant. These are based on existing provisions in the CTP Act for premium fraud, intentional injury and alcohol or drugs affecting a driver's ability to control a vehicle. Provision is also made for an insurer to recover costs from a manufacturer or repairer for a defective vehicle, and for the nominal defendant to recover costs from the responsible person for an uninsured or unidentified motor vehicle.

Chapter 5 – Motor Accident Injuries scheme insurer licences

Under the new scheme the Motor Accident Injuries Commission will continue to licence Motor Accident Injury scheme insurers, with insurers being required to apply for licences for the new scheme. The licencing process will be streamlined for existing licenced insurers, given the CTP regulator currently holds information in relation to those insurers. The type of information required is likely to include documents such as a new business plan covering how the insurer will meet the defined benefit requirements for the new scheme. The majority of the licensing provisions in the CTP Act are being carried over to the bill, with some enhancements for the new scheme.

The bill will impose additional conditions on an insurer's licence, including requirements to manage applications for defined benefits in a timely and efficient manner, and to achieve the early payment of reasonable and necessary treatment and care for injured people. The scope of the insurance industry deed will also be expanded to include provisions dealing with applications for defined benefits. Improvements are also made to provisions dealing with the suspension or cancellation of an insurer's licence, including on the transfer of a licence to another insurer. New provisions have been included that will authorise the Motor Accident Injuries Commission to report on the net profitability of licensed insurers.

Chapter 6 - Enforcement

The Motor Accident Injuries Commission will also continue to have a range of enforcement powers under the bill, with some provisions from the CTP Act being updated to reflect provisions in other ACT legislation and to remove impediments to the conduct of investigations. In particular, a provision has been included for the Motor Accident Injuries Commission to appoint a public servant as an authorised officer for the purposes of exercising enforcement powers under the bill. The CTP Act formerly gave this power to the road transport authority.

Provision is also made for these officers to be given identity cards and for these cards to be shown when an authorised officer exercises a power under the bill. The general powers of an authorised officer that enters premises also now include a specific power for an authorised officer to examine and take copies of documents relating to possible contraventions of the bill.

Chapter 7 - Information collection and secrecy

The chapter includes provisions to enable licensed insurers to share information between themselves and, in the event it is required to be given to another party – for example a health service provider. This may occur where an insurer shares liability for a claim, or another insurer is liable or potentially liable for an application. The applicant will be advised that their information may be shared. The information sharing provisions have been drafted to ensure the protections provided by the *Health Records (Privacy and Access) Act 1997* and the *Privacy Act 1988 (Cwlth*) continue to operate in relation to the information, including the giving of consent.

Chapter 8 - Miscellaneous

This chapter includes miscellaneous provisions dealing with the operation of the new scheme, including the power for the Motor Accident Injury Commission to issue scheme guidelines and also for those guidelines to make provision for making forms. The Motor Accident Injuries scheme guidelines will be a disallowable instrument under the bill and so are legally binding.

The Minister will set the motor accident levy, to fund the Motor Accident Injuries Commission's operations, and the Commission must refund a proportion of the levy on the cancellation of the registration of a motor vehicle. The chapter also includes a regulation-making power and enables the Minister to determine fees for the new scheme. A fee determination will be a disallowable instrument. The operation of the new scheme will be reviewed as soon as practicable after the end of every third year of its operation.

The bill will also repeal the CTP Act, and regulations and all other legislative instruments made under the CTP Act.

Referral fees

The bill will prohibit payments by a lawyer for referrals of applications or claims for legal representation, or for lawyers to receive payments from other service providers. A payment is

defined to include any fee or financial benefit. These provisions will assist in ensuring that legal services are provided on an impartial and cost effective basis, and the selection of key service providers such as medical assessors is not compromised.

The prohibition of referral fees will assist with deterring claims farming practices that involve members of the public receiving cold calls or social media prompts, seeking personal details regarding possible involvement in car accidents. These claim farmers encourage people to make a compensation claim. They then sell these details, for a commission, to legal firms.

Schedule 1 - Consequential amendments

Schedule 1 makes a number of consequential amendments to the Civil Law (*Wrongs) Act 2002*, and other road transport legislation, to replace references to the CTP Act with references to the new Act. There are also some modifications made to the Civil Law (Wrongs) Act to reflect time frames for making common law claims under the new scheme and to tailor provisions so they reflect motor accident claim procedures. A new limitation period for motor accident claims has been inserted into the *Limitation Act 1985* to place a five year limit on commencing a motor accident injury claim.

Dictionary

Provides for the terms used in the bill.

Transitional provisions to be included in the bill when introduced

The final bill will contain transitional provisions between the old and new schemes. The provisions will enable the CTP Act to apply to any existing claims made under that Act as if that Act had not been repealed. A CTP policy will continue to remain in place until the earlier of the policy being replaced by a Motor Accident Injuries policy, or the ending of the grace period for the renewal of registration. If a personal injury arises out of a motor accident prior to the day the new Act comes into operation, the claim will be dealt with as if the new Act had not been enacted. A CTP policy with a duration that extends beyond the day the new scheme commences will automatically transition to a Motor Accident Injuries policy on the date the new scheme commences. Transitional provisions will enable the Motor Accident Injuries Commissioner to direct the application of any unearned premium surplus, as a result of a CTP policy transitioning to a Motor Accident Injuries policy.

The provisions will also state that the person who was, immediately before the operational day, the CTP regulator, will be taken to be appointed as the Motor Accident Injuries Commissioner. The nominal defendant will continue to have the rights and liabilities under the new scheme that it currently has under the CTP Act.

Consultation

The Justice and Community Safety Standing Committee of the ACT Legislative Assembly is conducting an inquiry into the provisions of the exposure draft of the *Motor Accident Injuries Insurance Bill 2018*.

Submissions can be lodged via the Committee's website: https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-justice-and-community-safety



Andrew Barr
Treasurer

September 2018

Questions and answers – Exposure Draft of the *Motor Accident Injuries Bill*

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Why is the Government reforming CTP?

In the ACT, the current compulsory third party insurance scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout. Despite this, Canberrans still pay some of the highest premiums in the country.

The Government believes our CTP scheme could be improved to better protect Canberrans.

In August 2017, the ACT Government announced we would undertake a deliberative democracy process to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. The Government is committed to implementing the jury's chosen model.

What type of scheme did the jury choose?

After intensive deliberations and hearing from both experts and people with experience of the current CTP scheme, the jury chose a hybrid no-fault common law scheme.

These types of schemes are already in place in other jurisdictions. For example, both New South Wales and Victoria have hybrid no-fault common law CTP schemes. However the scheme chosen by the jury offers different coverage and benefit levels compared with these jurisdictions. The jury chose a model with coverage and benefits that best met their priorities.

What is a 'no-fault' scheme?

A no-fault scheme means that all injured people are entitled to some benefits as long as they're not breaking the law when an accident happens, without having to establish that someone else was at fault.

'At fault' has a technical legal meaning. In many cases, momentary inattention is the cause of an accident rather than any conscious action, but the driver is still legally 'at fault'. Examples can include checking the mirror but not seeing a car in the blind spot or a sneeze that causes a driver to hit another car.

What is changing?

CURRENT SCHEME	
DEFINED BENEFITS	COMMON LAW BENEFITS
Treatment unavailable	Treatment longer term Early payment of medical expenses (up to $5,000) for most people without lodging a claim
Care unavailable	Care longer term Including gratuitous care
Income unavailable	Income longer term
Death benefit unavailable	Death benefit
Quality of life benefit unavailable	Quality of life benefit uncapped

JURY'S CHOSEN SCHEME	
DEFINED BENEFITS	COMMON LAW BENEFITS
Treatment up to 5 years	Treatment longer term Only if at least 10% WPI
Care up to 5 years Paid care only	Care longer term Only if at least 10% WPI. No gratuitous care. Paid care only.
Income up to 5 years 95% for 3 months, then 80%. Low income adjustment	Income longer term First 12 months limited to defined benefit amount. 5 yr limit if less than 10% WPI
Death benefit Funeral up to $15,000 plus dependant support up to $350,000	Death benefit Funeral costs plus dependant claim
Quality of life benefit up to $350,000 Only if at least 5% WPI	Quality of life benefit up to $500,000 Only if at least 10% WPI and use WPI scale

Summary of benefits under the new scheme

Benefit type	For all: Defined benefits	Common law benefits for people not-at fault
Reasonable and necessary treatment and domestic care	**5 years** Paid care only	**Limited to the 5 years of defined benefits if Whole Person Impairment below 10 per cent** No time limit if Whole Person Impairment 10 per cent or above. Paid care only.
Income replacement	**5 years** 95 per cent of pre-injury earnings for first 3 months then 80 per cent thereafter. Higher percentage amounts payable to people on low incomes. Maximum pre-injury weekly earnings amount of $2,250.	**Limited to the 5 years of defined benefits if Whole Person Impairment below 10 per cent** No time limit if Whole Person Impairment 10 per cent or above First 12 months: as per defined benefits After 12 months: 100 per cent of loss of earning capacity (future earnings) + superannuation with a maximum pre-injury weekly earnings amount of $4,500
Quality of life	**Maximum $350,000** Benefit based on Whole Person Impairment **Threshold:** No benefit if Whole Person Impairment is below 5 per cent	**Maximum $500,000** Amount based on Whole Person Impairment scale **Threshold:** No benefit if Whole Person Impairment below 10 per cent
Death	Funeral cost + up to $350,000 if dependants	Funeral cost + common law damages for dependants

The proposed scheme as outlined in the Exposure Draft of the *Motor Accident Injuries Bill 2018*

What is the proposed commencement date of the new scheme? Will it apply retrospectively?

It is expected that the new scheme will commence in Canberra in the second half of 2019, and will cover accidents that occur from a specific implementation date. The current scheme would continue to apply to accidents that happen before this date.

Who will be covered under the proposed scheme?

Under the proposed scheme, everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault.

As in other Australian jurisdictions, there will be some exclusions for people who are committing serious criminal offences at the time of an accident.

The estimated number of claims in the new scheme is 1,500, compared to 900 in the current scheme (excluding interstate claims). This means an additional 600 people will be brought into the scheme who are currently not covered because they were at-fault or they were involved in a blameless accident such as hitting an animal.

Overseas residents injured in a motor vehicle accident in the ACT will also be covered under the proposed scheme. They will be able to receive defined benefits after claiming on other insurances they may have such as travel insurance, and will be able to commute these defined benefits when they permanently leave Australia.

What will the premiums be for the new scheme and how will these be set?

When establishing the CTP Citizens' Jury, the Government set some criteria for their work. One of these was that premiums cannot increase as a result of any reforms.

Expert actuaries prepared a costing report for the citizens' jury which provided estimates of passenger vehicle premiums under the different scheme options they considered.

The jury's chosen scheme has an estimated passenger vehicle premium of between $385 and $465. This is an estimated average reduction of $130 compared to current the average premium in the ACT.

The premium estimates for the new scheme will be updated when a final bill is introduced in the Legislative Assembly.

The Motor Accident Injuries Commission will continue to regulate the premiums charged by insurers for the scheme, based on compliance with premium guidelines and independent actuarial advice on whether a premium meets the fully funded test and is not excessive.

Guidelines will specify how premiums are to be worked out and what additional information the Motor Accident Injuries Commission requires insurers to provide with a premium filing. The guidelines will continue to require information on claims handling expenses, interest earned on investments, inflation assumptions and return on capital. All these factors are considered by the scheme actuary when assessing premiums.

How will injured people be assisted in navigating the new scheme?

Insurers must provide injured people with information to readily access and navigate through the new scheme. The Government will specify the information that must be provided and the format through which insurers must provide this.

Information will also be provided by the Motor Accident Injuries Commission via a new website, and claimants will also be able to get help in making applications for defined benefits through approved information support services.

The bill allows the Motor Accident Injuries Commission to approve a person to provide information support services for applicants under the new scheme. Guidelines will make provision for approving information support services, including the qualifications of providers, and the services to be provided. The regulations will set out a schedule of fees that insurers will be required to pay for a given support service.

Defined benefits

How does the scheme provide early treatment?

Injured people will be able to receive payment for certain allowable treatments, such as doctors' appointments and physiotherapy, on a reimbursement basis while an insurer is determining liability for a defined benefits application. This means that people who are injured can start accessing treatment as soon as possible to help with their recovery.

Applications need to be lodged within 13 weeks of the date of an accident for these early benefits to apply. Once liability for an application that was lodged on time is accepted, any other treatment and care dating back to the time of the accident that is assessed as reasonable and necessary by the insurer can be reimbursed.

What treatment can be accessed once a defined benefits application is accepted?

Under the new scheme the available treatment includes:

- medical treatment (including pharmaceutical treatment);
- dental treatment;
- rehabilitation;
- educational and vocational training; and
- home and transport modification.

The scheme will pay for treatment that is assessed as reasonable and necessary.

A tailored recovery plan to manage and coordinate the delivery of medical treatment, rehabilitation and training services will be required for people with ongoing incapacity.

These treatment benefits will be available for up to five years depending on an injured person's needs.

What care can be accessed once a defined benefits application is accepted?

The new scheme will provide respite and attendant care services that are assessed as reasonable and necessary. This includes an injured person being entitled to benefits to pay for domestic services if they can no longer look after a child or other dependant who was in their care before the accident.

Care must be provided by an appropriately qualified professional or a bona fide service provider. Benefits are not payable if the services are provided on an unpaid basis – for example where they are provided by a spouse.

How is reasonable and necessary treatment and care defined?

In assessing whether an application for treatment and care is reasonable and necessary, an insurer will be required to consider whether the treatment and care is:

- directly related to a person's injury;
- cost effective;
- appropriate for the injury; and
- will benefit the person.

Government guidelines will stipulate what constitutes reasonable and necessary care and the evidence required to verify treatment and care needs and costs.

The Bill also allows the Government to limit the amount of benefits payable for any particular treatment and care via guidelines, for example, to limit health practitioner fees payable by the scheme. However it is not envisaged that it will be necessary to make such guidelines in the first instance and this power is included to address any issues identified as the scheme matures.

How do you apply for defined benefits?

Injured people will have 13 weeks from the date of their accident to apply for defined benefits. At a minimum this application must contain:

- information about the vehicles involved (including registration plate details), time, date, location and circumstances of the accident;
- evidence that the motor vehicle accident has been reported to the police, such as an Accident Report; and
- a medical report from a registered medical practitioner certifying that the applicant has suffered injuries, a description of the injuries and that the injuries are of a kind that may have been sustained in a motor vehicle accident.

The application may also include medical receipts for any permissible services from the date of the accident up to the date of the application, for which a person is seeking reimbursement.

Applications made beyond 13 weeks may be accepted by an insurer if a full and satisfactory explanation is given for the delay and the application is made within two years of the accident date. An example of such an explanation would be if a person injured in a motor accident becomes aware of their injury sometime after this takes place.

How long does an insurer have to make a decision on a defined benefit application?

Guidelines will give insurers three business days to acknowledge receipt of a complete application. An insurer then has up to 28 days to accept or deny liability for the application.

If the insurer intends to deny the application, it must provide reasons for why the insurer does not believe the applicant is eligible for benefits, e.g. if there is insufficient evidence that the injury is as a result of a motor vehicle accident, or that the applicant was in a motor vehicle accident.

If the insurer does not make a decision to accept or deny liability for the application within 28 days, the application is deemed to be accepted, unless a dispute is lodged about who is the correct insurer. In these instances the insurer who received the application will commence paying treatment, care and income replacement as if the application had been accepted until the dispute is resolved. The bill includes processes to resolve such disputes.

Which insurer does an injured person lodge their application with?

The bill includes the concept of a relevant insurer to identify the insurer responsible for a defined benefits application. Applications for defined benefits should be lodged with a relevant insurer.

The relevant insurer will be an at-fault insurer, or the most at-fault insurer, for an accident. Insurers can enter into arrangements under the industry deed to determine which vehicle is most at-fault in a multi-vehicle accident. Where only one vehicle is involved in an accident, including an accident involving a cyclist or pedestrian, the insurer of that vehicle will be deemed to be the at-fault insurer. In the case of an unregistered or unidentified vehicle that is most at-fault the relevant insurer will be the nominal defendant. Vehicles with an unregistered vehicle permit are also covered by the nominal defendant. The guidelines will set out to whom an application must be given, and will cover those instances where an injured person is unsure who is the relevant insurer.

An application can be transferred to a different insurer where it is determined that another insurer is the relevant insurer for an application.

Who is eligible for defined benefit income replacement benefits? How are they calculated?

Injured people who are unable to work after an accident can receive income replacement payments. Payments commence from when an insurer accepts liability for their defined benefit application, backdated to the time of an accident (so long as the application was submitted within 13 weeks from the date of the accident).

Payments will generally be based on a person's income over the 52 weeks prior to the accident and will include all amounts of income from employment, other than compulsory superannuation contributions or one-off amounts payable on termination of employment. Interim payments can also be made if an insurer is still gathering information to calculate the actual amount of a payment.

Income replacement is payable at 95 per cent of pre-injury weekly income (with pre-injury weekly income capped at $2,250 weekly) for the first 13 weeks after an accident and then 80 per cent thereafter.

There is also a 'low income adjustment' whereby a higher per cent rate will apply to pre-injury earnings for low income earners:

- weekly income $800 to $1,000 gross – 95 per cent throughout; and
- weekly income under $800 gross – 100 per cent throughout.

If an injured person is working (or is able to work) in a reduced capacity, the defined benefit is to be calculated by applying the applicable percentage to the difference between pre-injury earnings and the earnings that the person is (or is capable of) receiving.

Example:

Sam was injured when his motor bike slid off the Corin Dam Road on 14 November 2020. He suffered a deep laceration to his lower right leg in the accident. On his discharge from the emergency department of Canberra Hospital, he was given pain killers and an antibiotic, a referral to his GP, and advised to keep his leg elevated when possible.

Sam's discharging doctor certified that he was fit to return to work as a retail store manager, on a reduced capacity for the first four weeks after the accident. His certificate states that he is fit to work for no more than 4 hours a day during this period. Sam normally works full-time for, 40 hours each week, for eight hours a day from Monday to Friday.

Sam lodges an application with his Motor Accident Injuries insurer on 20 November 2020. His insurer provides a notice of receipt for his application on 23 November 2020. His application includes a discharge report and medical certificate from Canberra Hospital, a police accident notification report number, and details of Sam's employment and income.

Sam provides his MAI insurer with electronic copies of his payslips covering the 52 weeks prior to the accident with his application. Sam earnt $55,560 during this period. Sam also advises his insurer that his employer has made arrangements for him to work shorter days, at his current hourly pay rate of $27.50.

Sam's pre-injury weekly income (P) is:

$55,560÷52 = $1,068.46

His post-injury earning capacity (A) is:

$27.50 x 20 = $550

As P is $800 or more Sam will be entitled to income replacement for 95 percent (N) of his reduced income.

The amount Sam's weekly income replacement is worked out as:

(P-A) x (N)

(1,068.46-$550) x (.95) = $492.54

His insurer accepts liability for his application on the 12th of December and back-pays an income replacement payment for 4 weeks of $1,970.16 (less PAYG tax) to Sam.

Do tax and superannuation apply to defined income replacement benefits?

Defined benefits for income replacement do not include superannuation.

Tax will apply to income replacement defined benefits and applicants will be required to provide their Tax File Number to the relevant insurer.

Will defined benefits be indexed? How?

Defined benefits for quality of life, funeral expenses and death benefit amounts will be indexed annually using average weekly earnings as published by the Australian Bureau of Statistics. Income replacement amounts will be indexed biannually, also according to average weekly earnings.

Common law claims

Who will be eligible to make a common law claim and how can this be made?

People who are more seriously injured through someone else's fault will still be able to pursue damages through the common law system under the new scheme.

To pursue a common law claim, a person needs to have been assessed as having a Whole Person Impairment of 10 per cent or more (this threshold is met in the case of a claim for death).

Actuarial modelling considered by the CTP citizens' jury indicated approximately 100 people per year will have injuries at this level of severity, and whose injuries are caused by someone else's fault. Those who do not meet this threshold will still be able to access up to five years of treatment, care and income replacement benefits to help with their recovery.

In a blameless accident, the driver is deemed to be at-fault for the purpose of others being able to make a common law claim; for example where a driver suffers a medical incident or strikes wildlife.

If these conditions are met, the injured person can give a Notice of Claim to the at-fault insurer.

The period of time that a person can lodge a claim for common law damages has been extended to be five years from the date of an accident.

A notice of claim in accordance with the Civil Law (Wrongs) Act 2002 will be required to be given to the at-fault insurer within three months of the Whole Person Impairment report. This is to allow the person the time to make a decision about whether to proceed with a common law claim but also allow the at-fault insurer to be put on notice that a common law claim is being made.

Provision has been made for a Whole Person Impairment assessment in the event an injury has not stabilised, so that a person can have an estimate of their Whole Person Impairment at four years and six months, in order to be in the positon of submitting a notice of claim and commence proceedings within the five year limitation period.

Why was a threshold of 10 per cent Whole Person Impairment chosen for access to common law?

For the most common injuries, Whole Person Impairment scores cluster around multiples of 5 – (i.e. 5 per cent, 10 per cent, 15 per cent). Most schemes which employ the Whole Person Impairment assessment tool set thresholds at these levels for that reason.

The majority of injuries from motor accidents are to the neck and spine, and are mainly 'soft tissue' injuries – colloquially referred to as whiplash. More serious injuries include clinically verifiable nerve damage or material fractures to a vertebra. The threshold of at least 10 per cent Whole Person Impairment has been set so that people with these injuries will exceed the threshold and be eligible for common law damages.

Whole Person Impairment assessment is more difficult at low levels (around 5 per cent or under) partly because of the difficulty of distinguishing the impact of the accident from pre-existing conditions.

Another significant factor in setting this threshold was that all injured people will automatically be entitled to up to five years of treatment, care and income replacement, as well as Quality of Life payments for Whole Person Impairments of five per cent or more. For the majority of people who are injured in an accident, these defined benefits will meet their recovery and support needs.

How will the number of people accessing common law differ in the new scheme compared with the current arrangements?

Applying the more extensive entitlements of common law and the resources of the court system to more seriously injured people while supporting those with less serious injuries to get back to health sooner through defined benefits was a key factor in the scheme design chosen by the jury, including the use of a threshold for common law.

The estimated number of common law claims per year (excluding interstate claims) in the new scheme is 100 compared to 900 under the current scheme. The number of people accessing common law is much lower because the majority of those who get injured will be able to receive treatment, care and income replacement benefits under the defined benefits scheme and so will not need to seek to go to court to access these, as is currently the case.

How will the experience of injured people who are currently able to make a common law claim change under the new scheme?

In line with the priorities identified by the CTP citizens' jury, the new scheme has an emphasis on early recovery and support, and applying the more extensive entitlements of common law and the resources of the court system to those more seriously injured. This means the benefits provided to people who are injured through someone else's negligence will change.

Under the new scheme, people injured through someone else's negligence will experience the following advantages:

- earlier access to treatment and care because fault will not need to be established before defined benefits can be paid;
- earlier access to income replacement payments without having to wait for a common law settlement to be negotiated, which can take several years;
- being able to receive the help they need for less serious injuries without the stress of legal action; and
- still being able to make a common law claim if they are more seriously injured and meet the threshold.

If an injured person is not eligible to access common law under the new scheme because their injuries are not in the more serious category, they will receive treatment, care and income replacements for up to five years.

Defined benefit income replacement payments are calculated as a percentage of pre-injury weekly earnings, with the pre-injury weekly earnings amount capped at $2,250 (approximately 1.5 times average weekly earnings for the ACT).

Quality of Life payments (currently called general damages) will be based on Whole Person Impairment and will be available to all injured people with a Whole Person Impairment assessment of at least five per cent. These payments are based on a sliding scale for a given level of impairment. A maximum cap of $350,000 and $500,000 applies to defined benefit and common law amounts respectively.

Under the current scheme there are no thresholds or caps for these payments and the amount an injured person receives is negotiated. This means that payments and benefits can vary significantly for the same type of injury.

Injury assessment and Quality of Life payments

What is Whole Person Impairment?

A Whole Person Impairment score is determined by a clinical assessment undertaken by a medical professional and can be for physical or psychological injuries. Whole Person Impairment is clinically assessed once a person's injury (or injuries) has reached maximum medical improvement and the impairment is permanent. It is not assessed immediately after an accident.

The new scheme uses a Whole Person Impairment assessment to determine access to common law and the amount of Quality of Life benefits available.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These guidelines modify some parts of *The Guides to the Evaluation of Permanent Impairment by the American Medical Association 5th edition* (AMA5).

These assessments cannot be undertaken earlier than 26 weeks from the date of the accident, and generally not later than four years and six months after an accident. If an injury has not stabilised after four years and six months, a Whole Person Impairment assessment will be carried out at this time for the purpose of providing an estimate.

Where else is Whole Person Impairment used in the ACT?

The Comcare scheme (Australian Government workplace compensation scheme) that covers tens of thousands of workers in the ACT and across Australia uses Whole Person Impairment as an injury assessment measure.

Whole Person Impairment is also used in other road accident injury schemes across Australia, including in New South Wales.

How can Canberrans have confidence that Whole Person Impairment will be fairly assessed?

An assessment of Whole Person Impairment will need to be provided by an independent medical examiner, selected and provided by a medical service provider appointed by the ACT Government. Neither insurers nor legal representatives will play a role in selecting the medical expert to conduct an initial Whole Person Impairment assessment.

The Motor Accident Injuries Commissioner will authorise service providers with appropriate expertise in arranging independent assessments. A deed of services will set out operational requirements for a service provider and will include a schedule of fees for Whole Person Impairment assessment services.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia National Guidelines will be adopted for this purpose.

How can someone dispute a Whole Person Impairment assessment?

If an injured person does not agree with the initial independent Whole Person Impairment assessment, they may seek a second opinion. This second assessment must be carried out by a medical practitioner of that injury speciality who has completed requisite Whole Person Impairment training and is not the treating doctor. It is the responsibility of the injured person to pay for this assessment if they do not agree with the first assessment.

If this assessment identifies a higher level of Whole Person Impairment, the injured person can submit it to the insurer for review.

As part of this review, the insurer has the option of providing the alternate assessment to the original medical examiner for comment. An insurer can respond by affirming the original Whole Person Impairment assessment with its associated benefit offer or increasing the offer, with the Whole Person Impairment assessment on which is the increased offer is calculated not to increase more than the second Whole Person Impairment assessment.

If, after a review, the insurer agrees to raise their offer of benefits based on a revised Whole Person Impairment assessment but this is still lower than the person would be entitled to according to the second, alternate assessment, or decides not to raise the offer of benefits, then an injured person can seek external review of this decision.

Who is eligible for a Quality of Life payment and how is the amount calculated?

There are two Whole Person Impairment thresholds in the new scheme. A person must be assessed as having at least a 5 per cent Whole Person Impairment to access Quality of Life defined benefits. A person who is injured by someone else's negligence and has at least a 10 per cent Whole Person Impairment can pursue common law compensation for quality of life. Common law Quality of Life damages will only be available if the injured person has not already accepted a defined benefit quality of life payment. That is, a person cannot claim quality of life damages twice.

These payments are based on a sliding scale for a given level of impairment. A maximum cap of $350,000 and $500,000 applies to defined benefit and common law amounts respectively.

Dispute resolution processes

What steps can someone take to dispute a decision in the new scheme?

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about eligibility for, or the approved level of, defined benefits. The bill provides for timely and cost effective dispute resolution processes.

Injured people can first apply to the insurer for an internal review. If they are unsatisfied with the outcome of this review, certain insurer defined benefit matters will be able to be externally reviewed.

How will the insurer internal review process work?

An insurer must review decisions about certain defined benefit matters upon request by an applicant. This review must be carried out by a knowledgeable person not closely involved in the original decision. An internal review of a decision will generally be required to be completed within 10 working days from a request being made, so long as required information for the review is available.

These requirements will be stepped out in ACT Government guidelines.

Can an injured person be legally represented in a dispute?

Yes, if an injured person chooses to pay for legal representation.

Which body will hear disputes arising from the Motor Accident Injuries scheme?

Injured people can apply for external review of a defined benefit dispute that is not resolved through internal review, or involves a decision that is exempt from internal review.

The Attorney General will be able to declare an entity to be responsible for carrying out external reviews, through a disallowable instrument. The Government is seeking feedback from stakeholders and the community on which of the ACT's legal bodies should have jurisdiction for conducting these reviews, with options including the ACT Magistrates Court and the ACT Civil and Administrative Tribunal.

The Court and Tribunal have adopted alternative dispute resolution mechanisms as part of their current case management processes and these processes will also be adopted as part of any external review.

Exclusions and limitations

What exclusions or limitations will apply under the new scheme?

A person who is convicted of a serious offence at the time of the accident will not be entitled to defined benefits. Treatment and care expenses as well as income replacement will still be payable while charges are pending.

Examples of serious offences include:

- a high-level drink driving offence of a blood alcohol concentration level of 0.15g or more;
- aggravated furious, reckless or dangerous driving; or
- causing the death of a person by using a motor vehicle.

Those convicted of a lower category driving offence will be entitled to treatment and care, but not income replacement (other than when charges are pending) and Quality of Life benefits. Examples of these types of offences are:

- a mid-range drink driving offence of a blood alcohol concentration level of between 0.08g and 0.15g;
- recklessly inflicting grievous bodily harm; or
- driving while disqualified.

A 25 per cent reduction will be made to income replacement and Quality of Life benefits for people convicted of a low-level drink driving offence or that receive, and do not successfully challenge, certain infringement notices. Examples of these infringements are:

- not obeying the speed limit;
- not wearing a seatbelt; or
- using a mobile phone.

The exclusions reflect offences and infringements set out in various crimes and road transport legislation and regulations in the ACT.

If the coroner finds a person who died in an accident engaged in elements of conduct for a serious offence, the estate of that person will not be entitled to death benefits. Funeral expenses can still be paid in these circumstances.

Payments of defined benefits will cease from the date an individual is found guilty or convicted with an offence that excludes them from all or some defined benefits, with payments made prior to this date not being recoverable.

Why will people who engage in serious criminal behaviour or put others at risk be excluded from Motor Accident Injuries Scheme coverage?

People who engage in serious criminal behaviour or put others at risk with drink and drug driving offences will be partly or totally excluded from accessing benefits under the new scheme. This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

Can a person driving an uninsured vehicle receive benefits under the scheme?

A person driving an uninsured vehicle can receive benefits under the scheme in some conditions.

If an accident happens in the grace period of up to 14 days after the registration of a motor vehicle has expired, and the motor vehicle is able to be, and is re-registered within the grace period, then the driver will be entitled to all defined benefits.

If a motor vehicle is not re-registered within the grace period or the accident is outside the grace period for renewing registration, the injured driver will generally be excluded from income replacement and Quality of Life defined benefits unless any of the following applies:

- the insurer of the other vehicle was at-fault and accepts liability for the accident;
- the accident was 'blameless';
- the driver was not the owner, had the owner's consent to drive the motor vehicle and believed the motor vehicle was insured.

In these cases the driver will receive all defined benefits except a Quality of Life payment.

The Regulator (Commissioner)

Why has the name of the Regulator changed?

The new scheme is to be called the Motor Accident Injuries Scheme as it will be a hybrid no-fault insurance scheme. In line with this, the exposure draft of the bill contains a statutory position of the Motor Accident Injuries Commissioner replacing the CTP Regulator, and renames the authority to the Motor Accident Injuries Commission.

How have the Motor Accident Injuries Commission's functions changed?

The Commission's functions have changed to better reflect the role of the Commission under the new scheme. The Commission will have a stronger education role in providing better information about the scheme to people who are making claims, as well as an expanded regulatory and monitoring role.

What will the levy amount be for the new scheme? What will it fund?

A levy is payable with each Motor Accident Injuries policy to fund the operations of the Motor Accident Injuries Commission, which is a Territory authority separate to Government.

The levy will be collected by the Government as part of the process for registering a car, and passed on in full to the Motor Accident Injuries Commission.

The Government will set the motor accident levy prior to the commencement of the new scheme. In line with the recommendations of the citizens' jury, the Motor Accident Injuries Commission's functions will be expanded from those of the former CTP regulator to include providing information and assistance on the new scheme and a stronger regulatory and enforcement role. The levy will also fund enhanced ICT requirements due to the introduction of defined benefits under the chosen scheme.

The costing estimates report considered by the CTP citizens' jury included an amount of $10 a year per registration for the levy.

What data will be collected by the Motor Accident Injuries Commission?

The Motor Accident Injuries Commission will collect data to assist in delivering its responsibilities in the new scheme, such as:

- evaluating the administration, efficiency and effectiveness of the scheme;
- monitoring insurer compliance with their obligations; and
- developing and coordinating strategies to identify and combat fraud in or related to motor accident claims.

The data will include claims details such as details about the motor vehicle accident, injuries, key decision timing, benefits paid and any disputes.

Insurers

What requirements or duties will be placed on insurers?

The Motor Accident Injuries scheme will place requirements and duties on insurers to act in good faith and resolve claims as fairly and expeditiously as possible.

The Motor Accident Injuries scheme will also place a requirement on insurers to provide relevant information to the individual claimant, taking into account what is known about their claim and the activities to date. Depending on an individual's circumstances, this could include information about how to claim, timelines and time limits that apply to the particular claimant, detailed information about the benefits available and the evidence requirements to claim benefits.

How will compliance by licensed insurers with the requirements of the Act be monitored and enforced?

The Motor Accident Injuries Commission will collect and review data on claims to monitor the compliance of licensed insurers with the requirements of the Act.

Compliance by licensed insurers will be enforced through their duties and obligations as licensees, and the Motor Accident Injuries Commissioner will also have the power to establish mechanisms under the insurance industry deed for compliance obligations. This will include requiring the insurers to provide information on the request of the Commissioner.

The Motor Accident Injuries Commission will have a range of enforcement powers, with some provisions from the CTP Act being updated to reflect provisions in other ACT legislation and to remove impediments to the conduct of investigations.

The bill also contains provisions for occupational discipline orders and offences.

What is unearned premium surplus and how will this be managed?

An unearned premium surplus is the portion of premiums written that relates to the unexpired portion of the policy term. The claims costs and premiums are expected to reduce in the new scheme to reflect the updated benefit design. If an adjustment is not made, this would mean insurers may make additional profits on premiums already written prior to the implementation date of the new scheme.

The amount of any unearned premium surplus will depend on the actual premiums charged by insurers under the new scheme compared with the current scheme, and what registration renewal period a motorist selects relative to the commencement date of the new scheme.

The government considers that insurers should not keep any unearned premiums as a result of the transition to the new scheme. The government will consider options to manage this as part of the implementation of the new scheme once the legislation is passed.

How will the Commissioner ensure that insurers only make a reasonable commercial return?

The Motor Accident Injuries Commission will continue to regulate premiums charged by insurers for Motor Accident Injuries policies, based on compliance with premium guidelines and independent actuarial advice on whether a premium meets the fully funded test and is not excessive.

Guidelines will specify how premiums are to be worked out and what additional information the Motor Accident Injuries Commission requires insurers to provide with a premium filing. The guidelines will continue to require information on claims handling expenses, interest earned on investments, inflation assumptions and return on capital. All these factors are considered by the scheme actuary when assessing premiums.

New provisions have also been included that will authorise the Motor Accident Injuries Commission to report on the net profitability of licensed insurers.

Legal representatives

What role will legal representatives have in the new scheme?

In the new scheme, injured people will be able to choose if they want to engage a legal representative to provide support with their claim. For example, injured people may choose to be represented when making a common law claim in the courts system or through an external dispute. There will be rules under the new scheme as to when the scheme will pay for these legal costs.

As part of improving access to information about the scheme, the Motor Accident Injuries Commission may approve a body to provide information support services for applicants under the new scheme. For example, the Motor Accident Injuries Commission could approve a community legal service to provide this service, but cannot approve an individual lawyer to provide services.

Guidelines will make provision for approving information support services, including the qualifications of providers, and the services to be provided. An example of this is support to fill out an application form for defined benefits. The regulations will set out a schedule of fees that insurers will be required to pay for a given service.

What requirements or duties will be placed on lawyers?

Lawyers have specific duties and requirements placed on them under the *Legal Profession Act 2006* and Solicitor Conduct Rules. These include having to provide correct advice in the best interests of their clients, and outlining all costs via a cost agreement at the start of providing services to a client. These duties and requirements will remain in place under the new Motor Accident Injuries scheme.

The new scheme will specifically prohibit payments by a lawyer for referrals of applications or claims for legal representation, or for lawyers to receive payments from other service providers. These provisions will assist in ensuring that legal services are provided on an impartial and cost effective basis, and the selection of key service providers such as medical examiners are not compromised.

The prohibition of referral fees will assist with deterring claims farming practices that involve members of the public receiving cold calls or social media prompts, seeking personal details regarding possible involvement in car accidents. These claim farmers encourage people to make an injury claim. They then sell these details, for a commission, to legal firms.

In addition, lawyers will be required to provide information to the Motor Accident Injuries Commission, as specified in regulations, in relation to applications and claims made under the new scheme.

Interaction with other ACT insurance schemes

How will the new scheme interact with workers' compensation schemes?

The final bill will contain provisions so injured people covered under a workers compensation scheme have the choice of receiving defined benefits under either their workers compensation scheme or the new Motor Accident Injuries scheme. A person who starts to receive worker compensation benefits will also be able to switch to the new Motor Accident Injuries scheme within one month of making a workers compensation claim. A person who receives workers compensation benefits or a workers compensation settlement will also be able to receive top up benefits under a Motor Accident Injuries common law claim.

How was the exposure draft of the Bill developed?

How does the exposure draft Bill align with the jury's chosen model?

In line with our commitment, the Government is now pursuing the jury's chosen model by developing legislation which closely reflects this for introduction to the ACT Legislative Assembly.

One difference is that insurers now have a shorter period from the receipt of a complete application to decide whether to accept or deny a defined benefits application. This period will be set at one month, not three months as outlined in the jury's chosen model.

A one month period is consistent with the NSW motor accident injuries scheme. This change strengthens the obligations on insurers to resolve applications quickly, provides injured people with certainty sooner about whether they will be eligible for defined benefits and is consistent with the jury's objective of early treatment and care.

What consultation has been undertaken in developing the exposure draft Bill? How was any feedback incorporated or considered?

On 1 August 2018 Treasury provided a consultation document on the technical legislative drafting to implement the chosen model to insurers, the ACT Law Society and the ACT Bar Association. Initial comments on the consultation document were provided to Treasury on 14 August 2018.

The ACT Law Society and the ACT Bar Association provided high level comments expressing concerns with the consultation process, particularly the timing of the process.

Both insurers provided more detailed comments on practical implementation matters. Many of their comments related to clarification matters that have addressed in the Bill itself. Some comments were inconsistent with the detail of the chosen Model and hence no change to the policy setting was made. There were, however, some matters raised that required further policy consideration and subsequently changes were made to improve the workability.

Does the Bill cover all the detail of how the scheme will operate?

The exposure draft of the bill provides the framework, key principles and requirements for the operation of the new Motor Accident Injuries scheme. As is identified in the guide to the exposure draft, the final bill will include transitional provisions and provisions on the interaction with workers compensation schemes.

As is standard practice with legislation, a further level of operational detail will be contained in accompanying regulations and guidelines. The full suite of legislative documents will be released before the bill is debated in the Legislative Assembly.

FAQs – CTP reform

Why is the Government reforming CTP?

In the ACT, the current compulsory third party insurance scheme doesn't cover everyone injured in a motor vehicle accident and it can take two years or more to get your full payout. Despite this, Canberrans still pay some of the highest premiums in the country.

The Government believes our CTP scheme could be improved to better protect Canberrans.

In August 2017, the ACT Government announced we would undertake a deliberative democracy process to consider with the community and other key stakeholders how to improve the scheme so it reflects the priorities of Canberrans. The Government is now implementing the jury's chosen model.

What reforms did the CTP citizens' jury recommend?

After intensive deliberations and hearing from both experts and people with experience of the current CTP scheme, the jury chose a hybrid no-fault common law scheme.

Under the new scheme, everyone who is injured in a motor vehicle accident will now be entitled to up to five years of treatment, care and lost wages – as long as they're not breaking the law at the time of their accident.

People whose injuries meet certain thresholds, and who can prove someone else was at fault, will still be able to make a claim for common law damages if they choose to go through the legal system.

CURRENT SCHEME	
DEFINED BENEFITS	COMMON LAW BENEFITS
Treatment unavailable	Treatment longer term Early payment of medical expenses (up to $5,000) for most people without lodging a claim
Care unavailable	Care longer term Including gratuitous care
Income unavailable	Income longer term
Death benefit unavailable	Death benefit
Quality of life benefit unavailable	Quality of life benefit uncapped

JURY'S CHOSEN SCHEME	
DEFINED BENEFITS	COMMON LAW BENEFITS
Treatment up to 5 years	Treatment longer term Only if at least 10% WPI
Care up to 5 years Paid care only	Care longer term Only if at least 10% WPI. No gratuitous care. Paid care only.
Income up to 5 years 95% for 3 months, then 80%. Low income adjustment	Income longer term First 12 months limited to defined benefit amount. 5 yr limit if less than 10% WPI
Death benefit Funeral up to $15,000 plus dependant support up to $350,000	Death benefit Funeral costs plus dependant claim
Quality of life benefit up to $350,000 Only if at least 5% WPI	Quality of life benefit up to $500,000 Only if at least 10% WPI and use WPI scale

What is the proposed commencement date of the new scheme? Will it apply retrospectively?

It is expected that the new scheme will commence in Canberra in the second half of 2019, and will cover accidents that occur from a specific implementation date.

The current scheme would continue to apply to accidents that happen before this date.

Who will be covered under the proposed scheme?

Under the proposed scheme, everyone injured in a motor vehicle accident will receive up to five years treatment, care and income benefits, regardless of who was at fault.

As in other Australian jurisdictions, there will be some exclusions for people who are committing serious criminal offences at the time of an accident.

The estimated number of claims in the new scheme is 1,500, compared to 900 in the current scheme. This means an additional 600 people will be brought into the scheme who are currently not covered because they were at-fault or they were involved in a blameless accident such as hitting an animal.

Who will be eligible to make a common law claim?

People who are more seriously injured through someone else's fault will still be able to pursue damages through the common law system under the new scheme.

To pursue a common law claim, a person needs to have been assessed as having a Whole Person Impairment of 10 per cent or more, except in the case of a claim for death.

Those who do not meet this threshold will still be able to access up to five years of treatment, care and income replacement benefits to help with their recovery.

What is Whole Person Impairment?

A Whole Person Impairment score is determined by a clinical assessment undertaken by a medical professional and can be for physical or psychological injuries. Whole Person Impairment is clinically assessed once a person's injury (or injuries) has reached maximum medical improvement and the impairment is permanent. It is not assessed immediately after an accident.

The new scheme uses a Whole Person Impairment assessment to determine access to common law and the amount of Quality of Life benefits available.

An assessment must be conducted in accordance with medical guidelines set out in a disallowable instrument. The Safe Work Australia Guidelines for the evaluation of permanent impairment will be adopted for these purposes. These guidelines modify some parts of *The Guides to the Evaluation of Permanent Impairment by the American Medical Association 5th edition* (AMA5).

Where else is Whole Person Impairment used in the ACT?

The Comcare scheme that covers tens of thousands of workers in the ACT uses Whole Person Impairment as an injury assessment measure.

Whole Person Impairment is also used in other road accident injury schemes across Australia, including in New South Wales.

What steps can someone take to dispute a decision in the new scheme?

The introduction of defined benefits will result in a new category of disputes, as an applicant and insurer may not agree about eligibility for, or the approved level of, defined benefits. The bill provides for timely and cost effective dispute resolution processes.

Injured people can first apply to the insurer for an internal review. If they are unsatisfied with the outcome of this review, insurer decisions will be able to be externally reviewed.

What exclusions or limitations will apply under the new scheme?

A person who is convicted of a serious offence at the time of the accident will not be entitled to defined benefits. Treatment and care expenses as well as income replacement will still be payable while charges are pending.

Examples of serious offences include:

- a high-level drink driving offence of a blood alcohol concentration level of 0.15g or more;
- aggravated furious, reckless or dangerous driving; or
- causing the death of a person by using a motor vehicle.

Why will people who engage in serious criminal behaviour or put others at risk be excluded from Motor Accident Injuries Scheme coverage?

People who engage in serious criminal behaviour or put others at risk with drink and drug driving offences will be partly or totally excluded from accessing benefits under the new scheme. This is consistent with the approach taken in other parts of Australia and ensures there are strong disincentives for dangerous, criminal behaviour on our roads. It is also in the line with the model chosen by the citizen's jury that specified that there would be some exclusions for illegal behaviours.

Does CTP reform have any implications for workers' compensation in the ACT?

The Government has no intention to apply the proposed new CTP model to the ACT's private workers' compensation scheme.

The private workers' compensation and CTP schemes differ in a number of important ways:

- the workers' compensation scheme already features defined benefits such as medical treatment, periodic income support payments and lump sums for death or permanent impairment. These defined benefits are available on a no-fault basis to everyone injured in the course of their work. Consequently, the policy imperative to introduce defined no-fault benefits for people injured in motor vehicle accidents does not apply for workers' compensation.
- workers' compensation premium costs are paid by employers. An employer contribution is appropriate given that employers are legally obliged to protect their workers' safety and, if a person is injured, to assist in their recovery and return to work. There is no such link in the CTP scheme.

The current CTP reform process has always been, and will remain, separate from the workers' compensation scheme.

Where can I find more information about the citizens' jury process and the details of the Exposure Draft?

Information about the citizens' jury process, including all of the evidence they considered and their final report is available at: https://yoursay.act.gov.au/ctp

The jury met for the first time in October 2017 and worked together over several months before providing their final recommendations to the Government in March 2018.

The Government has released a Guide to the Exposure Draft which details its main features and provisions – this is also available on *Your Say*.

What next in this process?

The bill that has just been released is an Exposure Draft. The Government is seeking feedback and input on this draft before introducing a final bill to the Legislative Assembly.

The Justice and Community Safety committee will examine the Exposure Draft and provide a report to the Assembly by the end of October 2018. Stakeholders and members of the Canberra community can have their say on the bill through this committee process: https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-justice-and-community-safety

The Government intends to introduce a final bill to the Legislative Assembly by the end of 2018, in line with our commitment to pursue the model chosen by the citizens' jury.