

### **ACT CTP – Cheaper premiums come at a cost**

The President of the ACT Bar Association, Ken Archer, and the President of the ACT Law Society, Sarah Avery, today warned that Canberra drivers injured through the negligence of others are in danger of having their rights to fair compensation arbitrarily cut by the ACT Government.

A citizens' jury was established last year to review the ACT's CTP scheme. Four models have now been developed by an ACT Government consultant and will be presented to the jury this weekend.

It is very clear that the proposed models are not supported by all members of the Stakeholder Reference Group.

Our principal concern is that all of the proposed models cut the compensation available to people injured through the negligence of others so that benefits can be paid to drivers whose negligence caused the accident in the first place.

This is most unfair.

The imposition of arbitrary injury thresholds means that people injured through the negligence of others will no longer be fully compensated for their injuries.

Enforcing a 10% Whole Person Impairment (WPI) threshold would remove the ability of over 90% of injured people to receive general damages to compensate them for the full extent of the harm they have suffered.

It will also produce unjust results - at 10% WPI, an injured person will be fully compensated for general damages, but at 9% WPI, a grievously injured person will receive almost no compensation.

It is not accurate to say that the thresholds will simply exclude people with minor, soft tissue injuries.

We are concerned about the human outcomes in this process. The jury have not been given real life scenarios that would show what will actually happen to those who are injured under all of the proposed models. The jury are not being told the extent to which the entitlements of people injured as a result of the negligence of others are being cut to pay compensation to those whose negligence caused the injury. Nor is the jury being told the extent to which the bureaucracy associated with such a scheme will be paid for by cutting benefits to those who are blameless victims of other people's negligence.

The jury need to ask themselves what the adoption of any of these models will mean for real people. Is an uncertain dip in premiums worth such a dramatic reduction in fair compensation for innocent road users?

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