

Summary of Recommendations

Chapter Two - Structured Settlements

Recommendation 1: The Committee recommends the use of structured settlements in appropriate personal injuries compensation cases.

Recommendation 2: The Committee recommends that the NSW Government adopts the submission for tax reform to facilitate structured settlements which has been prepared by the Motor Accidents Authority.

Chapter Three - Long Term Care

Recommendation 3: The Committee recommends the development of a no fault long term care scheme.

Recommendation 4: The Committee therefore recommends that the Motor Accidents Authority, the Ageing and Disability Department, and their working party, continue the development of detailed proposals (which the Committee has been told will be completed by April 1998) for the introduction of a no fault long term care scheme, including a range of options for funding and administrative arrangements for such a scheme.

Recommendation 5: The Committee recommends that the Motor Accidents Authority prepare for public release a document setting out options for achieving savings within the current CTP scheme (together with the final detailed proposal for the introduction of a no fault long term care scheme).

Chapter Four - Medical Evidence

Recommendation 6: The Committee recommends that the prototype computerised standard report format for medical reports be further refined through a pilot program.

Recommendation 7: The Committee recommends that the relevant medical colleges develop standard examination protocols for all key injuries or conditions that arise in CTP matters, based upon prevailing, contemporary scientific evidence.

Recommendation 8: The Committee recommends the use of video-conferencing in CTP matters as a way of involving leading medical specialists in the provision of evidence and therefore recommends that the Attorney General ensure that the Supreme and District Courts have sufficient resources to ensure that the necessary technology is put in place as soon as possible.

Recommendation 9: The Committee recommends that the Motor Accidents Authority conduct a detailed examination of the possible application in NSW of the Designated Assessment Centre (DAC) system which operates in Ontario.

Recommendation 10: The Committee recommends the use of evidence based medicine in CTP matters.

Chapter Five - Legal Costs

The Committee has not made any recommendations about the issue of legal costs in the CTP scheme. The Committee is awaiting the results of the Justice Research Centre's study of legal costs in the CTP scheme. Once this study is completed (which the Committee has been advised should be by February 1998) the Committee will be using the results of the study as the basis for further consultation and detailed consideration of legal costs in the CTP scheme.

Chapter Six - Other Issues

Infants Claims

Recommendation 11: The Committee recommends that, should the proposed no fault long term care scheme not be adopted, there be a presumption of liability in infants claims.

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Recommendation 12: The Committee recommends that, in view of the Court of Appeals decision in *Stubbs v NRMA*, the Motor Accidents Authority give urgent consideration to the development of means by which disputes about what constitutes reasonable and necessary services or payments under section 37 or 45 of the *Motor Accidents Act 1988* may be quickly and finally resolved.