

NSW Legislative Council

Standing Committee on Law and
Justice

2025 Review of the Compulsory Third Party insurance scheme

April 2026



Report 87

Standing Committee on Law and Justice

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2025 Review of the Compulsory Third Party insurance scheme

"April 2026"

Chair: Hon Greg Donnelly MLC



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Table of contents

	Terms of reference	v
	Committee details	vi
	Chair’s foreword	vii
	Findings	ix
	Recommendations	x
	Conduct of inquiry	xi
Chapter 1	Background	1
	Overview of the Compulsory Third Party insurance scheme	1
	Benefits	2
	Premiums	4
	The State Insurance Regulatory Authority	4
	Reviews of the CTP Scheme	6
Chapter 2	Key issues	9
	Premiums	9
	Transparency and equity in premium calculations	9
	TEPL and the innovation fund	14
	Claimant experience	15
	Trauma-informed support and care	17
	Psychological injuries	19
	Legal support for claimants	22
	Reviews, complaints and disputes	24
	Road safety issues	28
	E-micromobility vehicles and third party insurance	29
	Committee comment	30
Appendix 1	Submissions	37
Appendix 2	Witnesses at hearings	38

Appendix 3 Minutes

41

Terms of reference

1. That, in accordance with section 27 of the *State Insurance and Care Governance Act 2015*, the Standing Committee on Law and Justice be designated as the Legislative Council committee to supervise the operation of the insurance and compensation schemes established under New South Wales workers compensation and motor accidents legislation:
 - (a) Workers' Compensation Scheme
 - (b) Workers' Compensation (Dust Diseases) Scheme
 - (c) Motor Accidents Scheme
 - (d) Motor Accidents (Lifetime Care and Support) Scheme.
2. In exercising the supervisory function outlined in paragraph (1), the committee:
 - (a) does not have authority to investigate a particular compensation claim, and
 - (b) must report to the House in relation to the operation of each of the schemes at least once every Parliament.

The terms of reference for the review were referred to the committee by the Legislative Council on 10 May 2023.¹

¹ *Minutes*, NSW Legislative Council, 10 May 2023, Item 8.

Committee details

Committee members

Hon Greg Donnelly MLC	Australian Labor Party	<i>Chair</i>
Hon Susan Carter MLC*	Liberal Party	<i>Deputy Chair</i>
Ms Abigail Boyd MLC*	The Greens	
Hon Anthony D'Adam MLC	Australian Labor Party	
Hon Wes Fang MLC*	The Nationals	
Hon Stephen Lawrence MLC	Australian Labor Party	
Hon Bob Nanva MLC	Australian Labor Party	
Hon Rod Roberts MLC	Independent	

* Ms Abigail Boyd MLC substituted for Ms Sue Higginson MLC from 7 August 2025 for the duration of the review.

* The Hon Wes Fang MLC replaced the Hon Chris Rath MLC as a substantive member of the committee from 5 February 2026.

* The Hon Susan Carter MLC was appointed as Deputy Chair from 5 February 2026 for the duration of the inquiry.

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Chair's foreword

This is the fifth review of the Compulsory Third Party (CTP) insurance scheme by the Standing Committee on Law and Justice since the scheme was reformed in 2017 through the *Motor Accident Injuries Act 2017*.

This review has shown that the scheme continues to evolve to meet its statutory goals, including reductions in premiums and improved coverage and benefits for people injured in a motor crash. However, there was also ample evidence that the scheme still requires improvement.

For example, it was clear to the committee there remains a lack of transparency and equity in the calculation of CTP premiums. Specific categories of road users had ongoing concerns with the application of vehicle classes and transparency in the calculation of premiums, with motorbike riders, bus companies and the taxi industry about referring to inequitable or opaque policies.

In particular, an ongoing area of concern for the taxi industry is the inequity in CTP premiums between taxis and rideshare vehicles. While taxis and rideshare vehicles are essentially doing the same job, they have required to pay very different CTP premiums. Taxis pay a premium on all kilometres travelled, whereas rideshare vehicles are only levied if they are actively transporting passengers, in addition paying a much less expensive private car CTP premium. To reduce this inequity, the committee recommends a single class of insurance premiums to cover taxis and rideshare vehicles, as is the case in Queensland and Victoria. We are calling on the NSW Government to make this change within the next six months. This disparity has been in place for over 10 years; it is time it is solved.

On the topic of improving the experience for CTP claimants, the committee heard about the importance of insurers using a trauma-informed approach. As such, the committee recommends that all claims managers employed by insurance companies undertake training to ensure all their dealings with claimants are trauma-informed. The importance of minimising the number of times claimants have to tell their story as they move through the claims process was also emphasised as a key means of reducing the risk of re-traumatising individuals, particularly family members of those killed or traumatically injured in a motor crash. Accordingly, the committee has recommended to the State Insurance Regulatory Authority (SIRA) that it work with relevant stakeholders to establish a process for appropriate information sharing between parties which reduces the amount of time a claimant has to tell their story.

The committee learned that claimants whose psychological condition would more accurately be characterised as depression may instead receive an 'adjustment disorder' diagnosis, meaning their injury is classified as a threshold injury and their entitlements are thus limited. To ensure these claimants have better access to the appropriate level of entitlements, the committee reiterates the recommendation of the 2021 review of the

Motor Accident Injuries Act 2016, that adjustment disorder be removed from the definition of threshold injury.

For those claimants dissatisfied with the claim process, it was clear that there is a lack of guidance concerning the process for seeking an internal review of an insurer's decision about their claim. There was evidence that many insurers do not appear to be appropriately informing claimants how to participate in internal reviews. To provide greater clarity, the committee has recommended that the Internal Review Office develop clear and accessible guidance for claimants about how to participate in internal reviews, and that insurers must be required to provide this information to claimants.

Finally, a recurring theme amongst many of the issues explored by the committee in the course of the inquiry was the lack of data on various aspects of the scheme. Again and again, stakeholders raised issues around the lack of data on premium calculations; the insurers' innovation fund; and reviews, complaints and disputes. Therefore, the committee has recommended that SIRA work more closely with stakeholders, to improve the availability and transparency of data relating to the CTP scheme.

On behalf of the committee, I would like to thank all participants for their contribution to this important inquiry, including the organisations and individuals who made submissions and gave evidence at a public hearing. I wish to acknowledge and thank my committee colleagues for the collegiate way in which they have engaged and participated in this important inquiry. Finally, can I thank the Committee Secretariat and Hansard staff for their hard work and professionalism, without which this report could not have been produced.

The Hon. Greg Donnelly MLC
Committee Chair

Findings

Finding 1

32

There is an ongoing decline in the number of taxis on New South Wales' roads, linked to the legalisation of rideshare operators in the point-to-point transport sector. This has negatively impacted on access to taxi services in rural and regional areas, including wheelchair accessible taxis.

Recommendations

Recommendation 1**31**

That the State Insurance Regulatory Authority finalise changes to the appropriate guidelines within six months of the tabling of this report, grouping taxis and rideshare operators in a single class for CTP insurance. In doing so, SIRA should have regard to the models adopted in Queensland and Victoria, where all point-to-point service providers are placed within a single class for the purposes of CTP insurance.

Recommendation 2**33**

That SIRA, through an amendment to the Motor Accident Guidelines, require all claims managers to participate in training to ensure their dealings with claimants are trauma-informed.

Recommendation 3**34**

That the State Insurance Regulatory Authority work with relevant stakeholders, including the Independent Review Officer, to establish a process for appropriate information sharing between parties for the purposes of claims management; regulation; or complaint or dispute handling. The information sharing process should be responsive to the particular situation of each claimant.

Recommendation 4**34**

That the NSW Government consider amending the *Motor Accident Injuries Act 2017* and associated regulations to remove adjustment disorder from the definition of threshold injury, as recommended by the 2021 statutory review.

Recommendation 5**35**

That the Independent Review Office, working with SIRA, develop clear and accessible guidance for claimants about how to participate in internal reviews of insurer decisions. The guidelines should include a requirement for insurers to provide this information to claimants alongside their decisions.

Recommendation 6**35**

That SIRA work closely with insurers, the Independent Review Office, the taxi industry, bus industry, motorcycle riders, and other relevant stakeholders, to improve the availability and transparency of data relating to: calculation of CTP premiums; the innovation fund; and reviews, complaints and disputes.

Recommendation 7**36**

That SIRA establish a defined period from the date of final assessment, after which information about approved innovation fund applications must be publicly disclosed, including the nature of the innovation, its projected and actual economic value to the scheme, and the basis on which any profit uplift was approved. SIRA should also publish annual aggregate reporting on the innovation fund, including the total number of applications received, approved and finalised in each year.

Conduct of inquiry

The terms of reference for the review were referred to the committee by the Legislative Council on 10 May 2023.

The committee received 21 submissions and one supplementary submission.

The committee held one public hearing at Parliament House in Sydney

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Terminology used in this report

In line with the approach taken by the State Insurance Regulatory Authority, this report uses the term 'motor crash' wherever possible. The term 'accident' may be used from time to time, as this is the terminology used in the relevant legislation and associated guidelines. The term 'accident' may also be used when directly quoting evidence from submissions and witnesses.

Chapter 1 Background

The current Compulsory Third Party insurance scheme ('CTP Scheme') was established in 2017, replacing a previous scheme which had high premiums and slow access to benefits for those injured as a result of a motor vehicle crash. The Standing Committee on Law and Justice must review the operations of the CTP Scheme, along with the New South Wales Lifetime Care and Support Scheme ('LTCS Scheme') at least once every Parliament. Due to the connection between the CTP and LTCS Schemes, the committee usually undertakes these two review processes concurrently. The review of the LTCS Scheme and CTP Care is separately reported in the committee's 2025 Review of the LTCS Scheme and the CTP Care program.

This chapter provides background information on the CTP Scheme, including benefits provided to claimants, as well as trends in premium amounts. It also looks at the regulation of the scheme by the State Insurance Regulatory Agency (SIRA), as well as outcomes of previous statutory reviews and recommendations.

Overview of the Compulsory Third Party insurance scheme

- 1.1 The Compulsory Third Party insurance scheme ('CTP Scheme', also referred to as the '2017 CTP Scheme') was established under the *Motor Accident Injuries Act 2017*, and commenced on 1 December 2017.² A CTP insurance policy, also known as a green slip, is a requirement to register a motor vehicle (including motorbikes) in New South Wales.³ CTP insurance protects motor vehicle owners and drivers from liability if they cause injury or death of another person or people.⁴ CTP insurance is not available to owners or drivers of e-mobility vehicles, such as e-bikes and e-scooters.⁵
- 1.2 The scheme provides payments for injuries resulting from a motor vehicle crash on NSW roads, including payments for treatment, care, and loss of income. Benefits are available to pedestrians, passengers, cyclists, motorcyclists, drivers of vehicles and family members. People injured by an uninsured or unidentified vehicle can also claim from the Nominal Defendant Fund.⁶
- 1.3 There are six licensed insurers who provide coverage under the CTP Scheme: AAMI, Allianz, GIO, NRMAI, QBE and Youi.⁷

² Submission 13, State Insurance Regulatory Authority (SIRA), p 1.

³ Submission 13, SIRA, p 6.

⁴ NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 4.

⁵ Submission 13, SIRA, pp 20-21.

⁶ Submission 13 SIRA, p 6.

⁷ Submission 13, SIRA, p 8.

Benefits

- 1.4** The 2017 CTP Scheme was designed to improve on the previous iteration, including by reducing complexity; providing for faster claims management; increasing the number of injured people entitled to receive benefits; and reducing premiums. Key benefits provided by the new CTP Scheme for those injured in a motor vehicle crash include:
- no-fault access to treatment and income benefits, with duration of depending on the level of injury and whether at fault or not
 - for those not at fault, access to damages for future economic loss if there is permanent impairment
 - damages for dependents for not at fault claims, where applicable
 - coverage for reasonable funeral expenses, regardless of fault
 - support for families who have lost or had a loved one seriously injured in a motor vehicle crash, including grief and trauma support.⁸
- 1.5** The table below shows the benefits available under the CTP Scheme in more detail:

⁸ Submission 13, SIRA, pp 6-7.

Table 1 CTP benefits at time of 2025 review

Benefits and Damages type	Eligibility
Ambulance and hospital emergency treatment	Yes
Treatment and care benefits	Up to 52 weeks
Weekly benefits payments for loss of earnings	Up to 52 weeks
Funeral expenses	Yes
Damages for future economic loss	No
Damages for non-economic loss (e.g. pain and suffering)	No
Damages for dependants in compensation to relatives claims	No
Legal and other expenses	Available as prescribed under the MAI Act and Regulations

Statutory Benefits & Damages claims	Threshold injuries	Non-threshold Permanent Impairment ≤ 10%	Non-threshold Permanent Impairment > 10%
Ambulance and hospital emergency treatment	Yes	Yes	Yes
Weekly benefits payments for loss of earnings	Up to 52 weeks	Up to 156 weeks	Up to 260 weeks
Damages for future economic loss	No	Yes	Yes
Damages for non-economic loss (e.g. pain and suffering)	No	No	Yes
Treatment and care benefits	Up to 52 weeks	CTP Care after 5 years	CTP Care after 5 years
Funeral expenses	N/A	Yes	Yes
Damages for dependants in compensation to relatives claims	N/A	Yes	Yes
Legal and other expenses	Available as prescribed under the MAI Act and Regulations	Available as prescribed under the MAI Act and Regulations	Available as prescribed under the MAI Act and Regulations

Submission 13, SIRA, p 7.

1.6 A snapshot of the scheme in 2024 shows:

- 6.4 million policies were taken out covering 8.2 million people
- the average premium was \$487
- 14,789 claims were made
- the average claim payment was \$70,106
- claim payments totalled \$1.7 billion
- \$321.7 million of claim payments were for health care.⁹

⁹ Evidence, Ms Mandy Young, Chief Executive, State Insurance Regulatory Authority, 8 December 2025, p 51.

Premiums

- 1.7** Premiums include: the cost of claims; insurer administration and management costs; insurers' profit; GST; and a fund levy.¹⁰ Since the scheme commenced in late 2017 CTP premiums have become more affordable:
- premiums fell from 37 per cent of average weekly earnings in 2017, to 23 per cent as of 30 June 2025.¹¹
 - premiums have reduced for all vehicles from an average of \$935 pre-2017 to \$536 for the financial year 2024-2025.¹²
- 1.8** Sixty-three per cent of the 'premium dollar' is currently being spent on people with an injury, compared to 44 per cent prior to the 2017 reforms.¹³

The State Insurance Regulatory Authority

- 1.9** The State Insurance Regulatory Authority (SIRA) was established under the *State Insurance and Care Governance Act 2015* as the independent regulator of the CTP Scheme. SIRA uses mechanisms under the *Motor Accident Injuries Act 2017* (the MAI Act) to regulate premiums and insurer profits.¹⁴
- 1.10** SIRA's functions with respect to the CTP Scheme are set out under section 10.1 of the MAI Act and include:
- monitoring the operation of the scheme, including insurer compliance
 - advising the Minister on the administration, efficiency and effectiveness of the scheme
 - publishing information about the scheme
 - investigating and responding to complaints about premiums, insurer market practices and claims handling
 - detecting and prosecuting fraudulent claims
 - responsibility for the Motor Accident Guidelines
 - providing an advisory service to assist people with claims
 - dispute resolution
 - providing funding for initiatives for safety education.¹⁵

¹⁰ Submission 13, SIRA, p 6.

¹¹ NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 1.

¹² Submission 13, SIRA, p 15.

¹³ Evidence, Ms Mandy Young, 8 December 2025, p 51.

¹⁴ Submission 13, SIRA, p 8.

¹⁵ Submission 13, SIRA, p 4.

- 1.11** SIRA, as regulator of the scheme, has premium and market guidance mechanisms in place to balance premium affordability for motorists whilst ensuring there are sufficient funds to meet claims costs.¹⁶ In their submission SIRA notes there has been an increase in the number of claims and their overall cost, due to:
- more serious injuries and higher average claim sizes
 - increased use of and higher costs for counselling and psychological support services due to increased awareness of mental health conditions
 - increased payments for care, treatment and rehabilitation
 - growth in health care expenditure by 29 percent (to \$322 million) in the period ending 30 June 2025, compared to the previous 12 months.¹⁷
- 1.12** With regards to regulating premiums, SIRA manages the Transitional Excess Profit and Loss (TEPL) mechanism. This allows SIRA to review the premium income of insurers to determine whether premiums or the fund levy should be adjusted to avoid or minimise excess profits or losses.¹⁸ SIRA collects excess profits from insurers and returns them to policy holders through reduced premiums.¹⁹
- 1.13** The Excess Profit and Loss (EPL) mechanism was introduced under the MAI Act to ensure premium affordability and scheme sustainability. The TEPL was put in place in assist transition to the EPL. SIRA has advised the committee it is currently in the process of determining how to end the transition period and implement an ongoing EPL function.²⁰ Chapter 2 includes further discussion of the TEPL and transition to the EPL.
- 1.14** SIRA also administers the fund levy, which includes:
- *The Motor Accidents Operational Fund (MAOF)*. The covers ambulance and emergency hospital treatment; administration fees for SIRA and other statutory authorities; and vocational and return to work support.²¹
 - *The Lifetime Care and Support Scheme fund*. This covers the cost of lifetime treatment and rehabilitation for people who have been severely injured.²²

¹⁶ Submission 13, SIRA, p 8.

¹⁷ Submission 13 SIRA, p 18.

¹⁸ Submission 13, SIRA, p 12.

¹⁹ Submission 13, SIRA, p 8.

²⁰ Submission 13, SIRA, p 12.

²¹ Submission 13, SIRA, p 6.

²² Note: The Lifetime Care and Support Scheme is established under legislation separate to that establishing the CTP insurance scheme. The LTCSS is established under the *Motor Accidents (Lifetime Care and Support) Act 2006*. This scheme will be discussed in committee's report of the 2025 review of the Lifetime Care and Support Scheme.

This scheme is discussed in the report of 2025 Review of the LTCS and CTP Care

- *The Motor Accident Injuries Treatment and Care Benefits Fund (MAITCB)*. This covers payments and costs of the CTP Care program, which provides reasonable and necessary treatment and care for people with entitlements beyond 5 years after the motor crash (or earlier by agreement).²³ This scheme is discussed in the report of 2025 Review of the LTCS and CTP Care

Reviews of the CTP Scheme

1.15 With the establishment of the revised CTP Scheme in 2017, the legislation included a requirement for the MAI Act, which regulates the scheme, to be reviewed after three years. The first review took place in 2021, conducted by Clayton and Utz, and examined all aspects of the scheme. In response to this review, the NSW Government made amendments to the MAI Act via the *Motor Accident Injuries Amendment Act 2022*. Important changes included:

- change of terminology from 'minor injury' to 'threshold injury' (a soft tissue injury or a psychological or psychiatric injury that is not a recognised psychiatric illness)
- extension of statutory benefits for threshold injuries and claimants wholly or mostly at fault from 26 weeks to a period of up to 52 weeks, reducing reliance on common law processes
- amendments to the timeframe requirements for lodgement of weekly statutory benefits claim
- removal of the requirement to seek an internal review with the insurer before commencing a permanent impairment dispute in the Personal Injury Commission (PIC).
- removal of the 20-month timeframe relevant to the lodgement of a damages claim.²⁴

1.16 Another change was the establishment of CTP Care in December 2022, for those suffering long-term injuries. CTP Care manages the treatment and care benefits for individuals with support requirements continuing 5 years after a motor crash, or earlier by agreement.²⁵

²³ Submission 13, SIRA, p 6.

²⁴ Submission 13, SIRA, p 9; NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, pp 11 and 35.

²⁵ Submission 4, icare, p 3. Note: CTP Care is administered by the Lifetime Care and Support Authority (LTCSA). Under the *Motor Accident Injuries Act 2017*, the LTCSA is the relevant insurer for payment of treatment and care from five years after a person's injury in a motor crash. icare acts on behalf of the LTCSA to administer CTP Care.

- 1.17** SIRA has also implemented more specialist support for families who have lost or had a loved one catastrophically injured as the result of a motor crash, as recommended by the 2021 statutory review. This increased support includes:
- regular engagement with the Road Trauma Support Group, an advocacy group for families in NSW impacted by road trauma. This includes consultation on brochures on the CTP Scheme for families.
 - establishment of a trauma support service
 - requirements for claims involving the death of a person to be managed in a proactive, respectful and sensitive manner
 - education for case managers to ensure they provide trauma informed care
 - improvements to the design of the SIRA website for ease of navigation to information and support for families who have lost a loved one or witnessed a fatal crash.²⁶
- 1.18** The report of the third review of the CTP Scheme conducted in 2022 by this committee was tabled in February 2023. The third review made three recommendations to the NSW Government, of which two were supported in principle, and one supported in full. Actions taken by SIRA subsequent to the review included:
- a review of dispute resolution in the CTP Scheme
 - updated information on its website to provide information on the levels of benefit coverage when motor crashes occur interstate.²⁷
- 1.19** It is the view of SIRA and the Insurance Council of Australia that the CTP Scheme is still in transition and yet to reach stability in some areas,²⁸ highlighting the importance of ongoing review and reform processes. The MAI Act is due for a second statutory review in 2026.

²⁶ Submission 13, SIRA, p 10.

²⁷ Submission 13, SIRA, p 11.

²⁸ Evidence, Ms Mandy Young, 8 December 2025, p 52; Evidence, Ms Estelle Peason, Director and Principal, Finity Consulting, Insurance Council of Australia, 8 December 2025, p 18.

Chapter 2 Key issues

Much of the evidence put to the committee for the 2025 Review of the CTP Scheme focused on the user experience of the scheme. This generally fell into two categories – transparency and fairness in premium calculations; and the complexities and challenges for claimants in navigating the scheme after a motor crash. In hearing from stakeholders about these issues, it also became apparent that further data and reporting would assist all stakeholders to better understand and navigate the scheme and also improve transparency and accountability of insurers. These issues are discussed in detail below.

Premiums

- 2.1** One of the aims of the revised CTP Scheme, as described in Chapter 1, was to reduce premiums for vehicle owners and to increase the efficiency of the scheme.²⁹ As noted in Chapter 1, premiums fell from 37 per cent of average weekly earnings in 2017, to 23 per cent as of 30 June 2025.³⁰
- 2.2** However, the Insurance Council of Australia noted that premiums have increased in 2025, rising from \$510 on average in 2024 to \$557 in 2025.³¹

Transparency and equity in premium calculations

- 2.3** Despite improvements in the cost and efficiency of premiums, specific categories of road users had ongoing concerns with the application of vehicle classes and transparency in the calculation of premiums. In particular, the committee heard from motorbike riders, bus companies and the taxi industry about inequitable or opaque policies.

Motorcycles

- 2.4** The Motorcycle Council of NSW was particularly concerned about the variability in motorcycle premiums across insurers and classes of motorbikes. They explained that they had recently had discussions with SIRA about the two components that determine what an individual rider's CTP premium will be – the community risk and the personal risk. While the community risk is determined by SIRA, based on the number and size of the claims for each vehicle class, the relativities that go into these calculations are commercial in confidence.

²⁹ Evidence, Ms Mandy Young, Chief Executive, State Insurance Regulatory Authority, 8 December 2025, p 51.

³⁰ NSW Government, State Insurance Regulatory Authority, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 1.

³¹ Evidence, Ms Michelle Bain, Executive General Manager, CTP Insurance and Advocacy, Suncorp; Chair, Personal Injury Schemes Committee, Insurance Council of Australia, 8 December 2025, p 17.

2.5 The Motorcycle Council argued that motorcycle riders should have access to the relativity used to calculate the levy component of their CTP premiums, as this would help them to understand 'why their premium for their bike appeared to be so high, compared to other riders'.³² However, they noted that their discussions with State Insurance Regulatory Authority (SIRA) had stalled and that they have sought further information from SIRA about how the risk relativities (compared to a passenger vehicle) for motorcycle premiums are determined.³³

Buses

2.6 BusNSW (representing the bus and coach industry in New South Wales) also detailed their concerns about premiums, including lack of transparency in calculating levies. They also queried the ongoing use of the insurance class 6c, which was originally solely for buses operated by the now-defunct State Transit Authority.³⁴

2.7 In their submission, BusNSW noted that levies determined by SIRA make up nearly half of premiums, but bus companies are not provided with 'a clear breakdown' of these figures.³⁵ They proposed that there be 'clear public reporting on the proportion of premiums attributable to levies ... and on how claims experience affects base premiums'.³⁶ In particular, BusNSW had the view that transparency would help identify risk factors and encourage safety innovation:

Clear public reporting on the proportion of premiums attributable to levies such as the MCIS Levy, and on how claims experience affects base premiums, is essential. Providing BusNSW and operators with anonymised, aggregated CTP claims data would help identify risk factors, target safety initiatives, and assess the impact of technology and training investments. Such transparency would build trust and support continuous improvement in safety outcomes.³⁷

2.8 With respect to the insurance class 6c, Mr Threlkeld, Executive Director, BusNSW advised it is applied to current operators in four Sydney Regions around the CBD, in areas where public buses were previously operated by the former State Transit Authority. He explained that current operators in those four regions pay around \$14,500 per bus in premiums, whereas operators of buses outside those regions pay \$8,000 to \$8,500 per annum. He went on to say '... we would like to see some transparency around that to see whether that variation is justified'.³⁸

³² Evidence, Mr Brian Wood, Secretary, Motorcycle Council of NSW, 8 December 2025, p 5.

³³ Evidence, Mr Brian Wood, 8 December 2025, pp 4 and 5.

³⁴ Evidence, Mr Matt Threlkeld, Executive Director, BusNSW, 8 December 2025, p 3.

³⁵ Submission 11, BusNSW, p 2.

³⁶ Submission 11, BusNSW, p 3.

³⁷ Submission 11, BusNSW, p 3.

³⁸ Evidence, Mr Matt Threlkeld, 8 December 2025, p 9.

2.9 BusNSW stated that 'Such discrepancies raise concerns about the robustness of the scheme's risk basis and undermine industry confidence'.³⁹

Point-to-point transport - taxis and rideshare vehicles

2.10 As in previous years, the NSW Taxi Council has raised concerns about the significant difference in CTP premiums paid by taxis (class 7) compared to rideshare vehicles, which pay class 1 premiums as privately-owned vehicles.⁴⁰ The NSW Taxi Council indicated that in practice, an urban taxi operator pays a CTP premium of approximately \$5,200 per vehicle, a country taxi pays approximately \$4,000 per vehicle whereas 'a Rideshare Operator only pays between \$400-\$700'.⁴¹ SIRA advised that the average metropolitan taxi premium is \$4,913, and the average country premium is \$3,762.⁴²

2.11 The Taxi Council emphasised the importance of the industry to the community, noting that taxis are 'often the only form of public transport for some members of the community' and that they provide 'essential transport services to some of the most disadvantaged people in the state'.⁴³ They added that taxis provide transport at all hours in many areas when public transport is limited or unavailable. In particular, they advise they were the first private transport sector to offer services for passengers who use a wheelchair.⁴⁴

2.12 However, the Taxi Council noted that the number of taxis operating in New South Wales is decreasing, at least in part, due to taxi operators converting to their vehicles to rideshare vehicles:

... as at the end of October [2025], we saw that there were almost 300 less taxis operating this year than in the same period 12 months ago. A majority of those vehicles we estimate have not come off the road but are converting over to rideshare because of the competitive advantage that some of our schemes, including CTP, are providing the likes of rideshare and Uber, putting the taxis at a significant disadvantage.⁴⁵

2.13 The NSW Taxi Council referred to the particular impact of rideshare competition on the provision of taxi services in regional New South Wales, identifying the following towns as no longer having a taxi business: Narrandera, Bungendore,

³⁹ Submission 11, BusNSW, p 2.

⁴⁰ Standing Committee on Law and Justice, NSW Legislative Council, *2022 Review of the Compulsory Third Party Insurance Scheme*, (2023), p 19.

⁴¹ Submission 17, NSW Taxi Council, p 3.

⁴² Answers to questions on notice, SIRA, 22 January 2026, p 1.

⁴³ Submission 17, NSW Taxi Council, p 6.

⁴⁴ Submission 17, NSW Taxi Council, p 6.

⁴⁵ Evidence, Mr Nick Abraham, Chief Executive Officer, NSW Taxi Council, 8 December 2025, p 4.

Kiama, Kyogle, Guyra, Harden, Walcha, Uralla, Laurieton, Murrumbateman, Narromine, Wellington, Blayney, Lake Cargelligo and Deniliquin.⁴⁶

2.14 The Council also stated that taxi businesses in the following areas have changed their operations either by reducing their services or converting their taxis to rideshare vehicles to save on operating costs:

- Milton/Ulladulla – no longer operating Taxis (only Rideshare vehicles)
- Temora – converted their taxis to rideshare and maintain only one wheelchair accessible taxi
- Northern Rivers Taxi Service (Lismore) – no longer operating taxis
- Cessnock Taxis – reducing fleet size, too expensive to run
- Diggers/Maitland – diversifying fleet/service offering
- Lithgow Taxis – no longer operating a wheelchair accessible taxi.⁴⁷

2.15 The following case study outlines two examples of taxi operators converting their operations to rideshare operations. The taxi businesses made significant savings in CTP premiums. These case studies also show how this change has a negative impact on driver supply, and on service availability in rural and regional areas.

Case study - Taxi operators converting their operations to rideshare provision⁴⁸

Metropolitan Sydney

Jason used to operate a large fleet of over 200 taxis at a large base in suburban Sydney. Jason was paying on average:

- \$5,000 per taxi for CTP insurance, total cost \$1 million
- \$2,000 per taxi for workers compensation insurance, total cost \$400,000.

Jason realised that if he converted a majority of his taxis to rideshare vehicles, it would cost him an estimated \$144,000 in CTP and he would not be required to have workers compensation insurance. This has saved Jason over \$1.2 million and has led to over 200 taxis becoming part time rideshare vehicles. As the taxi drivers are now rideshare drivers there has been a negative impact on taxi driver supply.

Regional New South Wales

This example concerns a taxi, hire car and bus transport service in regional NSW. At its peak this business operated six taxis, including wheelchair accessible taxis; two hire cars; and a charter bus. Due to rising costs associated with operating the taxis, particularly insurance costs, the business has been transitioning over the last three

⁴⁶ Submission 17, NSW Taxi Council, pp 14-15.

⁴⁷ Submission 17, NSW Taxi Council, pp 14

⁴⁸ Submission 17, NSW Taxi Council, pp 21-22

years from taxis to three hire cars (rideshare business model). This business operator had noticed significant differences in the CTP insurance costs for the different types of vehicles in its fleet:

- rideshare vehicle (hire car): \$769 per vehicle
- bus: \$1,265
- taxi: \$2,885 per vehicle.

The service changed from a full time to a reduced service, leaving the regional town and surrounding areas without a service at certain times of the night.

2.16 While the Taxi Council acknowledged the work of SIRA on reforming the regulatory framework in 2022, they said that in order to achieve 'competitor neutrality'⁴⁹ between the taxi and rideshare industries, the two would need to be grouped in a single class for CTP insurance. They noted this has been achieved in Queensland:

Taxis NSW together with our members more broadly, strongly believe that a true levelling of the playing field will only be achieved if all Point to Point Service Providers, including Taxis and Rideshare were grouped in the same Class for CTP. We have seen this evident in other states, such as Queensland and Victoria, where all Point to Point Transport Service Operators are in essence paying the same, ensuring true competitor neutrality.⁵⁰

2.17 Representatives from SIRA, as well as the Insurance Council of Australia added that while rideshare drivers pay CTP for a class 1 vehicle, they are also subject to an additional per kilometre charge when operating as a rideshare vehicle.⁵¹ The charge is 10 cents per kilometre for metropolitan areas and 6.6 cents per kilometre if the trip originates in a country region. This per-kilometre charge is paid to the rideshare platform which then remits the amount to the insurer.⁵²

2.18 In acknowledging that premiums for taxis remain higher than rideshare premiums, Ms Mandy Young, CEO, SIRA, explained that this reflected the higher risk and claim frequency for taxis, which are 719 per cent higher than standard passenger vehicles, while rideshare vehicles have a claim frequency 288 per cent higher.⁵³ Both Ms Young and SIRA's submission stressed that work is continuing to ensure CTP premiums in the point-to-point industry 'most appropriately reflect the risk of each of the services provided by the industry'.⁵⁴

⁴⁹ Submission 17, NSW Taxi Council, p 4.

⁵⁰ Submission 17, NSW Taxi Council, p 4.

⁵¹ Evidence, Ms Bronwyn Martin, A/Executive Director Regulatory Strategy & Stewardship, SIRA, 8 December 2025, p 59.

⁵² Answers to questions on notice, Insurance Council of Australia, 16 January 2026, pp 4-5.

⁵³ Evidence, Ms Mandy Young, 8 December 2025, p 58.

⁵⁴ Submission 13, SIRA, p 12.

- 2.19** However, Mr Nick Abraham, CEO, NSW Taxi Council, suggested that crash risk of rideshare vehicles may be underestimated. He noted that while a rideshare platform provides vehicle registration data to the regulator, the rideshare platform relies on the driver notifying them if they are involved in a crash: '...[it's] almost impossible for Uber to know when a vehicle has been involved in an accident, unless it's a notifiable occurrence'.⁵⁵
- 2.20** Mr Abraham was also concerned that rideshare data is not being collected from all operators:
- SIRA may tell you, "We're now collecting data off Uber." They're telling us vehicles are registered to do the data matching. But ... Uber is one provider amongst 2,400 other rideshare providers, as far as I'm aware, not providing vehicle registration details, not providing any data whatsoever from that perspective.⁵⁶
- 2.21** SIRA advised that they collect data on rideshare operators from DiDi and Uber, which make up 97 per cent of the rides across New South Wales.⁵⁷
- 2.22** There were also concerns expressed by the NSW Taxi Council about the potential for the mechanism calculating CTP premiums for rideshare vehicles to be open to fraud.⁵⁸ The Insurance Council of Australia advised that they are 'not aware of any means of circumventing the system but will continue to monitor its operation'.⁵⁹

TEPL and the innovation fund

- 2.23** The Transitional Excess Profit and Loss (TEPL) mechanism, as outlined in Chapter 1, has allowed SIRA to collect excess profits arising from premiums and return them to policy holders through reduced premiums. The transitional provision was first activated in October 2021, to recoup excess profit from insurers for 2018 and is in place until the scheme is considered to have reached a stable, or mature state. COVID, however, led to substantial changes to travel patterns in 2020 and 2021, resulting in the delay of the transition to a stable Excess Profit and Loss mechanism. SIRA has predicted it could take 10 years for the scheme to stabilise, noting that profits and losses are still to be finalised for the 2018 accident year.⁶⁰
- 2.24** Within the TEPL mechanism, insurers can apply to an innovation fund to retain up to 3 per cent of their 'TEPL earned premium' for 'approved innovation

⁵⁵ Evidence, Mr Nick Abraham, 8 December 2025, p 7.

⁵⁶ Evidence, Mr Nick Abraham, 8 December 2025, p 6.

⁵⁷ Evidence, Ms Lauren Sayer, Acting Executive Director, Regulatory Operations, SIRA, 8 December 2025, p 60.

⁵⁸ Evidence, Mr Nick Abraham, 8 December 2025, p 6.

⁵⁹ Answers to questions on notice, Insurance Council of Australia, 16 January 2026, p 3.

⁶⁰ Evidence, Ms Lauren Sayer, 8 December 2025, p 52.

applications⁶¹ that promote the objects of the *Motor Accident Insurance Act 2017*.⁶² SIRA considers the innovation fund to be an important management element of the TEPL mechanism, promoting innovation and helping the market to develop and improve.⁶³

- 2.25** As of 30 September 2025, SIRA had received 35 applications for innovation support, out of which 18 innovations were granted preliminary approval, with 4 having received final approval and subject to ongoing assessment.⁶⁴ Notably, innovation funds for each year are not fully paid out until the profit and loss for that year is determined, meaning an application for innovation funds will not get paid out for a number of years.⁶⁵
- 2.26** Some stakeholders raised concerns with the transparency of the innovation fund, with the Australian Lawyers Alliance questioning the level of confidentiality surrounding the fund. While acknowledging the commercially sensitive nature of innovation applications, they noted that the current approach does not publish any information on the innovation or profit retention, even after the implementation and finalisation of the innovation.⁶⁶
- 2.27** In response to this assertion, the ICA confirmed that data is publicly available on the projected economic value of the innovations.⁶⁷ However SIRA, as well as the ICA, did not support the release of any further information on the basis that it is commercially sensitive, and potentially volatile due to the long-term nature of the scheme. SIRA further advised that insurer applications for innovation support are protected information under the *Motor Accident Injuries Act 2017*.⁶⁸

Claimant experience

- 2.28** The scheme has been in place since December 2017 and the evidence put to the 2025 Review of the scheme included extensive information about the experiences of claimants in the scheme, particularly the extent to which claims

⁶¹ Submission 13, SIRA, p 8.

⁶² NSW Government, State Insurance Regulatory Authority, *NSW CTP Scheme Innovation Report 30 September 2025*, <https://www.sira.nsw.gov.au/resources-library/regulation-and-fraud/transitional-excess-profits-and-excess-losses-tepl/nsw-ctp-scheme-innovation-reports/nsw-ctp-scheme-innovation-report-30-september-2025>

⁶³ Evidence, Ms Mandy Young, 8 December 2025, p 52.

⁶⁴ Answers to supplementary questions, SIRA, 22 January 2026, p 24.

⁶⁵ Evidence, Ms Lauren Sayer, 8 December 2025, p 52.

⁶⁶ Evidence, Mr Andrew Stone SC, Chair, NSW CTP Subcommittee, Australian Lawyers Alliance, 8 December 2025, p 29.

⁶⁷ Answers to supplementary questions, Insurance Council of Australia, 16 January 2026, p 1.

⁶⁸ Answer to supplementary question, Insurance Council of Australia, 16 January 2026, p 1; Answers to supplementary question, SIRA, 22 January 2026, p 25.

are managed in a trauma-informed way. As the evidence below shows, SIRA has continued to develop and provide resources and support for claimants.

2.29 Mr Stone SC, Chair, NSW CTP Subcommittee, Australian Lawyers Alliance, made a more specific argument about the duration of the confidentiality arrangements. He argued that even where an innovation had been fully implemented and evaluated, there was no mechanism for information about it to be disclosed, even years after the fact:

The insurers are allowed a profit uplift beyond their 8 to 10 per cent band for doing innovative things. And I understand the theory. It's to stop them stop trying so that they look at what they can do to improve things. Otherwise if the profit was viewed as a lock, then what's the incentive to be innovative? So they're given an extra profit percentage. The problem is that because it's individual to each insurer, it becomes commercial in confidence. That means there's no disclosure of what the innovations are, there's no reporting on what the profit uplifts that they're taking insurer by insurer are, and there's no commitment to ever tell us what these profit uplifts were and what the innovations were. SIRA says, "We've got smart people looking at it. We've got external experts looking at it. Take us on trust that we're holding them to a high standard in ensuring that these profit uplifts are fully justified."

If that's how it has to be, that's how it has to be. But there's presumably some time limit on the secrecy. What we've asked for is at least can we say five years out, when the profit uplift is no longer being lifted for that innovation, reveal the totality of the documents: the insurer's application, SIRA's analysis of it and any external consulting. The fact that they know that it will eventually be disclosed is at least some ultimate accountability for what's occurred, even if it's occurring a long time after the event. If it's got to be done in complete secrecy, then at least can there be a statute of limitations on the secrecy to eventually lead to its disclosure? We've raised that with SIRA, and we've never got a clear answer of when can we eventually see the documents years after the innovation ceased to be innovative.⁶⁹

2.30 Key operational improvements of the 2017 CTP Scheme over the previous iteration include a fairer scheme,⁷⁰ early resolution of claims, and quick and cost-effective resolution of disputes.⁷¹ Some of the ways in which claimants are supported by SIRA in navigating and making effective claims include:

⁶⁹ Evidence, Mr Andrew Stone SC, 8 December 2025, p 29.

⁷⁰ Submission 13, SIRA, p 6

⁷¹ NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 6.

- CTP Assist - a service provided by SIRA which contacts injured claimants by phone to assist them in navigating the scheme and understanding their entitlements.⁷²
- Scheme Awareness, Access, and Navigation project - resources created by SIRA to improve awareness of the CTP Scheme. These resources have been distributed through the NSW public hospital network and the Road Trauma Support Group Rural Outreach Program.⁷³

2.31 The evidence below discusses specific elements of claim management.

Trauma-informed support and care

2.32 The Road Trauma Support Group emphasised the importance of a trauma-informed approach for insurers when interacting families of those killed or traumatically injured in a motor crash.

2.33 On this issue, Mr Duncan Wakes-Miller, Deputy Chairman, Road Trauma Support Group highlighted examples of current processes and practices that re-traumatise families, including:

- 'crushing' administrative demands while grieving
- inconsistent and sometimes insensitive insurer behaviour
- pressure to lodge claims while managing coronial processes
- having to retell traumatic events to new case managers and assessors
- minimisation of psychological injury.⁷⁴

2.34 He described the current CTP Scheme as 'structurally incapable of meeting the needs of families of those killed by road crime', explaining:

Its processes are adversarial when they must be humane. Its timelines are administrative when they must reflect grief. Its definitions of injury are narrow when the psychological injury is lifelong, and the burdens it imposes—forms, deadlines, media, medical certificates, repeated retellings of the worst moments of our lives—fall exactly at the moment we are least able to carry them.⁷⁵

2.35 The negative effect of having to re-tell traumatic events was also observed by Ms Samantha Taylor, Independent Review Officer. While acknowledging that the

⁷² NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 26.

⁷³ NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 7.

⁷⁴ Evidence, Mr Duncan Wakes-Miller, Deputy Chairman, Road Trauma Support Group, 8 December 2025, p 2.

⁷⁵ Evidence, Mr Duncan Wakes-Miller, 8 December 2025, p 2.

nature of the insurance process required that claimants do some re-telling, Ms Taylor believed that the system could be improved and repetition minimised by 'basic information sharing' between parties for the purposes of claims management, regulation, or complaint or dispute handling, if the claimant gives permission.⁷⁶

2.36 Another individual who is a member of the Road Trauma Support Group identified the change in case managers as retraumatising, particularly when these case managers are unfamiliar with the claimant's file. They emphasised the importance of ensuring case managers are trauma-informed, well-prepared and that there is continuity in case management:

Insurance case managers must be trauma informed and have empathy when they are communicating with the bereaved and traumatised. It is common practice for case managers to frequently change, this in itself can have a negative impact and is retraumatising. Especially when the new case manager has not read the file and asks inappropriate questions causing further trauma to the already suffering.⁷⁷

2.37 As a means to reducing these issues, the Road Trauma Support Group recommended that a dedicated claims and rehabilitation pathway be established in the CTP Scheme, for those who have lost a loved one as a consequence of an illegal road act. This pathway should be:

- Human-centred and trauma-informed, recognising catastrophic psychological harm rather than requiring families to “prove” a physical injury;
- Explicitly differentiated from accident-based claims, including the removal of language that minimises criminal conduct or reframes it as an “accident”;
- Streamlined and low administration, reducing the bureaucratic burden placed on grieving families; and
- Delivered by specialist claims and rehabilitation staff with expertise in criminal road trauma and bereavement.⁷⁸

2.38 Mr Andrew Stone of the Australian Lawyers Alliance also discussed ways in which the passage through the system could be made easier for families who have suffered the catastrophic loss of a loved one. He argued that removing the 'gateway' that requires an individual to prove they have suffered psychological trauma from the loss or lifetime care of their injured family member before they can access compensation would go a long way to alleviate suffering.⁷⁹

2.39 SIRA advised that it does provide a service for people impacted by a fatality as a result of a motor vehicle crash to help with the CTP claim lodgement process, as

⁷⁶ Evidence, Mr Samantha Taylor, Independent Review Officer, 8 December 2025, p 40.

⁷⁷ Submission 19, Name suppressed, p 1.

⁷⁸ Answers to question on notice, Road Trauma Support Group, 12 December 2025, pp 1-2.

⁷⁹ Evidence, Mr Andrew Stone SC, 8 December 2025, p 29.

well as access to SIRA's Trauma Support Service. SIRA's Trauma Support Service offers immediate psychological assistance to family members affected by a fatal motor crash, whether or not they have lodged a CTP claim.⁸⁰

2.40 It also advised that the Motor Accident Guidelines have also been updated to 'require that claims involving a death of a person must be managed in a proactive, respectful and sensitive manner'.⁸¹

2.41 Ms Laura Heffernan, Executive Manager, New South Wales CTP Claims, Suncorp, and Chair, New South Wales CTP Claims Working Group, Insurance Council of Australia, provided further insight into how SIRA's Trauma Support Service helped claims managers work with bereaved families by reminding them that:

- families may need to be told several times how the process operates
- families may only want contact in writing.⁸²

Psychological injuries

2.42 An emerging issue in evidence to the review was the growth in the incidence of psychological injuries.

2.43 SIRA advised that:

While physical injuries remain the most common reason for claims in the scheme, there has been increasing awareness of mental health conditions and likelihood of lodging psychological claims following a motor crash. This trend leads to increasing demand and higher growth in the costs for counselling and psychological support services for those affected.⁸³

2.44 Further evidence from the Insurance Council of Australia showed that over the three years to September 2025 there were 9,229 claims which included a psychological injury.⁸⁴

2.45 In her evidence Ms Estelle Pearson of the ICA noted that in recent years, the percentage of claims that have a psychological injury has increased from between 30 to 35 per cent, to 40 percent, with PTSD injuries increasing the most.⁸⁵ Her colleague, Ms Michelle Bain, Chair, Personal Injury Schemes Committee,

⁸⁰ NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 26.

⁸¹ Submission 13, SIRA, p 10.

⁸² Evidence, Ms Laura Heffernan, Executive Manager, New South Wales CTP Claims, Suncorp, and Chair, New South Wales CTP Claims Working Group, Insurance Council of Australia, 8 December 2025, p 19.

⁸³ Submission 13, SIRA, p 18.

⁸⁴ Answers to questions on notice, Insurance Council of Australia, 16 January 2026, p 1.

⁸⁵ Evidence, Ms Estelle Pearson, Director and Principal, Finity Consulting, Insurance Council of Australia, 8 December 2025, p 18.

Insurance Council of Australia observed that the growth in psychological injury claims was also accompanied by an increase in the size of statutory benefits claims, placing upward pressure on premiums.⁸⁶

- 2.46** In addition to their growth, stakeholders also discussed the often protracted nature of psychological claims, as well as issues with the Psychiatric Impairment Ratings Scale (PIRS).
- 2.47** On their protracted nature, Ms Pearson of the ICA observed that psychological injuries were often not picked up until later in the claim process, with further evidence from the ICA indicating that it took an average of six months from the crash to psychological treatment taking place.⁸⁷ However, the ICA did note that once the need for psychological treatment was identified, treatment occurred within two weeks for half of all cases.⁸⁸
- 2.48** Ms Heffernan of the ICA explained how treatment is promptly initiated once identified, highlighting the manner in which case managers are trained to detect and act on emerging mental health concerns in claimants:

At that point we intervene and make sure that we are facilitating that type of treatment. All insurers have access to telehealth services and psychological injury services, so we can make sure that we're [passing] people quickly to those types of treatment.⁸⁹

Issues with the Psychiatric Impairment Ratings Scale

- 2.49** The Psychiatric Impairment Ratings Scale (PIRS) is used to determine the level of Whole Person Impairment (WPI), with compensation for pain and suffering available to claimants assessed at greater than 10 per cent WPI. To be assessed at greater than 10 per cent WPI, an individual must have three Class 3 scores (moderate impairment) across six categories:
- self-care and personal hygiene
 - travel
 - social functioning
 - social relations
 - concentration, persistence and pace
 - employability.⁹⁰

⁸⁶ Evidence, Ms Michelle Bain, 8 December 2025, p 17.

⁸⁷ Evidence, Ms Estelle Pearson, 8 December 2025, p 19.

⁸⁸ Answers to questions on notice, Insurance Council of Australia, 16 January 2026, p 1.

⁸⁹ Evidence, Ms Laura Heffernan, 8 December 2025, p 19.

⁹⁰ Submission 16, Australian Lawyers Alliance, p 19.

2.50 The Australian Lawyers Alliance asserted that the determination of the level of psychiatric injury is 'a major friction point' in the CTP Scheme, based on the fact that most claimants do not pass this threshold, explaining: ⁹¹

In order to recover compensation for pain and suffering, it is necessary that the psychiatric injury be assessed as exceeding 10% WPI [whole person impairment]. The vast majority of those with psychiatric injury do not clear this threshold.⁹²

2.51 The Australian Lawyers Alliance and the NSW Bar Association advised that the PIRS can also work in perverse ways, or be misapplied:

- 'The person who has a severe psychiatric injury but nevertheless must go to work ... they get on with it because they have to, will not get a three for the category that deals with employment'.⁹³
- 'Almost nobody gets a three for travel, because they manage to turn up to an appointment'.⁹⁴
- 'a woman who'd lost a child kept herself going to look after the other child, but obsessively cleaned her house for upwards of five to six hours per day, and she scored a one for self-care and personal hygiene because she was perfect at it'.⁹⁵

2.52 In their submission the Australian Lawyers Alliance described how the process becomes contentious and drawn out, including multiple rounds of medical opinions being sought, with differing conclusions. This can lead to disputes taking 'upwards of 3 years and multiple rounds of ... assessments to determine WPI'.⁹⁶

2.53 Associate Professor Michael Robertson, of the Australasian Association of Medicolegal Providers advised the committee that PIRS was put in place in 1999 to reduce the number of claims being paid out, but has never been rigorously analysed or tested:

It's an instrument that lacks any empirical validation. It has never been tested against the gold standard. Because it does what it was designed to do, it has been adopted in the CTP Scheme and the work cover scheme, where it was the subject of quite polemical debate during the recent upper House inquiry into the workers compensation laws. It has since been

⁹¹ Submission 16, Australian Lawyers Alliance, p 18.

⁹² Submission 16, Australian Lawyers Alliance, p 18.

⁹³ Evidence, Jnana Gumbert, Member, Common Law Committee, NSW Bar Association, 8 December 2025, p 28.

⁹⁴ Evidence, Mr Andrew Stone SC, 8 December 2025, p 29.

⁹⁵ Evidence, Mr Andrew Stone SC, 8 December 2025, p 29.

⁹⁶ Submission 16, Australian Lawyers Alliance, p 21.

introduced into other jurisdictions because it does what it was designed to do—basically cut off claims at a certain point.⁹⁷

Legal support for claimants

2.54 In its third review of the CTP Scheme conducted in 2022, this committee was required by the *Personal Injury Commission Act 2020* to inquire into and report on the whether the Independent Legal Assistance and Review Service (ILARS), a service available to workers compensation claimants, should be extended to claimants for statutory benefits under the *Motor Accident Injuries Act 2017*.⁹⁸ While the same statutory requirement did not apply to this review, there was some discussion of the merit of extending ILARS to the CTP Scheme, as well as whether access to other forms of legal support for claimants should be provided.

2.55 A related issue raised in evidence concerned the inclusion of 'adjustment disorder' within the definition of 'threshold injury' under the *Motor Accident Injuries Act 2017*. Threshold injuries include psychological or psychiatric injuries that do not constitute a 'recognised psychiatric illness'. The Law Society of New South Wales submitted that the removal of adjustment disorder from the threshold injury definition was an outstanding priority reform from the 2021 statutory review that had not yet been implemented. Mr Tim Concannon, Chair, Injury Compensation Committee, Law Society of New South Wales, listed it among the most pressing reforms requiring action, noting that this should not wait for the next statutory review:

We suggest that it is appropriate, in particular, that the following outstanding recommendations are addressed. These include the removal of adjustment disorder from the definition of 'threshold injury', allowing injured persons with a 'threshold injury' to access the scheme's benefits, including timely access to statutory benefits for treatment, care and loss of income to assist injured people to return to work.⁹⁹

2.56 Evidence supporting this position was provided by Dr Ashley Craig, Professor of Rehabilitation Studies, John Walsh Centre for Rehabilitation Research. Dr Craig expressed reservations about the clinical validity of adjustment disorder as a threshold injury category, observing that the diagnosis is officially appropriate only in the first six months following an injury; beyond that period it more closely resembles depression. He noted that her research showed little impact of an adjustment disorder diagnosis on outcomes compared to a diagnosis of depression, which he considered more accurate and clinically appropriate:

⁹⁷ Evidence, Associate Professor Michael Robertson, Australasian Association of Medicolegal Providers, 8 December 2025, p 65.

⁹⁸ Clause 12, Part 5, Schedule 5, *Personal Injury Commission Act 2020*.

⁹⁹ Evidence, Mr Tim Concannon, Chair, Injury Compensation Committee, Law Society of NSW, 8 December 2025, p 25.

Adjustment disorder is an interesting diagnosis. Officially, it should only be applied in the first six months following the injury; otherwise it looks very much like depression ... some of our research showed very little impact of an adjustment disorder diagnosis on outcomes, whereas a depression diagnosis would be, I think, more accurate and more to the point.¹⁰⁰

- 2.57** When asked about the extension of ILARS to CTP Scheme claimants at the hearing, Ms Samantha Taylor, Independent Review Officer, Independent Review Office, noted that she had not examined the issue formally but acknowledged that there are issues in how claimants currently access 'holistic' legal support in the CTP process and that remedying this would be an improvement:

[A] holistic approach to legal representation would be good. At the moment, as I understand it, the referral for legal assistance is around a very prescribed matter, so particular issues, and a person might be directed to get that legal assistance to resolve one particular aspect.¹⁰¹

- 2.58** At the same time, Ms Taylor argued that improving claimant trust and their direct relationship with their insurer are critically important 'pre-emptive' steps and cautioned against jumping into a legal representation arrangement too early, as this can lead to a more 'adversarial approach' from the beginning.¹⁰²

- 2.59** The New South Wales Bar Association continued to assert that greater legal support should be provided to claimants from the start of the process. They described the current CTP Scheme as complex and unbalanced, favouring insurance companies and those who can afford access to legal advice:

The legislation governing the CTP Scheme is extraordinarily complex, involving cross references to other pieces of legislation, regulations, claims and medical guidelines. The Association continues to consider that the current CTP Scheme is failing to care for or give adequate support to the injured, leaving them to fend for themselves against insurance companies and Scheme agents who have access to lawyers with specialist expertise.¹⁰³

- 2.60** To remedy this inequity, the Bar Association recommended that SIRA's public messaging be altered to direct and encourage claimants to seek legal advice.¹⁰⁴

¹⁰⁰ Evidence, Dr Ashley Craig, Professor of Rehabilitation Studies, John Walsh Centre for Rehabilitation Research, 8 December 2025, p 16.

¹⁰¹ Evidence, Mr Samantha Taylor, 8 December 2025, p 37.

¹⁰² Evidence, Mr Samantha Taylor, 8 December 2025, p 37.

¹⁰³ Submission 18, NSW Bar Association, p 14.

¹⁰⁴ Submission 18, NSW Bar Association, p 14.

Reviews, complaints and disputes

- 2.61** Claimants in the CTP Scheme have recourse if they disagree with an insurer decision, or wish to make a complaint about their insurer, or dispute a decision. The process depends on the complainant's concerns. A complainant may:
- request the insurer undertake an internal review of an insurer's decision
 - make a complaint to the Independent Review Office (IRO) about acts or omissions of the insurer (noting that the IRO cannot review a decision)
 - take a dispute about an insurer's decision to the Personal Injury Commission.
- 2.62** SIRA manages all other complaints relating to the CTP Scheme, including complaints from customers in relation to their CTP policy or property damage.¹⁰⁵
- 2.63** The committee heard that it can be difficult for claimants to navigate the review and complaint process. This is outlined in detail below.

Internal reviews

- 2.64** A claimant can request an internal review of an insurer's decisions. The internal review must be conducted independent of the original decision maker.¹⁰⁶ The Motor Accident Guidelines outline the internal review process, and steps a complainant may make if they wish to dispute a decision of an insurer, or make a complaint, including:

...

(d) the claimant's right to seek independent legal advice

(e) information on how a claimant may apply to the Personal Injury Commission to dispute the insurer's decision, including the Commission's contact details

(f) information on how a claimant may make a complaint with the Independent Review Office (IRO), including the IRO's contact details.¹⁰⁷

- 2.65** An internal review by the insurer is usually required before lodging proceedings in the Personal Injury Commission.¹⁰⁸

¹⁰⁵ Submission 1, IRO, p 3.

¹⁰⁶ NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 6.

¹⁰⁷ NSW Government, State Insurance Regulatory Authority, *Motor Accident Guidelines*, version 10.1, 12 December 2025, cl 7.28.

¹⁰⁸ Submission 1, IRO, p 4. Note: In the case of a permanent impairment dispute there is no requirement for an internal review before a claimant may lodge proceedings in the PIC. Source, Submission 13, SIRA, p 9.

2.66 In response to questioning from the committee, the Insurance Council of Australia advised there were 9,664 requests for an internal review of treatment and care decisions over the three years to 2024/25. Seventy-seven per cent of these decisions were upheld in the internal review.¹⁰⁹

2.67 The IRO explained that internal reviews are 'a key control to avoid unnecessary escalation of complaints or disputes about decisions to external bodies, such as the Personal Injury Commission'. When discussing the low rate of decisions being overturned on review, the IRO suggested that there were issues with insurers' approach:

The IRO regularly observes insurers failing to consider new evidence or misapplying evidence both in dealing with a complaint, or in internal review. On the latter, this can include failing to properly advise a person requesting an internal review that additional information can be provided.¹¹⁰

2.68 Given these issues, the IRO is 'considering' the guidance it can provide to people about engaging in the internal review process, noting that it may be beneficial to require insurers to provide claimants with information on how to request and participate in an internal review.¹¹¹

Disputes

2.69 The Personal Injury Commission is responsible for managing disputes in the CTP Scheme. It is an independent statutory tribunal and can be accessed with respect to disputes about the outcomes of internal reviews by insurers and disputes about permanent impairment.¹¹²

2.70 The Australian Lawyers Alliance (ALA) raised issues with the lack of publicly available data on disputes, due at least in part to the different entities involved at different points:

If you put in a treatment dispute—what's overturned on internal review, what's overturned by the PIC, what's overturned by a PIC review panel—it's just not possible to trace the data through, because midway through you change from one regulator collecting the data to a different organisation collecting the data.¹¹³

2.71 The ALA was also concerned at the lack of data available on the review process and asserted that access to data from SIRA would assist it in determining if there were ongoing problems with insurer conduct around PIC medical assessments or

¹⁰⁹ Answer to question on notice, Insurance Council of Australia, 16 January 2026, p 2.

¹¹⁰ Answer to supplementary questions, IRO, 19 January 2026, p 6.

¹¹¹ Answer to supplementary questions, IRO, 19 January 2026, p 6.

¹¹² Submission 13, SIRA, pp 8-9; NSW Government, SIRA, *2017 CTP Scheme Performance Report to 30 June 2025, Motor Accident Injuries Act 2017*, p 6.

¹¹³ Evidence, Mr Andrew Stone SC, 8 December 2025, p 27.

review rates. They also commented that having access to this data under a previous scheme allowed greater oversight of review outcomes:

[in the previous scheme] There was measurement of who was bringing the reviews (claimants or insurers) and their relative success with the applications. In short, there was comprehensive data that allowed review rates and overturned rate to be measured.¹¹⁴

Complaints

2.72 The Independent Review Office (IRO) is an independent statutory body established under the *Personal Injury Commission Act 2020* (PIC Act). The role of the IRO, with respect to the CTP Scheme, commenced in March 2021¹¹⁵, and comprises:

- exclusive oversight of CTP Scheme complaints raised by injured persons
- inquiring into issues identified through those complaints
- encouraging improvements in insurer complaint resolution processes.¹¹⁶

2.73 The IRO can also receive complaints about issues, in addition to internal reviews and insurer decisions, for example:

- complaints about things such as timeliness—for example, where the insurer simply has not made a decision
- complaints about customer service issues, where there has been a change of case manager or the case manager is uncontactable
- issues with the payment of a reimbursement.¹¹⁷

2.74 The IRO receives complaints about insurers but does not play a role in reviewing disputed decisions, as the Personal Injury Commission has this role. Ms Samantha Taylor, the Independent Review Officer noted that people making a claim often misunderstood this element of her office:

We'll often say, when someone raises a complaint with us, "Have you raised that complaint with your insurer yet?" They might say, "No, I didn't realise I could. I thought you were the independent review officer and you would review the decision." We have to often avail them of that misconception.¹¹⁸

2.75 Upon receiving a complaint, IRO officers will determine if the IRO can assist the claimant through direct engagement with their insurer. When the IRO intervenes, insurers are required to respond to within two business days. The insurer's

¹¹⁴ Submission 16, Australian Lawyers Alliance, p 21.

¹¹⁵ Answers to questions on notice, IRO, 19 January 2026, p 2.

¹¹⁶ Submission 1, IRO, p 3.

¹¹⁷ Evidence, Mr Jeffrey Gabriel, Director, Solutions, Independent Review Office, 8 December 2025, p 38.

¹¹⁸ Evidence, Ms Samantha Taylor, 8 December 2025, p 36.

response is then examined by IRO to ensure all matters have been addressed and assess whether the response and proposed solution are fair and reasonable.¹¹⁹

2.76 The IRO considers itself to be a 'safety net' for people unable to resolve their issues directly with an insurer, and also to assist insurers to improve their complaints handling practices.¹²⁰

2.77 From March 2021 to June 2025, the IRO handled 3,783 CTP complaints, with the following breakdown:

- 29 percent related to timeliness, for example about a decision or a payment
- 33 per cent related to insurer decisions, the 'vast majority' of which concern denials, usually of treatment
- 28 per cent were about claim or income/weekly support payments.¹²¹

2.78 IRO observed that the number of CTP complaints has been relatively steady over recent years, advising it received:

- 923 in the financial year 2021-2022
- 892 in the financial year 2022-2023,
- 801 in the financial year 2023-2024
- 872 in the financial year 2024-2025.¹²²

2.79 A breakdown of the outcomes of complaints received by the IRO in the financial year 2024-2025 is provided below:

- 33 per cent were resolved by referring the complainant to the entity with jurisdiction over their complaint or enquiry
- 24 per cent were resolved with additional information provided to the complainant by the insurer
- 17 per cent were resolved through action by the insurer as a result of IRO intervention
- 13 per cent were resolved where the claimant received a benefit such as reimbursements or acceptance of a claim
- 12 per cent were not resolved – for example the complainant was advised to first take their complaint to the insurer with the recommendation they return to the IRO if their complaint was not addressed satisfactorily.¹²³

¹¹⁹ Submission 1, IRO, p 3.

¹²⁰ Answers to supplementary questions, IRO, 19 January 2026, p 3.

¹²¹ Answers to supplementary questions, IRO, 19 January 2026, p 1.

¹²² Submission 1, IRO, p 6.

¹²³ Submission 1, IRO, pp 8-9

2.80 Ms Samantha Taylor, the Independent Review Officer said 'I think that there's a fundamental issue with the seriousness and the discipline that insurers put around these processes that would benefit from some kind of further guidance on remedy—regulation or whatever it might be'.¹²⁴ In response to a question from the committee, Ms Taylor said it would 'be useful' for the IRO to have more powers:

I think it would be useful to be able to direct an insurer around taking a particular remedy or undertaking a particular task within a particular period, being held to account for that and having a regulatory connection back to SIRA if they don't actually undertake those things.¹²⁵

2.81 SIRA manages all other complaints relating to the CTP Scheme, including complaints from customers in relation to their CTP policy or property damage.¹²⁶ SIRA may also take action, independent of IRO's management of an individual complaint, where there has been a breach of the *Motor Accident Act 2017* or the Motor Accident Guidelines.¹²⁷

2.82 SIRA noted it has:

- conducted and published multiple claims audits of the functions of the insurers as it relates to internal review over the last couple of years, including whether the insurer has systems in place to ensure they are following the Guidelines
- taken regulatory action with insurers, including remediation plans and civil penalties
- will receive 'significant matter referrals' where the IRO deems it is appropriate for SIRA to take regulatory action.¹²⁸

Road safety issues

2.83 The Australasian College of Road Safety (ACRS) provided evidence about the importance of being pro-active about road safety to assist in reducing the number of serious injuries due to a motor crash. The ACRS urged the committee to consider incentives to encourage the uptake of newer, safer passenger vehicles, as an immediate and effective measure for improving road safety. Mr Michael Timms, Chair, New South Wales Chapter, ACRS, said:

'The Government has levers around road safety policy, such as setting the right speed for the right road, but accelerating the take-up of newer, safer vehicles is also a strong policy lever ... The age of the passenger vehicle fleet exceeds 10 years, and people experiencing financial hardship are

¹²⁴ Evidence, Ms Samantha Taylor, 8 December 2025, p 37.

¹²⁵ Evidence, Mr Samantha Taylor, 8 December 2025, p 38.

¹²⁶ Submission 1, IRO, p 3.

¹²⁷ Answers to supplementary questions, SIRA, 22 January 2026, p 12.

¹²⁸ Evidence, Ms Lauren Sayer, 8 December 2025, pp 54-55.

more likely to drive older, less safe cars. Today's new car is tomorrow's used car. In summary, the likelihood of crashing a five-star vehicle is lower, so the CTP price should also be lower.¹²⁹

2.84 The ACRS suggested that CTP premium settings could be used to encourage people to purchase newer, safer motor vehicles and motorcycles.¹³⁰ Mr Timms indicated that this has a flow on effect across the population of drivers:

... \$10,000 or \$15,000 will get you a safer vehicle than what it would have years ago. Those safer vehicles do flow down to people of limited means and, as I said, people with financial disadvantage, we know, are driving less unsafe vehicles.

E-micromobility vehicles and third party insurance

2.85 A number of stakeholders raised concerns in the course of the inquiry about the need for a suitable third-party insurance model for micromobility vehicles (such as e-bikes and e-scooters).¹³¹ The NSW Law Society noted that these vehicles are 'expressly excluded' from the CTP Scheme, due to a legislative amendment in 2025:

... the Road Transport and Other Legislation Amendment (Micromobility Vehicles and Smartcards) Bill 2025 passed Parliament on 20 November ... we emphasise the need for urgent investigations into insurance options, whether through a statutory scheme, compulsory private insurer or membership organisation.¹³²

2.86 Mr Stone of the Australian Lawyers Alliance advised that the only insurance options are usually public liability extensions on home and contents insurance, and even this may not provide liability coverage if the micromobility vehicle was being used illegally at the time of the crash.¹³³

2.87 Bicycle NSW does not support the inclusion of e-bikes in the CTP Scheme due to the costs, and instead have advocated for public liability cover 'funded by the user, government, an industry levy or a combination of each'.¹³⁴ Justice and Equity

¹²⁹ Evidence, Mr Michael Timms, Chair, New South Wales Chapter, Australasian College of Road Safety, 8 December 2025, p 5.

¹³⁰ Evidence, Mr Michael Timms, 8 December 2025, p 5.

¹³¹ See for example: Submission 10, Justice and Equity Centre, p 2; Submission 12, The Law Society of New South Wales, p 8; Correspondence, Mr Peter McLean, Chief Executive Officer, Bicycle NSW, 2 January 2026, p 2; Evidence, Mr Andrew Stone SC, 8 December 2025, p 30.

¹³² Evidence, Mr Tim Concannon, 8 December 2025, p 25.

¹³³ Evidence, Mr Andrew Stone SC, 8 December 2025, p 30.

¹³⁴ Correspondence, Mr Peter McLean, Chief Executive Officer, Bicycle NSW, 2 January 2026, pp 1 and 2.

Centre recommended a compulsory insurance scheme for e-vehicles, similar to the motor vehicle CTP insurance scheme.¹³⁵

- 2.88** In 2025 Portfolio Committee No. 6 – Transport and the Arts reported on its inquiry into the use of e-scooter, e-bike and related mobility options.¹³⁶ In particular, recommendation 33 stated: 'That the NSW Government investigate, as a matter of urgency, potential settings to create a viable model for e-mobility insurance, including compulsory insurance for owners/riders.'¹³⁷ The NSW Government gave in principle support to this recommendation, with SIRA advising that NSW Treasury is 'leading the response' to this recommendation.¹³⁸
- 2.89** On 26 March 2026, proposed legislative amendments were introduced to the Legislative Council via the Road Transport Amendment (Non-registrable Motor Vehicles) Bill 2026. This bill would create a class of vehicles known as 'non-registrable vehicles', which includes high-powered e-bikes, illegal e-scooters, e-unicycles and noncompliant dirt bikes.¹³⁹ The bill would not create a means for these vehicles to be registered or insured but would grant police greater powers to seize and destroy such vehicles when they are being used illegally in public spaces.

Committee comment

- 2.90** The committee would like to thank all the organisations who have contributed to this review and previous reviews of the Compulsory Third Party insurance scheme since it was established in 2017. We were pleased to learn that the scheme has evolved and is continuing to meet its statutory goals including reductions in premiums and improved coverage and benefits for people injured in a motor crash. However, the evidence put before us in this review shows that scheme still requires further improvement.
- 2.91** It is clear that work still remains on improving transparency and equity in the area of premium calculations. While on average, premiums are significantly below the levels they were prior to 2017 the committee was concerned to hear from representatives of taxi, bus and motorcycle organisations that there remains a lack of transparency, and possibly inequity, in how premiums are calculated for these classes of vehicles.

¹³⁵ Submission 10, Justice and Equity Centre, p 3.

¹³⁶ Portfolio Committee No. 6 - Transport and the Arts, NSW Legislative Council, *Use of e-scooters, e-bikes and related mobility options*, (2025).

¹³⁷ Portfolio Committee No. 6 - Transport and the Arts, NSW Legislative Council, *Use of e-scooters, e-bikes and related mobility options*, p 129.

¹³⁸ Submission 13, SIRA, p 21.

¹³⁹ The Hon John Graham, Second reading speech, Road Transport Amendment (Non-registrable Motor Vehicles) Bill 2026, 26 March 2026.

- 2.92** In particular, we are disappointed by the continued delay in a solution for the calculation of equitable CTP premiums for point-to-point transport. The Taxi Council has raised concerns about this issue over many years. The impact of the ride share system on the taxi industry has been apparent for ten years, and we continue to be particularly concerned at the stark disparity in CTP insurance between the two forms of transport, despite them doing exactly the same job. We are also aware that the work done by SIRA in 2022 does not seem to have had any lasting effect on resolving the inequities.
- 2.93** The committee is deeply committed to a level playing field in the point to point industry and we do not believe there is sufficient commitment from the regulators to propose workable solutions. The taxi industry is an essential industry that has been hollowed out in only ten years, and the lack of action by regulators to address the problems with CTP insurance is surely a contributory factor. We note the minimal evidence provided to us by SIRA on potential solutions, despite their assurances they are working on options for the NSW Government. The NSW Taxi Council has been unequivocal in its submission that genuine competitive neutrality will only be achieved by placing all point-to-point service providers, including taxis and rideshare, within a single CTP class, noting that this has already been implemented in Queensland and Victoria.¹⁴⁰ We do not believe it is acceptable for the taxi industry to be allowed to languish due to regulatory inaction, and call for more to be done to support the taxi industry, given how crucial it is for so many, particularly in regional and disadvantaged areas.
- 2.94** Therefore the Committee recommends that SIRA finalise changes to the appropriate guidelines to ensure CTP premiums do not impact on competitive neutrality in the point to point transport market and accurately reflect risk in this sector, by six months of the tabling of this report, grouping together taxis and rideshare operators in a single class for CTP insurance.

Recommendation 1

That the State Insurance Regulatory Authority finalise changes to the appropriate guidelines within six months of the tabling of this report, grouping taxis and rideshare operators in a single class for CTP insurance. In doing so, SIRA should have regard to the models adopted in Queensland and Victoria, where all point-to-point service providers are placed within a single class for the purposes of CTP insurance.

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- 2.95** More broadly, the committee is concerned with the ongoing decline in taxi services across New South Wales. It is clear that the number of taxis operating on New South Wales' roads has reduced markedly since the inclusion of rideshare operators in the point-to-point transport sector. This has already impacted

¹⁴⁰ Submission 17, NSW Taxi Council, p 4.

access to taxi services in rural and regional areas, including wheelchair accessible taxis.

Finding 1

There is an ongoing decline in the number of taxis on New South Wales' roads, linked to the legalisation of rideshare operators in the point-to-point transport sector. This has negatively impacted on access to taxi services in rural and regional areas, including wheelchair accessible taxis.

- 2.96** On the issue of the per-kilometre charged levied on rideshare drivers, the committee notes that this charge applies only to kilometres during which a fare-paying passenger is in the vehicle. SIRA confirmed that kilometres driven by a rideshare driver to reach and collect a passenger do not attract the additional charge.¹⁴¹ This is in contrast to taxis, whose CTP premiums are calculated on all kilometres travelled. As a result, a significant portion of the commercial driving undertaken by rideshare vehicles falls outside the scope of the per-kilometre premium mechanism.
- 2.97** The committee acknowledges that the impact of CTP insurance premiums is just one aspect of the challenges faced by the taxi industry. The committee again emphasises that taxi drivers are being required to pay CTP premiums on all kilometres travelled, whereas rideshare drivers are only charged 10 cents per kilometre as CTP premiums after picking up their passengers. In addition taxi drivers are required to pay workers compensation premiums, unlike rideshare drivers. A deeper understanding and investigation into the taxi industry and all its challenges goes beyond the remit of this inquiry. The question the committee poses is this: has the taxi industry in New South Wales reached a point in its long history where a root and branch inquiry needs to be undertaken to examine its viability and future?
- 2.98** The committee acknowledges that commercial-in-confidence and information privacy rules apply to some of the information that stakeholders would like to see publicly reported. However, we understand that some information is uniquely held and determined by SIRA, including calculating relativities across vehicle classes for levies for Lifetime Care and Support, Motor Accident Injuries Treatment and Care Fund and the Motor Accidents Operational Fund. It would assist stakeholders if they had a better understanding of these relativities and how vehicle owners could act to enhance safety and reduce risk, and thus reduce their premiums. The committee will not make a specific recommendation about transparencies in calculating levies across vehicle classes at this point, however, the need for greater transparency in data and reporting across the scheme in general will be discussed further below.

¹⁴¹ Evidence, Ms Bronwyn Martin, 8 December 2025, p 59.

- 2.99** The committee was particularly moved by evidence from bereaved families and it was distressing to learn that many find the claim process to be retraumatising. While we were pleased to learn from SIRA that it has been working with the RTSG to improve support for bereaved families, as well as evidence from the Insurance Council that claims managers have a better understanding of how to work with these families, we still believe more can be done to ensure claims managers have the skills to interact with bereaved families, and indeed all claimants, with appropriate sensitivity and understanding.
- 2.100** The committee was particularly persuaded by evidence from the Road Trauma Support Group (RTSG) calling for a trauma-informed approach by insurers when dealing with claimants, in particular families who have lost a loved one in a road crash. While we acknowledge the Motor Accident Guidelines have been updated to 'require that claims involving a death of a person must be managed in a proactive, respectful and sensitive manner' the committee would like the guidelines to include a requirement for claims managers to use a trauma-informed approach in their interactions with all claimants.
- 2.101** Consequently, the committee recommends that SIRA include a requirement in the Motor Accident Guidelines for all claims managers to have participated in training to ensure their dealings with all claimants, not just those who have lost a loved one, are trauma-informed.

Recommendation 2

That SIRA, through an amendment to the Motor Accident Guidelines, require all claims managers to participate in training to ensure their dealings with claimants are trauma-informed.

- 2.102** We were also concerned about the impacts on claimants, and claimants' families, of having to retell their story multiple times as they move through the claims process. We note the excellent work of Service NSW on the 'Tell Your Story Once Project' for disaster recovery efforts, which reduces the number of times disaster affected people repeat personal information during evacuation and recovery. It does this by securely sharing information with consent across NSW Government agencies. With that in mind, we propose that SIRA work with the Independent Review Officer and other relevant stakeholders to establish a process where appropriate information can be shared between relevant parties for the purposes of claims management; regulation; or complaint or dispute handling. The information sharing process should be responsive to the particular situation of each claimant.

Recommendation 3

That the State Insurance Regulatory Authority work with relevant stakeholders, including the Independent Review Officer, to establish a process for appropriate information sharing between parties for the purposes of claims management; regulation; or complaint or dispute handling. The information sharing process should be responsive to the particular situation of each claimant.

- 2.103** The committee notes the evidence in relation to adjustment disorder. The practical concern is that claimants whose psychological condition would more accurately be characterised as depression may instead receive an adjustment disorder diagnosis, with the consequence that their injury is classified as a threshold injury and their entitlements are accordingly limited. The committee notes that the Law Society regards the removal of adjustment disorder from the threshold injury definition as an outstanding priority reform from the 2021 statutory review, a view supported by clinical research evidence put to this review. The committee recommends that the NSW Government act on this recommendation without waiting for the second statutory review of the MAI Act due in 2026. Therefore, the NSW Government should consider amending the *Motor Accident Injuries Act 2017* and associated regulations to remove adjustment disorder from the definition of threshold injury, as recommended by the 2021 statutory review.
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Recommendation 4

That the NSW Government consider amending the *Motor Accident Injuries Act 2017* and associated regulations to remove adjustment disorder from the definition of threshold injury, as recommended by the 2021 statutory review.

- 2.104** In common with other inquiries relating to personal injury, the utility and accuracy of the Psychiatric Impairment Ratings Scale (PIRS) in determining level of Whole Person Impairment (WPI) was strongly criticised by stakeholders. The committee acknowledges these concerns and agrees that the PIRS is problematic. However, evidence to this inquiry was limited and unfortunately did not provide guidance on an alternative approach. The Committee notes that Parliament, in passing the *Workers Compensation Legislation Amendment (Reform and Modernisation) Act 2026*, has mandated a review of the effectiveness and appropriateness of PIRS by the Chief Psychiatrist, or his delegate. The results of this review are due within 18 months and will inform further reviews by this Committee.
- 2.105** On the complaints and review system, the committee was concerned to hear that many insurers do not appear to be appropriately informing claimants on how to participate in internal reviews. With this in mind, the fact that less than a quarter of decisions are overturned on internal review takes on a different light.
-

2.106 We agree with the Independent Review Office that claimants would benefit from further guidance on how to participate in internal reviews to ensure it considers all available information. Therefore, the committee recommends that the Independent Review Office, working with SIRA, provide clear and accessible guidance for claimants about how to participate in internal reviews. The guidelines should include a requirement for insurers to provide this information to claimants when providing a decision.

Recommendation 5

That the Independent Review Office, working with SIRA, develop clear and accessible guidance for claimants about how to participate in internal reviews of insurer decisions. The guidelines should include a requirement for insurers to provide this information to claimants alongside their decisions.

2.107 Of particular interest to the committee were the recurring issues relating to data, reporting and transparency raised by stakeholders. This relates to the following elements of the CTP Scheme:

- calculation of CTP premiums for different classes of vehicles, in particular taxis, buses and motorcycles
- details of the innovations implemented by insurers in order to retain profits under the innovation fund
- data on internal reviews, complaints and disputes.

2.108 The committee has a strong view that the default position of any government authority should be to publish all available data to assist with public accountability and transparency. We acknowledge there will be exceptions, including the need to protect personal data and commercial-in-confidence information. However, the evidence put to the committee suggests that SIRA could publish more data relating to the CTP Scheme without breaching these requirements. We therefore recommend that SIRA work closely with insurers, the Independent Review Office, the taxi industry, bus industry and motorcycle riders; and other relevant stakeholders, to improve the availability and transparency of data relating to: calculation of CTP premiums; the innovation fund; and reviews, complaints and disputes.

Recommendation 6

That SIRA work closely with insurers, the Independent Review Office, the taxi industry, bus industry, motorcycle riders, and other relevant stakeholders, to improve the availability and transparency of data relating to: calculation of CTP premiums; the innovation fund; and reviews, complaints and disputes.

2.109 The committee recommends that SIRA establish a defined period from the date of final assessment, after which information about approved innovation fund applications must be publicly disclosed, including the nature of the innovation,

its projected and actual economic value to the scheme, and the basis on which any profit uplift was approved. SIRA should also publish annual aggregate reporting on the innovation fund, including the total number of applications received, approved and finalised in each year.

Recommendation 7

That SIRA establish a defined period from the date of final assessment, after which information about approved innovation fund applications must be publicly disclosed, including the nature of the innovation, its projected and actual economic value to the scheme, and the basis on which any profit uplift was approved. SIRA should also publish annual aggregate reporting on the innovation fund, including the total number of applications received, approved and finalised in each year.

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- 2.110** We welcome the progress in improving safety for road users and pedestrians via the introduction of legislation to increase the powers of police and other authorities to seize and destroy illegal, high-powered e-bikes. While this issue falls outside the remit of the review into the CTP Scheme, we strongly urge the NSW Government to resolve this issue as soon as practicable.

Appendix 1 Submissions

No.	Author
1	Independent Review Office (IRO)
2	Mr Stephen Young
3	Name suppressed
4	Insurance and Care (icare)
5	Dr Arthur Chesterfield-Evans
6	The Motorcycle Council of NSW
7	Road Trauma Support Group NSW
8	Australasian College of Road Safety (ACRS)
9	Australasian Association of Medico-Legal Providers (AAMLPL)
10	Justice and Equity Centre (JEC)
11	BusNSW (Bus and Coach Association NSW)
12	The Law Society of New South Wales
13	State Insurance Regulatory Authority (SIRA)
14	Name suppressed
15	Insurance Council of Australia
16	Australian Lawyers Alliance
16a	Australian Lawyers Alliance
17	NSW Taxi Council
18	New South Wales Bar Association
19	Name suppressed
20	Name suppressed
21	Mr Adam Mercer

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 8 December 2025 Macquarie Room Parliament House, Sydney	Dr Zachariah Duke	Director, Road Trauma Support Group
	Mr Duncan Wakes-Miller	Deputy Chairman, Road Trauma Support Group
	Mr John King	President, BusNSW
	Mr Matt Threlkeld	Executive Director, BusNSW
	Mr Nick Abraham	Chief Executive Officer, NSW Taxi Council
	Mr Brian Wood	Secretary, Motorcycle Council of NSW
	Dr Tasha Prabhakar	Deputy Chair, New South Wales Chapter, Australasian College of Road Safety
	Mr Michael Timms	Chair, New South Wales Chapter, Australasian College of Road Safety
	Ms Estelle Pearson	Director and Principal, Finity Consulting, Insurance Council of Australia
	Ms Laura Heffernan	Executive Manager, New South Wales CTP Claims, Suncorp; Chair, New South Wales CTP Claims Working Group, Insurance Council of Australia
Ms Michelle Bain	Executive General Manager, CTP Insurance and Advocacy, Suncorp; Chair, Personal Injury Schemes Committee, Insurance Council of Australia	

Date	Name	Position and Organisation
	Mr Leigh Davidson	Deputy Chair, Injury Compensation Committee, Law Society of New South Wales
	Mr Tim Concannon	Chair, Injury Compensation Committee, Law Society of New South Wales
	Ms Jnana Gumbert	Member, Common Law Committee, New South Wales Bar Association
	Mr David Hooke, SC	Chair, Common Law Committee, New South Wales Bar Association
	Mr Andrew Stone, SC	Chair, NSW CTP Subcommittee, Australian Lawyers Alliance
	Mr Jeffrey Gabriel	Director, Solutions, Independent Review Office
	Ms Samantha Taylor, PSM	Independent Review Officer, Independent Review Office
	Ms Geniere Aplin	Chief Executive Officer, icare
	Ms Sarah Johnson, PSM	Group Executive, General Insurance and Care, icare
	Ms Mandy Young	Chief Executive, State Insurance Regulatory Authority
	Ms Lauren Sayer	Acting Executive Director, Regulatory Operations, State Insurance Regulatory Authority
	Ms Bronwyn Martin	Acting Executive Director, Regulatory Strategy and Stewardship, State Insurance Regulatory Authority

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Date	Name	Position and Organisation
	Mr Mark Gibbins	President, Australasian Association of Medicolegal Providers
	Associate Professor Michael Robertson	Australasian Association of Medicolegal Providers

Appendix 3 Minutes

Minutes no. 19

Thursday 7 August 2025

Standing Committee on Law and Justice

Member's Lounge, Parliament House, Sydney at 1.00 pm

1. Members present

Mr Donnelly, *Chair*

Mr Rath, *Deputy Chair*

Ms Boyd

Mrs Carter

Mr D'Adam

Mr Nanva

Mr Roberts

2. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes nos. 16 and 18 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 17 July 2025 - Email from individual, to secretariat, regarding health deterioration since working on major infrastructure projects.
- 3 August 2025 - Email from individual to committee, forwarding concerns about Central Station Railway Square.

Resolved, on the motion of Mr Nanva: That the committee keep correspondence from individual, regarding health deterioration since working on major infrastructure projects, dated 17 July 2025 confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.

4. Consideration of next statutory reviews - Motor Accidents Scheme and the Motor Accidents (Lifetime Care and Support) Scheme

The committee considered the timeline for next oversight reviews under the resolution establishing the committee: Motor Accidents Scheme and the Motor Accidents (Lifetime Care and Support) Scheme, and its requirement to report on the Schemes at least once every Parliament.

Resolved, on the motion of Mr Roberts: That the committee conduct the statutory reviews of the Motor Accidents Scheme and the Motor Accidents (Lifetime Care and Support) Scheme concurrently.

5. 2025 Reviews of the Motor Accidents Scheme and the Motor Accidents (Lifetime Care and Support) Scheme

5.1 Proposed timeline

Resolved, on the motion of Mr Rath: That the committee adopt the following timeline for the conduct of the reviews:

: -

- Submissions close – Friday 10 October 2025
- Hearing – November or December 2025
- Report deliberative – late March 2026
- Report tabling – early April 2026

5.2 Closing date for submissions

Resolved, on the motion of Mr D'Adam: That the closing date for submissions be Friday 10 October 2025.

5.3 Stakeholder list

Resolved, on the motion of Ms Boyd: That:

- the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

6. Briefing on new oversight role – Work Health and Safety Scheme under the *Work Health and Safety Act 2011*

The secretariat provided a briefing on the new oversight role of the committee as the designated committee named in the amended *Work Health and Safety Act 2011*.

The committee noted its requirements under the Act to conduct a review of the scheme once every Parliament.

Resolved, on the motion of Mr D'Adam: That the Chair, on behalf of the committee, move a motion in the House to amend the resolution establishing the committee to include this new oversight role of Work Health and Safety Scheme as well as proposed terms of reference for this statutory review.

7. Adjournment

The committee adjourned at 1.14 pm, *sine die*.

Emma Rogerson
Committee Clerk

Minutes no. 20

Wednesday, 22 October 2025

Standing Committee on Law and Justice

Room 1254, Parliament House, Sydney, 12.45 pm

1. Members present

Mr Donnelly, *Chair*

Mr Rath, *Deputy Chair*

Ms Boyd (via videoconference, substituting for Ms Higginson)

Mrs Carter

Mr D'Adam

Mr Lawrence

Mr Roberts

2. Apologies

Mr Nanva

3. Previous minutes

Resolved, on the motion of Mrs Carter: That draft minutes no. 19 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 23 September – Email from Ms Telina Webb, individual, to secretariat, seeking a meeting with the committee to discuss an inquiry into the *Government Information (Public Access) Act 2009*
- 29 September 2025 – Letter from Ms Janet Schorer, Commissioner, SafeWork NSW, to secretariat, offering to brief committee members on the functions, priorities and work program of SafeWork NSW
- 1 October 2025 – Email from Mr Johny Chi, individual, to the Chair, concerning the actions of his insurer and the lack of response from NSW Police and the Law Enforcement and Conduct Commissioner
- 1 October 2025 – Letter from Mr Johny Chi, individual, to the Chair, further concerning the actions of his insurer and the lack of response from NSW Police and the Law Enforcement and Conduct Commission
- 8 October 2025 – Email from Mr Aaron Bonkain, former Senior Constable, to the committee, requesting the committee investigate the use of section 181D of the *Police Act 1990* to dismiss officers for non-compliance with COVID-19 vaccination directions
- 9 October 2025 – Email from Mr Johny Chi, individual, to the Chair, further requesting that the committee investigate NSW Police and the Law Enforcement and Conduct Commission.

Sent

- 9 October – Letter from Chair, to Mr Johny Chi, advising that the committee cannot investigate individual issues.

Resolved, on the motion of Mr D'Adam: That the committee keep the correspondence from:

- Mr Johny Chi, regarding his request for an investigation into NSW Police and the Law Enforcement and Conduct Commission, dated 1 and 9 October 2025, confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.
- Mr Aaron Bonkain, regarding his request that the committee investigate the use of section 181D of the *Police Act 1990* to dismiss officers for non-compliance with COVID-19 vaccination directions, dated 8 October 2025, confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.
- Ms Telina Webb, regarding her submission calling for an inquiry into the *Government Information (Public Access) Act 2009*, dated 23 September 2025, confidential, as it contains potential adverse mention.

5. Briefing from the inaugural commissioner for SafeWork NSW, Ms Janet Schorer

Ms Janet Schorer, Commissioner, SafeWork NSW, and Dr Petrina Casey, Executive Director, Strategic and Corporate Services, SafeWork NSW, briefed the committee on the work and progress of SafeWork NSW.

: -

6. Adjournment

The committee adjourned at 1.36pm, until 8 December 2025.

Sarah Newlands
Committee Clerk

Minutes no. 21

8 December 2025

Standing Committee on Law and Justice

Macquarie Room, Parliament House, Sydney, 9.01 am

1. Members present

Mr Donnelly, *Chair*

Mr Rath, *Deputy Chair*

Ms Boyd (via videoconference)

Mrs Carter

Mr D'Adam

Mr Lawrence (via videoconference)

Mr Nanva

Mr Roberts

2. Previous minutes

Resolved on the motion of Mrs Carter: That draft minutes no. 20 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 31 October 2025 - Email from Matthew Jones, individual, to the committee, expressing concern about the conduct of insurer QBE
- 6 November 2025 - Email from an individual to the committee alleging failures of the Law Society and the Office of the Legal Services Commissioner
- 6 November 2025 - Copy of a letter sent by Dr Cohn, Chair, Portfolio Committee No.2 - Health, to Mr Mitchell Connelly, advising him that parliamentary committees are unable to investigate his individual complaints
- 13 November 2025 - Email from Tyler Thomsen, individual, to members of parliament, and copied to the committee, expressing concerns about governance of the Independent Medical Examination framework
- 15 November 2025 - Email from Renae Cotterill, individual, to committee, outlining concerns with the CTP scheme
- 16 November 2025 - Email from Paul and Narelle Crowhurst to the committee, raising concerns about the retrospective operation and procedural design of section 66 EA of the *Crimes Act 1900*
- 18 November 2025 - Emails from an individual providing further information on the conduct of the Law Society
- 18 November to 2 December 2025 - Emails between the secretariat and Ms Telina Webb, advising her that her correspondence of 23 September 2025 has been considered by the committee
- 24 November 2025 - Email from Jacquelyn York, individual, to the Chair, requesting a parliamentary review of the systemic failures in workers' compensation oversight

- 24 and 28 November 2025 – Emails from Ayan Hassan, about the cancellation of their Working with Children Check and their application to NCAT for a review
- 25 November 2025 – Email from Justice and Equity Centre to the committee declining an invitation to attend the hearing of the 2025 Review of the CTP insurance scheme
- 2 December 2025 – Emails between the secretariat and Ms Telina Webb about her request to meet with the committee about her concerns with the operation of NCAT and the *Government Information (Public Access) Act 2009*.

Resolved, on the motion of Mr Roberts:

- That the committee keep the correspondence from Tyler Thomsen, individual, to members of parliament, and copied to the committee, expressing concerns about governance of the Independent Medical Examination framework dated 13 November 2025 confidential, as it contains potential adverse mention.
- That the committee keep all correspondence from an individual, regarding the conduct of the NSW Law Society, dated 6 and 18 November 2025, confidential, as it contains identifying and/or sensitive information and potential adverse mention.
- That the committee keep all correspondence from Ayan Hassan, dated 24 and 28 November 2025, confidential, as it contains identifying and/or sensitive information.
- That the Chair will correspond with the Attorney General's office with respect to the concerns of Ms Telina Webb.

Resolved, on the motion of Mr D'Adam: That the Chair will discuss the correspondence from an individual regarding the conduct of the NSW Law Society with the Attorney General's office and write a response to him about his concerns

4. Review of the Work Health and Safety Scheme in 2026

The committee discussed their role Under section 276C of the *Work Health and Safety Act 2011*, as the designated Legislative Council Committee to supervise the operation of the work health and safety scheme established under the Act.

Resolved, on the motion of Mr D'Adam:

- The focus of the committee's review of the operation of the work health and safety scheme established under the Work Health and Safety Act 2011 be:
 - The rights and roles of workplace Health and Safety Representatives
 - Workplace health and safety training, education and support for apprentices in the workplace.
- The chair will write to the SafeWork NSW Commissioner:
 - Requesting to engage directly with Health and Safety Representatives for their participation in the review
 - Seeking the list of certified trainers accredited by SafeWork NSW in order to invite them to participate in the review.

5. 2025 Review of the Compulsory Third Party insurance scheme

5.1 Public submissions

The following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 2, 4 -13, 15-18, 16 a.

5.2 Partially confidential submissions

The following submissions were partially published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 3, 14 and 19.

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Resolved, on the motion of Mr Roberts: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 3, 14 and 19

6. 2025 Review of the Lifetime Care and Support scheme

6.1 Public submissions

The following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-8, 7a.

7. Public hearing for 2025 Review of the Compulsory Third Party insurance scheme and 2025 Review of the Lifetime Care and Support scheme

Resolved, on the motion of Mr D'Adam: that the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.
The Chair made an opening statement.

The following witnesses were sworn and examined:

- Dr Zachariah Duke, Director, Road Trauma Support Group
- Mr Duncan Wakes-Miller, Deputy Chairman, Road Trauma Support Group
- Mr John King, President, BusNSW
- Mr Matt Threlkeld, Executive Director, BusNSW
- Mr Nick Abraham, Chief Executive Officer, NSW Taxi Council, sworn and examined
- Mr Brian Wood, Secretary, Motorcycle Council of NSW
- Dr Tasha Prabhakar, Deputy Chair, New South Wales Chapter, Australasian College of Road Safety
- Mr Michael Timms, Chair, New South Wales Chapter, Australasian College of Road Safety

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Trudy Minett, Board Member, Australian Community Industry Alliance
- Ms Sue Cudmore, Chair, Australian Community Industry Alliance
- Dr Ashley Craig, Professor of Rehabilitation Studies, John Walsh Centre for Rehabilitation Research
- Dr James Middleton, Professor of Rehabilitation Medicine, John Walsh Centre for Rehabilitation Research

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Estelle Pearson, Director and Principal, Finity Consulting, Insurance Council of Australia
- Ms Laura Heffernan, Executive Manager, New South Wales CTP Claims, Suncorp; Chair, New South Wales CTP Claims Working Group, Insurance Council of Australia
- Ms Michelle Bain, Executive General Manager, CTP Insurance and Advocacy, Suncorp; Chair, Personal Injury Schemes Committee, Insurance Council of Australia

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Leigh Davidson, Deputy Chair, Injury Compensation Committee, Law Society of New South Wales
- Mr Tim Concannon, Chair, Injury Compensation Committee, Law Society of New South Wales
- Ms Jnana Gumbert, Member, Common Law Committee, New South Wales Bar Association
- Mr David Hooke, SC, Chair, Common Law Committee, New South Wales Bar Association
- Mr Andrew Stone, SC, Chair, NSW CTP Subcommittee, Australian Lawyers Alliance

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jeffrey Gabriel, Director, Solutions, Independent Review Office
- Ms Samantha Taylor, PSM, Independent Review Officer, Independent Review Office

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Geniere Aplin, Chief Executive Officer, icare
- Ms Sarah Johnson, PSM, Group Executive, General Insurance and Care, icare

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Mandy Young, Chief Executive, State Insurance Regulatory Authority
- Ms Lauren Sayer, Acting Executive Director, Regulatory Operations, State Insurance Regulatory Authority
- Ms Bronwyn Martin, Acting Executive Director, Regulatory Strategy and Stewardship, State Insurance Regulatory Authority

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Mark Gibbins, President, Australasian Association of Medicolegal Providers
- Associate Professor Michael Robertson, Australasian Association of Medicolegal Providers.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.30 pm. The public and the media withdrew.

Resolved, on the motion of Mr Roberts: That the committee accept and publish the following document tendered during the public hearing:

- Copy of a letter to the Minister for Regional Transport and Minister for Roads, The Hon Jenny Aitchison from the President of the NSW Bar Association, tendered by Mr David Hooke, of the NSW Bar Association.

8. Adjournment

The committee adjourned at 5.48 pm, sine die.

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Sarah Newlands
Committee Clerk

Draft minutes no. 25

Thursday, 16 April 2026

Standing Committee on Law and Justice

Room 1043, Parliament House, Sydney, 10.02 am

1. Members present

Mr Donnelly, *Chair*

Mrs Carter, *Deputy Chair*

Ms Boyd, via videoconference

Mr D'Adam, via videoconference

Mr Fang, via videoconference

Mr Lawrence

Mr Nanva, via videoconference

Mr Roberts

2. Previous minutes

Resolved, on the motion of Mrs Carter: That draft minutes no.21 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 2 January 2026 - Letter from Peter McLean, CEO, Bicycle NSW, opposing the inclusion of e-bikes in the NSW CTP scheme
- 16 January 2026 - Email from Alice Nichol, Senior Adviser, Insurance Lines, Insurance Council of Australia, responding to comments made by Mr David Hooke at the hearing on 8 December 2025
- 30 January 2026 - Email from Mr Adam Mercer, individual, on his concerns about his CTP claim
- 30 January 2026 - Email from Mr Adam Mercer, individual, commenting on the evidence given at the 8 December hearing of the Standing Committee on Law and Justice
- 30 January 2026 - Email from an individual to the Chair, outlining her concerns with the CTP claim for her daughter, and enclosing correspondence from Liesl Tesch, MP
- 18 February 2026 - Email from Mr Adam Mercer, individual, offering to contribute to the 2025 Review of the CTP Scheme
- 19 March 2026 - Letter from Rino Matarazzo, Board Member, BusNSW, expressing concerns about the CTP premiums for contracted buses.

Sent

- 17 February 2026 - Letter from the Chair, to Mr Adam Mercer, individual, responding to his concerns about his CTP claim
- 17 February 2026 - Letter from the Chair to an individual, responding to her concerns about CTP insurance coverage for her daughter's injuries.

Resolved, on the motion of Mr Roberts:

- That the committee keep the 3 items of correspondence from Mr Adam Mercer regarding his CTP claim, dated 30 January 2026, 30 January 2026 and 18 February 2026,

confidential, as per the recommendation of the secretariat, as it contains potential adverse mention.

- That the committee keep the correspondence from an individual to the Chair, regarding their daughter's CTP claim, dated 30 January 2026, confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.
- That the committee keep the correspondence from the Chair to an individual to the Chair, regarding their daughter's CTP claim dated 30 January 2026, confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.

The committee noted the following items were published by the committee clerk under the authorisation of the resolution appointing the committee:

- 2 January 2026 - Letter from Peter McLean, CEO, Bicycle NSW, opposing the inclusion of e-bikes in the NSW CTP scheme
- 16 January 2026 - Email from Alice Nichol, Senior Adviser, Insurance Lines, Insurance Council of Australia, responding to comments made by Mr David Hooke at the hearing on 8 December 2025.

4. 2025 Reviews of the CTP scheme, LTCSS and CTP Care scheme

4.1 Submissions

The committee noted the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 3a.

4.2 Answers to questions on notice and supplementary questions

The committee noted the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from Insurance Council of Australia received on 16 January 2026
- answers to questions on notice and supplementary questions State Insurance Regulatory Authority (SIRA) received on 22 January 2026
- answers to questions on notice and supplementary questions from the Australasian College of Road Safety received on 16 December 2025
- answers to questions on notice and supplementary questions from the Australian Community Industry Alliance received on 5 January 2026
- answers to questions on notice and supplementary questions from the Road Trauma Support Group received on 12 December 2025
- answers to questions on notice and supplementary questions from the Motorcycle Council of NSW received on 14 January 2026
- answers to questions on notice and supplementary questions from the Independent Review Officer received on 19 January 2026
- answers to questions on notice and supplementary questions from icare, received on 27 January 2026.

4.3 2025 Review of the CTP insurance scheme

The chair submitted their draft report entitled *2025 Review of the CTP insurance scheme*, which, having been previously circulated, was taken as being read.

Chapter 1

No amendments

Chapter 2

Ms Boyd moved:

(a) That the following new paragraphs be inserted after paragraph 2.53:

'A related issue raised in evidence concerned the inclusion of 'adjustment disorder' within the definition of 'threshold injury' under the *Motor Accident Injuries Act 2017*. Threshold injuries include psychological or psychiatric injuries that do not constitute a 'recognised psychiatric illness'. The Law Society of New South Wales submitted that the removal of adjustment disorder from the threshold injury definition was an outstanding priority reform from the 2021 statutory review that had not yet been implemented. Mr Tim Concannon, Chair, Injury Compensation Committee, Law Society of New South Wales, listed it among the most pressing reforms requiring action, noting that this should not wait for the next statutory review:

We suggest that it is appropriate, in particular, that the following outstanding recommendations are addressed. These include the removal of adjustment disorder from the definition of 'threshold injury', allowing injured persons with a 'threshold injury' to access the scheme's benefits, including timely access to statutory benefits for treatment, care and loss of income to assist injured people to return to work. [FN Evidence, Mr Tim Concannon, Chair, Injury Compensation Committee, Law Society of NSW, 8 December 2025, p 25.]

Evidence supporting this position was provided by Dr Ashley Craig, Professor of Rehabilitation Studies, John Walsh Centre for Rehabilitation Research. Dr Craig expressed reservations about the clinical validity of adjustment disorder as a threshold injury category, observing that the diagnosis is officially appropriate only in the first six months following an injury; beyond that period it more closely resembles depression. He noted that her research showed little impact of an adjustment disorder diagnosis on outcomes compared to a diagnosis of depression, which he considered more accurate and clinically appropriate:

Adjustment disorder is an interesting diagnosis. Officially, it should only be applied in the first six months following the injury; otherwise it looks very much like depression ... some of our research showed very little impact of an adjustment disorder diagnosis on outcomes, whereas a depression diagnosis would be, I think, more accurate and more to the point.' [Evidence, Dr Ashley Craig, Professor of Rehabilitation Studies, John Walsh Centre for Rehabilitation Research, 8 December 2025, p 16.]

(b) That the following new paragraph and recommendation be inserted after Recommendation 3:

'The committee notes the evidence in relation to adjustment disorder. The practical concern is that claimants whose psychological condition would more accurately be characterised as depression may instead receive an adjustment disorder diagnosis, with the consequence that their injury is classified as a threshold injury and their entitlements are accordingly limited. The committee notes that the Law Society regards the removal of adjustment disorder from the threshold injury

definition as an outstanding priority reform from the 2021 statutory review, a view supported by clinical research evidence put to this review. The committee recommends that the NSW Government act on this recommendation without waiting for the second statutory review of the MAI Act due in 2026.'

Recommendation X:

That the NSW Government consider amending the *Motor Accident Injuries Act 2017* and associated regulations to remove adjustment disorder from the definition of threshold injury, as recommended by the 2021 statutory review.

Question put and passed.

Ms Boyd moved:

(a) That the following new paragraphs be inserted after paragraph 2.28:

'Mr Stone SC, Chair, NSW CTP Subcommittee, Australian Lawyers Alliance, made a more specific argument about the duration of the confidentiality arrangements. He argued that even where an innovation had been fully implemented and evaluated, there was no mechanism for information about it to be disclosed, even years after the fact:

The insurers are allowed a profit uplift beyond their 8 to 10 per cent band for doing innovative things. And I understand the theory. It's to stop them stop trying so that they look at what they can do to improve things. Otherwise if the profit was viewed as a lock, then what's the incentive to be innovative? So they're given an extra profit percentage. The problem is that because it's individual to each insurer, it becomes commercial in confidence. That means there's no disclosure of what the innovations are, there's no reporting on what the profit uplifts that they're taking insurer by insurer are, and there's no commitment to ever tell us what these profit uplifts were and what the innovations were. SIRA says, "We've got smart people looking at it. We've got external experts looking at it. Take us on trust that we're holding them to a high standard in ensuring that these profit uplifts are fully justified."

If that's how it has to be, that's how it has to be. But there's presumably some time limit on the secrecy. What we've asked for is at least can we say five years out, when the profit uplift is no longer being lifted for that innovation, reveal the totality of the documents: the insurer's application, SIRA's analysis of it and any external consulting. The fact that they know that it will eventually be disclosed is at least some ultimate accountability for what's occurred, even if it's occurring a long time after the event. If it's got to be done in complete secrecy, then at least can there be a statute of limitations on the secrecy to eventually lead to its disclosure? We've raised that with SIRA, and we've never got a clear answer of when can we eventually see the documents years after the innovation ceased to be innovative. [Evidence, 'Mr Stone SC, Chair, NSW CTP Subcommittee, Australian Lawyers Alliance, 8 December 2025, p 29.]'

(b) That the following new Recommendation be inserted before paragraph 2.104:

'Recommendation X

The committee recommends that SIRA establish a defined period from the date of final assessment, after which information about approved innovation fund applications must

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be publicly disclosed, including the nature of the innovation, its projected and actual economic value to the scheme, and the basis on which any profit uplift was approved. SIRA should also publish annual aggregate reporting on the innovation fund, including the total number of applications received, approved and finalised in each year.'

Question put and passed.

Mr Roberts moved: That paragraph 2.90 be amended by inserting 'The NSW Taxi Council has been unequivocal in its submission that genuine competitive neutrality will only be achieved by placing all point-to-point service providers, including taxis and rideshare, within a single CTP class, noting that this has already been implemented in Queensland and Victoria. [FOOTNOTE: Submission 17, NSW Taxi Council, p 4.]' after 'working on options for the NSW Government.'

Question put and passed.

2.111 Mrs Carter moved: That paragraph 2.91 be omitted: 'Therefore the committee seeks a commitment to a timeline for meaningful policy change. We recommend that SIRA finalise changes to the appropriate guidelines to ensure CTP premiums accurately reflect risk in the point-to-point transport sector, and ensure these changes are implemented within six months of the tabling of this report.', and the following new paragraph be inserted instead:

2.112

2.113 'Therefore the Committee recommends that SIRA finalise changes to the appropriate guidelines to ensure CTP premiums do not impact on competitive neutrality in the point to point transport market and accurately reflect risk in this sector, by six months of the tabling of this report, grouping together taxis and rideshare operators in a single class for CTP insurance'

2.114**Question put and passed.**

Mrs Carter moved: That Recommendation 1 be amended by omitting 'ensure Compulsory Third Party Insurance premiums accurately reflect risk in the point-to-point transport sector.' and inserting instead 'group taxis and rideshare operators in a single class for CTP insurance.'

Question put and passed.

Mr Roberts moved: That Recommendation 1 be amended by inserting at the end: 'In doing so, SIRA should have regard to the models adopted in Queensland and Victoria, where all point-to-point service providers are placed within a single class for the purposes of CTP insurance.'

Question put and passed.

Mr Roberts moved: That the following new paragraph be inserted after Finding 1:

'The Committee notes that this per-kilometre charge applies only to kilometres during which a fare-paying passenger is in the vehicle. SIRA confirmed that kilometres driven by a rideshare driver to reach and collect a passenger do not attract the additional charge. [FOOTNOTE: Evidence, Ms Bronwyn Martin, A/Executive Director Regulatory Strategy & Stewardship, SIRA, 8 December 2025, p 59.] This is in contrast to taxis, whose CTP premiums are calculated on all kilometres travelled. As a result, a significant portion

of the commercial driving undertaken by rideshare vehicles falls outside the scope of the per-kilometre premium mechanism.'

Question put and passed.

Mrs Carter moved: That paragraph 2.99 be amended by inserting at the end: 'The Committee notes that Parliament, in passing the *Workers Compensation Legislation Amendment (Reform and Modernisation) Act 2026*, has mandated a review of the effectiveness and appropriateness of PIRS by the Chief Psychiatrist, or his delegate. The results of this review are due within 18 months and will inform further reviews by this Committee.'

Question put and passed.

Resolved, on the motion of Mr Roberts: That:

The draft report, as amended, be the report of the committee and that the committee present the report to the House

The transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, and answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting

The secretariat is tabling the report at 2.00pm, Thursday, 23 April 2026.

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

4.4 2025 Review of the Lifetime Care and Support Scheme

The chair submitted their draft report entitled *2025 Review of the Lifetime Care and Support Scheme*, which, having been previously circulated, was taken as being read.

Chapter 1

No amendments

Chapter 2

: -

Mrs Carter moved: That Recommendation 2 be amended by inserting 'That an interim report be tabled in both Houses of Parliament no later than 12 months from the date of tabling of this report, with a final report to be tabled within a further 12 months.' after 'rehabilitation, care, and eligibility.'

Question put and passed

Mrs Carter moved: That paragraph 2.78 be amended by inserting 'to' after 'potential to request entry.'

Question put and passed.

Resolved, on the motion of Mr Nanva: That:

The draft report, as amended, be the report of the committee and that the committee present the report to the House

The transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, and answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting

The secretariat is tabling the report at 2.00pm, Thursday, 23 April 2026.

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

5. Adjournment

The committee adjourned at 10.52 am until *sine die*.

Sarah Newlands
Committee Clerk

