

**STANDING COMMITTEE ON LAW AND JUSTICE**  
**Ninth review of the exercise of the functions of the MAA and MAC**

**MOTOR ACCIDENTS AUTHORITY AND MOTOR ACCIDENTS COUNCIL**  
**QUESTIONS**

1. (from MAA answer to question 16, pp 13-14) Of the six CARS and MAS user groups surveyed for satisfaction, which were most satisfied and which least satisfied? Are there plans to conduct further user satisfaction surveys?

**RESPONSE:**

**Attached (Attachment 1) is the Motor Accidents Assessment Service response to the issues raised in the six studies undertaken by the Justice Policy Research Centre, School of Law, University of Newcastle relating to stakeholder perceptions of the Medical Assessment Service and the Claims Assessment and Resolution Service.**

**The Motor Accidents Assessment Service response identifies the improvements already achieved and further actions proposed in response to the issues raised in the stakeholder studies. The Assessment Service is also continuing to monitor the improvement strategies implemented and incorporate stakeholder consultation and feedback in the development of all on-going policy and procedural modifications.**

2. In its submission (Submission 10 to the MAA/MAC Review) People With Disability Australia (PWD) has raised concerns about the MAA's decision to provide \$5 million in capital funding from the Injury Management Grants Program toward the redevelopment of the accommodation facility known as Ferguson Lodge. PWD argues that the decision goes against the MAA's Injury Management Sponsorship Guidelines, which state that service development projects are not eligible for sponsorship funding. PWD further argues that the redevelopment, which will provide congregate rather than community based care, does not satisfy the Guidelines' aim to promote 'best practice through evidence based treatment, rehabilitation and attendant care services'. On what basis was funding provided for the Ferguson Lodge redevelopment, and what is your response to PWD's assertions in respect of the Injury Management Sponsorship Guidelines?

**RESPONSE:**

**In February 2007 the Board of Directors of the Motor Accidents Authority approved a capital grant of \$5 million to the Paraplegic and Quadriplegic Association of New South Wales (ParaQuad) for the redevelopment of Ferguson Lodge. The Board made the grant conditional, with a number of criteria imposed. This grant is one of 10**

major capital grants made by the Authority to various organisations over the last five years.

The Motor Accidents Authority's published *Injury Management Sponsorship Guidelines* do not apply to capital grants. As stated on the Authority's website, the sponsorship Guidelines relate principally to education/information activities such as conferences and seminars and are generally funded up to an amount of \$5,000. Submissions to the Authority requesting capital funding are considered on a case-by-case basis.

The Department of Disability, Ageing and Home Care has also committed significant funding to the Ferguson Lodge redevelopment. It is our understanding that the Department has discussed the proposed plans with ParaQuad and revisions have been made, in order to meet the former's requirements while at the same time endeavouring to meet the strongly expressed preferences of the residents themselves.

The Authority has also required that the site be redeveloped with maximum flexibility to accommodate divergent needs. The current plans include provision for a number of fully accessible, self-contained cottages suitable for short-term periods as interim or transitional accommodation for individuals and families, or for the longer term.

The Authority acknowledges the rights of people with disabilities to exercise choice and control over their lives. We understand that the current residents of Ferguson Lodge have been presented with various housing options and models, and have had considerable input into the development of an agreed plan. It is also our understanding that the current residents have expressed a very strong preference to be housed as a group at the same site as the current Ferguson Lodge.

Both the Motor Accidents Authority and Lifetime Care and Support Authority are committed to maximising opportunities for independence and choice for people with disabilities and facilitating their fullest possible participation in society.

#### **Further questions taken on notice during the hearing**

**Ms CASSIDY:** I know there have been complaints in relation to CARS assessments and the conduct of CARS assessments. Happily, I can say they have been few and far between. I think it would be safe to say that the majority of complaints are often about the outcome, rather than the process.

**The Hon. JOHN AJAKA:** Are we permitted to take on notice, without identifying the parties, what the nature of the complaints are, and how many complaints there have been?

**CHAIR:** If that would be useful, and if you people can give us that information.

**The Hon. JOHN AJAKA:** If you would take that on notice, of course deleting any reference to identification of a claimant.

**RESPONSE:**

**Between 1 July 2004 and 30 June 2008 a total of 28 complaints were received concerning the Claims Assessment Resolution Service. As a comparative trend indicator Table 1 below shows the number of complaints received as a percentage of total Claims Assessment Resolution Service applications received, by financial year:**

Table 1. Percentages of Complaints to the Claims Assessment Resolution Service

Year	Total number of Claims Assessment Resolution Service applications received	Total number of complaints received	Complaints as a % of total applications
1/7/04 – 30/6/05	4,390	8	0.18%
1/7/05 – 30/6/06	4,480	9	0.20%
1/7/06 – 30/6/07	2,663	6	0.23%
1/7/07 – 30/6/08	3,109	5	0.16%

**Of the 28 complaints received over the four year period concerning the Claims Assessment Resolution Service:**

- **19 were about the Claims Assessment Resolution Service Assessors and their assessments, and;**
- **Nine were about the Motor Accidents Assessment Service’s internal procedures regarding the processing of Claims Assessment Resolution Service matters.**

**Of the 19 complaints received concerning Claims Assessment Resolution Service assessors:**

- **Two were regarding an alleged breach of the Claims Assessment Guidelines by an assessor;**
- **Seven were regarding alleged inappropriate behaviour or conduct by assessors, and;**
- **10 were regarding the decisions made by assessors. The main concerns raised related to the amount awarded by an assessor for a particular head of damage or insufficient reasons being provided for awarding a particular head of damage.**

**The Motor Accidents Assessment Service values the feedback received from the parties in relation to the Claims Assessment Resolution Service Assessors and their assessments and the feedback received to date has been very useful in identifying training needs for Assessors and potential enhancements and improvements to the service that the Claims Assessment Resolution Service provides.**