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CTP Review  
Motor Accidents Insurance Regulation  
State Insurance Regulatory Authority  
Level 25, 580 George Street  
Sydney NSW 2000

I urge the Government and the Standing Committee to hold a public enquiry or Royal Commission to allow injured claimants to reveal their mistreatment by the CTP insurers and the Regulator and its agencies. I believe this would reveal the catastrophic consequences of a culture of non compliance and corruption rife amongst the CTP Insurers and the Regulator and its agencies. I believe the Government's confidence in the CTP Insurers conduct is misplaced and it is most regrettable that Minister Dominello could convene a review that doesn't mention or seek input from injured motor accident victims, treating practitioners, disability and human rights groups or seemingly from learned colleges or peak health and consumer bodies.

For too long the Government and the Regulator have been misled by the Insurers about their gross misconduct and I believe this is delivering poor health and life outcomes for claimants against a backdrop of ever increasing premiums, bureaucracy and legal challenges and unsustainable gross profits to the 4 CTP Insurers.

**The scheme needs to return as quickly as possible to a fully publically underwritten scheme.**

**I believe there are overall cost savings and health benefits to making this a no fault cover. Insurance companies must be removed from the scheme.**

**Removing these Insurance companies and returning to a publically underwritten scheme will result in**

**Better claimant experience**

**Downward pressure on premiums**

**Faster claims resolution**

**Reduced dispute rates and associated legal and investigation costs**

**Increasing scheme efficiency (in terms of premium dollars returned to claimants)**

**Greater confidence in the scheme.**

In WA the remaining State where the Insurance companies haven't taken over- the premiums are significantly lower and the Scheme provides better outcomes for claimants.

In New Zealand the Scheme is also publically underwritten and again delivers better outcomes for claimants and lower premiums. <http://www.acc.co.nz/making-a-claim/what-support-can-i-get/index.htm?ref=footer#P60> 2015

There is a blatant conflict of interest in the existing scheme where motor accident victims at their most vulnerable have their cases managed by the CTP Insurer of the party responsible for the

accident. These insurers are allowed to “self-regulate” with no effective oversight by the Regulator. This has led to a culture of extreme non compliance. Add to that the Government allowing the CARS and MAS Assessors to work for the Insurance companies but decide on claimants cases as though they are “independent”, Panels members for the Regulatory and Enforcement Roles and for MAA oversight also are selected from the Insurance Sector.

The community at large including CTP premium payers do not hold Insurance Companies like the CTP Insurers in the same regard that Minister Dominello and the Regulator appear to. In a meeting with Minister Dominello in September 2015 I raised complaints and allegations regarding catastrophic consequences resulting from intentional gross maladministration by the CTP insurer for the State Government bus that crashed into our stationary car injuring me and my husband in May 2012. I had previously sought intervention and resolution with the Insurer up to the level of Head of Claims Governance and the CEO without success indeed causing further victimization and within the MAA at Senior levels of Audit and Compliance etc and raised concerns about what I believe was the misconduct in Public Office by staff employed directly and indirectly by the Government and about the fundamental flaws in the system and its administration.

That meeting came when my complaints had already been passed from my local member Minister Henskens SC MP to Minister Constance who in turn passed it to the Hon Dominic Perrottet, Minister for Finance, Service and Property before reaching Minister Dominello. I went through this difficult process of trying to get these complaints heard in the hope that no other injured motor vehicle accident victims and their families would be subjected to this sort of misconduct in the future.

I raised serious allegations of criminal and corrupt conduct by the Insurer including

Fraud

Intimidation, Harassment and Threatening Behaviour

Assault

Unlawful surveillance

Trespass and Entrapment

Reckless endangerment

Corrupt Conduct

Perverting the Course of Justice

Concealing documents and Misrepresentation of substantive issues

Misuse of my children’s (who were not in the accident) medical records and unlawful and intimidating conduct by the CTP’s “surveillance” agents towards them

Providing false and deceptive documents

Conspiracy to conceal corrupt conduct and misleading the Regulator

Further I provided documentary supporting evidence for these claims including letters from practitioners urging an external review and describing the consequences of that misconduct as catastrophic, cataclysmic and so on. I also provided supporting documents regarding the Insurer

misconduct that I believe supported my allegations that

- Their actions were planned and deliberate
- The intent and motive of their delay, deny, starve approach was for their own profit.
- They persisted in outrageous conduct over a lengthy period
- They attempted at the highest levels to conceal and understate their misconduct including to the Regulator.
- They were aware what they are doing was wrong and continued in their wrong-doing
- They profited significantly by their misconduct
- My situation was drawn to attention of top management and compliance who took no corrective action and then attempted to cover up and underplay the nature and impact of their activities. They also then committed additional breeches of the legislation and guidelines and of the Company's own code of conduct and the Insurer's Council code. This was continued at the level of CEO.
- That they deliberately misled the Regulator and CARS assessors.
- They wilfully disregarded my rights and the Act and Guidelines and consistently shown a complete lack of good faith.

In response SIRA arranged an investigation. That unduly lengthy process, which I allege was marred by further maladministration and lack of procedural fairness, is now the subject of consideration by the Ombudsman. Flawed as I believe that report was It did however find that

**the Insurer did not act as required by the Relevant Act and the Guidelines and that there were system-wide failures in SIRA meeting its core function of regulation and in its management of complaints.**

Minister Dominello recently said *We must demonstrate that there is zero tolerance for fraudulent or unethical behaviours in the CTP scheme, and legislative changes may be needed to ensure the regulator has the appropriate powers to deal with incidents of fraud. The Government has announced the formation of a CTP Fraud Taskforce to address this issue.*

Unfortunately there has been a demonstrable and long standing lack of interest in misconduct and fraud perpetrated by the Insurance companies and Minister Dominello has been seemingly engaged in pushing a distraction agenda of victim blaming. This is a strategy managed by the Insurance companies and their lobbyists that seeks to blame victims and make misleading statements about fraud by claimants that is not based on any independent actuarial basis. As there have already revelations about fraud by major insurance companies in other sectors and reports *like Guilty until proven innocent* document by the Financial Rights Legal Centre about Insurance investigations including the use of false statistics regarding claimant fraud by Insurers it is indeed distressing to see Minister Dominello pushing this line particularly when similar campaigns overseas by Insurance companies have already been extensively covered.

I believe it is time for the fraudulent and unethical behaviours of the CTP scheme Insurers to be exposed publically and for a new system which is a no fault publically underwritten scheme that focuses on delivering positive health/life outcomes to be instituted. This will benefit claimants, the wider community and the CTP paying public.