

Balancing fairness, affordability and efficiency in the new CTP scheme

By Noel Hutley SC



In my last *Bar News* column I provided a progress report on the New South Wales Government's plans to reform the compulsory third party system in this state. At that time I indicated that, although the government had put its plans on hold in the short term, there was no guarantee that it would not continue to progress a workers compensation-style model that would seriously impinge on common law rights.

Since that time, the legal profession has been working constructively with the government in recent months to provide extensive feedback on design features of the new scheme consistent with the aim of balancing fairness, affordability and efficiency.

At the time of writing, the government's Motor Accidents Injuries Bill 2017 has been introduced into the Legislative Assembly and is awaiting debate. The Bill as introduced represents an important advancement on the government's previous policy direction. In addition to preserving common law rights for the most seriously injured, the Bill also provides common law remedies for innocent victims of motor accidents who sustain more than minor injuries. The legal profession has campaigned in favour of this category of people – the

tradesperson who suffers a fused ankle, the nurse who sustains damaged vertebrae and so on.

A number of other concerns of the legal profession have also been addressed in the Bill. The minister for finance the Hon Victor Dominello MP is to be congratulated on his consultative approach to the reforms and willingness to listen to the legal profession's arguments on behalf of injured motorists. Although there are a number of outstanding issues which have been the subject of further representations from the profession, the 2017 model is a significant improvement on previous proposals. The new scheme will retain acceptable levels of support for the more seriously injured, whilst delivering the premium reductions for motorists that the government seeks.

I would like to acknowledge the outstanding contribution of the association's Common Law Committee in the development of the legal profession's representations to government throughout the lengthy consultation process. The profession will monitor the implementation of the new scheme to ensure that it delivers on its objectives.

At the time of writing, our annual program of regional CPD conferences is coming to an end. As in previous years, regional conferences have been held at Ballina, Newcastle, Orange, Parramatta and Sydney throughout February and March, offering a wide range of speakers on a variety of topics. Importantly, these conferences also offer an opportunity for members of the Executive to update practitioners on recent policy issues and other current matters before Bar Council and allow those practitioners to ask questions and provide input on issues and concerns regarding the Bar Association.

The recent accession of the Trump administration poses many questions regarding US domestic policy and the

future role of the United States on the international stage. This edition of *Bar News* features an analysis of President Trump's use of executive orders by Justin Hewitt and a piece by Dr Christopher Ward SC on the implications of the Trump presidency for the treaties of the United States.

Finally, the current edition also features a piece by senior vice-president on the recent health and wellbeing survey of practitioners conducted on behalf of the Bar Association. Health & wellbeing (and mental health more generally) within

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our profession is rarely spoken about, yet within our community everyone is affected by their own or colleagues' poor health. Many of us will at some time experience periods of distress during our working lives.

This research will identify risk factors that impact on a barrister's professional practice. It will gather information regarding the quality of our working lives and provide Bar Council with a report on the issues raised. We then propose to use the data to inform future initiatives to develop more support for individuals as well as raise awareness of the impact of certain types of conduct on the wellbeing of colleagues.