



SA initiative with potential implications for other jurisdictions?

AGREED RESOLUTION PLANS

In South Australia, within the Motor Vehicle Injury (Compulsory Third Party) scheme, an initiative has been developed by a committee comprising members from the Law Society of SA, Australian Lawyers Alliance (ALA), Motor Accident Commission (MAC, CTP insurer) and Allianz Australia (claims agent on behalf of MAC).

The initiative is entitled 'Agreed Resolution Plans' (ARP) and it seeks to avoid disputes and delays in the management and settlement of personal injury claims. The ARP process has undergone a successful trial with several law firms, including Tindall Gask Bentley, Mellor Olsson Lawyers, Wallmans Lawyers and Manfield & Co Lawyers.

The ARP process offers a means of avoiding disputes and delays in the management and settlement of CTP claims by, among other things, developing a plan for the collection and exchange of information.

A meeting is arranged between a representative from Allianz and a solicitor for the injured party shortly after the notification of the injury claim (usually around four to six weeks). At that time, the solicitor will advise of the anticipated development of the claim and the nature of the information that is likely to be required. Similarly, Allianz will identify any areas that it would like addressed.

The plan incorporates decisions in regards to the following:

- Liability
- Progressive payment of treatment accounts and disbursements
- Appointment of specialists and experts
- Collection and exchange of information
- Future meetings
- Projected settlement date (to which parties can aim)

The ARP document is then signed by both parties and is used as a common framework and understanding for the ongoing management of their respective files. As with all plans, they can be amended in the event of unforeseen

developments affecting either party.

At the time negotiations (and, possibly, mediation) are conducted, it is envisaged that all discoverable information would have been exchanged and that no new sources of information will be accessed (updating of information from existing sources may be required if the matter fails to resolve and proceeds to trial).

Effective as of 1 July 2009, the SA *Supreme Court (Civil) Rules* were amended to accommodate the ARP process. Rules 125, 129 and 130 essentially provide for the dispensing of various court conferences and, instead, can allow a matter to proceed to a Directions Hearing in preparation for a trial. Thus, in recognition of the actions of the parties prior to litigation, matters can proceed expeditiously to a listing for trial.

ARPs can offer the following benefits:

- Delays and disputes can be avoided or, at the very least, a process is agreed whereby issues can be more effectively managed and resolved. This will provide benefits for injured persons and the CTP scheme generally;
- Plaintiff solicitors and Allianz can more effectively represent their respective interests;
- ARPs do not interfere with the injured person's rights to be legally represented;
- All discoverable information can be exchanged with minimal delay; and
- ARPs provide the parties with the opportunity to discuss and possibly agree the progressive payment of treatment and disbursements. ■

If you would like further information or are interested in participating in the Agreed Resolution Plans process, please contact Jason Holmes on (08) 7420 2668 or via email jason.holmes@allianz.com.au.