



Queensland liability claims - working PIPA to your advantage

Are Queensland claims driving you to distraction? Have you got on the PIPA merry go round and conceded defeat to mounting legal bills and claims that are blowing out? At Proclaim we have the solution for you.

Background to PIPA

Queensland's response to tort reform was to overlay a cumbersome pre-litigation process (PIPA) to the management of liability claims, and in doing so Queensland has created its own administrative monster. Claims not resolved by early intervention in Queensland inevitably lead to the issue of a voluminous PIPA Form 1 by the claimant, more often than not assisted by their lawyer. Welcome to the PIPA process - in many ways worse than litigation, as the elongated and complex process is not suited to smaller claims (hence turning them into larger ones), and many companies with little or no exposure are being joined as cross respondents.

The problems with PIPA:

- Legal bills that only seem to mount up.
- Difficulties in resolving small claims quickly.
- Smaller claims end up being pursued at higher administrative and legal costs.
- Tort reform was meant to address rising legal costs - the PIPA process has encouraged greater use of lawyers at lower levels - including plaintiffs that previously may have been unrepresented.
- Defendants seem to nearly always retain lawyers - so increasing the rate of legal representation at the back end as well, often irrespective of the exposure.
- The potential for extremely high costs relative to amounts in issue.

The Solution – the Proclaim PIPA Service

Our PIPA offering is an extension of our broader model of liability claims management which concentrates on an improved claim process incorporating early reporting of incidents (within 24hrs is ideal) and early intervention by a skilled Claim Manager where appropriate. In addition, a disciplined claim regime with strong systems can assist in the identification and reduction of risk. Better risk means lower premiums. With an office on the ground in Brisbane we can use our legally qualified claim managers to manage PIPA claims from the ground up AND attend conferences on your behalf. We have proven we have the expertise to get you the best possible outcomes, and with our Brisbane office we can now provide this service at a fraction of the cost of using legal representation.

Features of Proclaim's liability claim services

Our Brisbane office has amongst its staff two former insurance lawyers with significant experience of running PIPA claims and with plenty of runs on the board when it comes to settling those claims either at compulsory conference or beforehand. So you don't need to see those \$5000 and \$10000 legal bills mounting up before you even get to conference! We can manage it for you. The main features of our services are:

- Our account managers are legally qualified and highly experienced in Queensland liability claims and the PIPA process. They also know the plaintiff lawyers and know how to negotiate to the best outcomes.
- We pride ourselves on our commercial and pragmatic approach to liability issues.
- We manage the claims for our clients from the start and do not incur the additional expenses of lawyers unless the case is complex, very large or a certificate or readiness for trial has been signed.
- We prefer quick and cost efficient investigation of incident causes using existing client resources where possible.
- For more complex claims where it may be necessary to retain lawyers and investigators we work strategically with our service providers to ensure the right investigations are underway and the claim is managed cost effectively.

Benefits of Proclaim's liability services – save you time, save you money

The most compelling benefit in our services is the savings in costs that can be created by using Proclaim to manage your claims. In the case studies below, we cut the clients costs of running these cases by 80% or more, yet get great outcomes for the clients - because we have the commercial and negotiation skills and we handle the claims as a claim manager from start to finish.

- Not defaulting to legal representation saves you time (quicker resolution) and money (lower costs).
- Improvement in individual claim and portfolio results – leading to savings in premiums.
- Trust in our service to deliver results and save you time and money.
- Supports your brand and business through a superior and commercial claim process.
- Ready access to high levels of technical expertise including legally qualified claims managers.
- Faster and more rapid response to customer requirements.
- Reporting that provides the information you require to control your financial exposure.
- A wealth of benchmarking and historical data for risk management and benchmarking purposes.

Our main difference is that at Proclaim we have the skills and technical expertise to manage these claims to effective outcomes without defaulting to legal representation – so saving time and money.

Our costs

- We manage the majority of our Queensland claims at our usual liability rates.
- If the claim is required to be prepared for a conference, there are additional charges which depend on size and complexity and whether we need to attend the conference.
- We manage it from start to finish!

Legal costs?

- The average Queensland claim incurs more than \$10,000 in legal costs.
- Invariably you have a claim manager and an insurer involved as well.

Examples of Proclaim in Action

- We represented the interests of a cleaner co-respondent to a PIPA claim. Both our client and the property owner contributed equally to a commercial settlement; however our client did not incur any legal fees for the claim, while the property owner, who retained a law firm at the outset of the PIPA proceedings, incurred legal fees of \$25,000.
- We attended a PIPA compulsory conference for a client, who was one of 3 respondents to the claim. The claim settled for \$23,000 with our client contributing 25%, being \$5,750. Our client did not incur any legal costs. Both other respondents were represented by law firms and the amount of their legal costs exceeded their respective contributions to the claim cost.
- PIPA compulsory conference involving 2 respondents. The claim settled for \$25,000 with **nil** contribution from our client. Our client also saved approximately \$5,000 in legal fees by having Proclaim attend the conference.

Clients (using our PIPA approach)

- Mirvac
- Bayton Property Services
- ALH
- 7Eleven
- Jones Lang Lasalle
- ISS Facility Services Australia
- Surf Life Saving Australia

Talk to Proclaim today about how we can help you reduce your costs while building better customer and contractor relationships.

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