

To whom it concerns,

In response to the above mentioned consultation, I attach draft submission on PIAB prepared by the Self Insured Task Force (SITF) which represents the views of the group (of which Ervia (formerly BGE) and Irish Water are members).

Kind regards,

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I am writing to you on behalf of the Self-Insured Taskforce whose members are drawn from Semi-State, Local Authority, State Agencies and private companies. Collectively we hold provisions against accident liabilities just under €1bl and employ around 95,000 staff. The cost of personal injury claims is obviously of considerable interest to our Members.

We are surprised by the content of the letter from the Assistant Secretary of the Department of Jobs, Innovation & Enterprise dated 19th June 2014 received by most of our Chief Executives, or equivalents, seeking input to a public consultation process on the Personal Injuries Assessment Board Acts 2003 and 2007. We are not aware of a call for such a review from any quarter. We would certainly have welcomed such a consultation process on a number of measures which are likely to adversely effect job security and operational efficiency, such as the recent increases in Court jurisdictions and the continuing amendment to proposals to establish a better system for the adjudication of litigation costs. However, these are matters on which a submission to the Minister for Justice will be required.

In the tight timeframe permitted for this consultation, we have held a meeting of Members and consulted with others electronically. This highlights the need for the legislation under review to allow for the service of documents by email which is now the normal means of communication and is allowed for under more recent Acts for similar quasi-judicial bodies. This would aid efficiency for all parties and can be undertaken with the necessary security arrangements through use of modern technology.

In general Members feel that the Injuries Board works well and over the last ten years has reduced costs significantly. While there are a small number of operational matters which Members feel could be improved, they are not matters requiring legislation.

Members are generally of the view that General Damages awards are too high in this jurisdiction relative to elsewhere in Europe which is the wider economy in which Ireland must compete. However, we must acknowledge that levels of compensation are set by the judiciary and consistent with the principle of the separation of powers this is not something that can be influenced by legislation.

We have a number of concerns about operational issues arising from the planned implementation of the recoverability of Social Welfare benefits from 1st August 2014. While supportive of the principle

of ending 'unjust enrichment' upon which we have made submission previously to the Department of Justice, there may be unintended consequences which have not been adequately considered but again this is a matter more appropriate for a submission to the Minister for Social & Family Affairs.

In short, there are a number of measures that need to be taken to reduce the burden of liability insurance premiums and litigation costs in Ireland but a review of the PIAB Acts 2003-2007 is not one of them.