



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

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14 MAY 2019

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Tuesday, 14 May 2019

MADAM SPEAKER (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Sri Lanka terrorist attacks
Motion of condolence

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.02): I move:

That this Assembly expresses its profound sorrow at the loss of life following the devastating terrorist attacks in Sri Lanka on Sunday, 21 April 2019.

On behalf of all Canberrans, I share this Assembly's deepest sympathies with those affected by the cruel, senseless and cowardly acts of violence which took place in Sri Lanka on Easter Sunday. I would like to acknowledge the presence in the Assembly gallery this morning of Acting High Commissioner Dissanayake from the Sri Lankan High Commission, who has joined us this morning.

We are very proud of our city's strong and diverse Sri Lankan community. Canberra's Sri Lankan community includes people from all cultural groups, including Sinhalese, Tamil, Moor, Burgher and Malay, and people from different faiths, including Buddhists, Christians, Hindus and Muslims.

Our city has always been a place where everyone is welcome, regardless of their place of birth, the colour of their skin, their cultural background, religion, language or socio-economic status. Canberra's Sri Lankan community plays an important unifying role in bringing people from different cultures and faiths together to support each other and to celebrate their shared cultural identity.

These attacks have had a profound impact across the globe, with casualties from many countries, including Australia. As we meet today, the death toll stands at more than 250 people, with many more being treated for serious injuries and trauma. These were innocent people expressing their faith on an important religious occasion, tourists enjoying their holidays and people just going about their normal business on a Sunday morning. These attacks were perpetrated by cowards—plain and simple—because only cowards indiscriminately kill the innocent. I know I speak for all Canberrans when I say we will never accept violent extremism, and in our opposition to this we are unified and unwavering.

Canberra is a city that has always stood for diversity, compassion, inclusion and acceptance. Extremist views have no place in this city. Indeed, they have no place in any society around the world. When we take the time to look beyond what divides us, we see that there is so much more that unites us than can ever be imagined.

It is important at this time that we support those members of our community who have been affected by these atrocities. We must support them and continue to show our solidarity with them. I have been touched to see so many Canberrans come together in organised vigils to remember the victims of these attacks and to show our solidarity with everyone who was impacted by them. I sincerely thank the organisers of those many events. Your actions demonstrate the strength of our community. We stand with all our local community members who have been affected by these attacks, and we stand with all Sri Lankans as they recover and look to move forward with their lives. I commend the motion to the Assembly.

MR COE (Yerrabi—Leader of the Opposition) (10.05): Again we are in this chamber mourning the loss of life following a brutal terrorist attack. On behalf of the Canberra Liberals, I extend my sympathies to the families and friends of the victims, and to Sri Lankans across the world, particularly here in Canberra. I, too, like the Chief Minister, acknowledge the leadership demonstrated by Sri Lankan High Commissioner Skandakumar and the presence of the Acting High Commissioner today. It was just six months ago that many of us were at the High Commission celebrating the Sri Lanka Festival. This was in the lead-up to the first test match in Canberra, which featured Sri Lanka.

By all accounts, Sri Lanka is a place of immense beauty and hospitality. Just a few months ago Sri Lanka was ranked the number one country to visit by *Lonely Planet*. The events of late April are a significant blow to the wonderful work that has been done to promote Sri Lanka to visitors. The progress that has been made by Sri Lanka and Sri Lankans since the civil war has been truly extraordinary.

Australia has much in common with Sri Lanka, including shared commonwealth heritage, trade, tourism, cricket and, importantly, many thousands of people-to-people links, primarily through the wonderful Sri Lankan community in Australia. Here in Canberra we are blessed to have about 3,000 or so Sri Lankans living in the city.

My first introduction to the Sri Lankan community goes back about 25 to 30 years, when Arjuna and Nehra moved in around the corner from our family home in Wanniasa. They were and are wonderful community ambassadors for Sri Lanka. Like thousands of other such Sri Lankan Canberrans, in addition to being wonderful, loving people they have taught Canberrans so much about the country. Since then I have met many Sri Lankans in Canberra, and I am always touched by their hospitality and compassion.

On Easter Sunday a number of lethal bombings took place over a six-hour period at three churches, four hotels and a housing complex. The Catholic Church of St Sebastian in Negombo and the Shrine of St Anthony in Colombo, in addition to the Zion Church in Batticaloa, were all targets by the terrorists. The coordinated, deadly attacks were carried out by suicide bombers apparently with links to or inspired by international terrorist organisations. In response, Sri Lankan authorities have been swift in making arrests and cracking down on terrorist cells.

Just as in the recent past, in response to the attacks in Christchurch, Canberrans mobilised to demonstrate their support and sympathy. At St Christopher's Cathedral

here in Canberra a multi-faith memorial service and peace vigil was held on 23 April. In a time of grief and sorrow they demonstrated solidarity as a community, coming to pray for the affected families. The following day, 24 April, the Buddhist Vihara Temple in Kambah held a vigil and on 28 April Nationlight Church in Belconnen, a Tamil-based church, hosted a memorial service to pray for those impacted by the attacks.

I also note Canberra's Sri Lankan Muslim community's demonstration of unity and commiseration in the days following the attack. On Thursday, 2 May the community hosted a vigil at the Canberra Islamic Centre to recognise the victims. I also note the wonderful work of the High Commission to help the community in this grieving process. The expressions of support for all the victims by different faith communities is a very important part of the recovery process.

Tragically, hundreds of defenceless victims in Sri Lanka were targeted because of their faith. They were chosen by terrorists because of their religion. Whilst these terrorists may have brought about physical destruction, the victims were exercising their religious conviction. At the time of their death they were celebrating the resurrection of Jesus and giving thanks for the eternal hope that they had. There is no place for terrorism, and violent extremism in all its forms must be eradicated. We must remain vigilant in doing all we can to ensure that people of faith who peacefully practise their religion in Australia and abroad are protected and feel comfortable and confident in doing so.

I thank Canberra's Sri Lankan community for all that they contribute to the capital. We mourn with them and with church communities at this very sad time.

MR RATTENBURY (Kurrajong) (10.12): I rise today on behalf of the ACT Greens to express our deep sympathies to the families and friends of the over 250 people who died as a result of the tragic bombing on Easter Sunday in three churches in Colombo, Negombo and Batticaloa in Sri Lanka, as well as at three hotels in Colombo. As well as these tragic deaths, hundreds of people were physically injured. And through the loss of family members and close friends, thousands of people have been directly affected by these senseless attacks.

For all these attacks to have taken place on a religious holiday, a day so important to people of Christian faith, is abhorrent. A day when so many families gather together to celebrate in peace is not a day when you would expect to lose your friends or family in such hateful acts of violence and murder. The majority of those killed were local Sri Lankans attending church on a significant day for the Christian community. The deaths from the bombings at the three churches are simply tragic. Some were whole families, including many children, or sometimes most of a family, leaving just one survivor.

As well as the significant deaths from the church bombings, many people also died from the bombings of three hotels in Colombo. Around 40 foreigners, including British, Indian, Danish, Dutch, Swiss, Spanish, US, Australian and Turkish citizens, are among the dead. These included families on holidays, professionals such as scientists and engineers, staff working at the hotels and seven political party workers from the Janata Dal (Secular) Party of India on a post-election trip to Sri Lanka.

Sri Lanka of course is a country recovering from the brutal effects of almost three decades of war and ethnic hostilities. Although a number of cultures and religions have long co-existed, the underlying religious tensions mean that Christian and Hindu minorities still feel unaccepted in many parts of Sri Lanka.

In contrast, we are so lucky here in Australia to be part of a rich and diverse multicultural society, a place where people have the right to celebrate and express their cultural heritage within universally accepted human rights. We would like to see a peaceful future in Sri Lanka where all ethnic groups living in Sri Lanka can enjoy political, economic, social and cultural freedom. These bombings are the antithesis of that, designed to spread fear and division among peoples.

Just two months ago we stood here in this place to express our sympathies and condolences to those 50 people who died in the Christchurch massacres in New Zealand. It seems that violence and brutality know no borders when it comes to such acts of terrorism. Whether it be attacks on Christians in prayer, Muslims in prayer, Buddhists in prayer or Jews in prayer, it is wrong. It is unjust and it is tragic. No amount of killing or bombing justifies more deaths and bombings.

It was disappointing to see various statements that tried to justify the Sri Lankan bombings as a just response to the attacks at the mosques in Christchurch. The sad fact is that people caught up in the middle of other people's extreme religious wars are innocent civilians, innocent people getting on with their daily lives. War should not beget war; it cannot beget more war.

We need to join forces with those who will work towards peace, work towards understanding and work towards acceptance. Political leaders from all parties and religious leaders from all faiths need to speak out against these violent actions and against the hatred, division and intolerance that underwrite them. Only when our societies truly tolerate and accept each other for who they are, for what they believe and for what they practise, will we all be stronger and safer.

Like the Chief Minister and Mr Coe, I would like to acknowledge the local acts of solidarity that have taken place here in Canberra, organised by the local community. I attended the ceremony on 23 April at St Christopher's Cathedral in Manuka. I sat next to Mrs Jones. It was tremendous to see the community come together. There were a number of other political leaders there from the federal sphere and it was a very emotional service but one of multi faiths where many people came together to pay their respects and to stand in solidarity with the Sri Lankan community. I thank the people who organised that event.

We stand together today with other members in this place to grieve in solidarity with the families who have lost loved ones, with the people of Sri Lanka and with the Sri Lankan community here in Canberra. We offer our support to members of the Australian-Sri Lankan community during their time of loss and grief and vow to continue to fight for peace, tolerance and acceptance.

Question resolved in the affirmative, members standing in their places.

Petitions

The following petition was lodged for presentation:

Motor Accident Injuries Bill 2019—petition 11-19

By **Mr Coe**, from 362 residents:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the proposed enactment of legislation by the *Motor Accidents Injuries Bill 2019* will:

- Remove, or significantly restrict the rights to compensation, of ACT residents who are injured in a motor vehicle accident in the Australian Capital Territory;
- Result in Insurance Companies who provide 3rd Party Insurance to motorists in the Australian Capital Territory receiving super profits.

Your petitioners therefore request the Assembly **to vote against** the *Motor Accidents Injuries Bill 2019*, so as to retain the existing rights to compensation of ACT residents.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

Ministerial responses

The following responses to petitions have been lodged:

Motorcycle parking in Forrest—petition 22-18

By **Mr Gentleman**, Minister for Planning and Land Management, dated 2 May 2019, in response to a petition lodged by Ms Cody on 12 February 2019 concerning motorcycle parking in Forrest.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 12 February 2019 regarding petition No 22-18 lodged by Ms Bec Cody MLA on behalf of 62 residents of the Australian Capital Territory, with the principal petitioner being Jaison Basil.

Motorcycles make better use of road space and parking space than cars. Their use is supported with dedicated parking bays in many locations across the ACT. Motorcycles are also permitted to park in car parking bays. The ACT road rules allow up to three motorcycles to park in a single car parking bay, provided they park in a way that does not impede other riders entering or exiting

that car parking bay. Each rider is required to pay any applicable fee to park their motorcycle and abide by any signposted time restrictions.

The area that is the subject of the petition is designated land under the National Capital Plan. The off-street parking facilities near the subject site are managed by the National Capital Authority (NCA). The NCA is responsible for the mix of bays within carparks, including the provision of motorcycle parking bays.

On-street parking in the subject area is managed by the ACT Government. As the road reserve is within designated land, changes to on-street parking are at the discretion of the NCA and are assessed under the NCA's works approval process.

The ACT Government has reviewed the safety and viability of several options to provide more motorcycle parking in the road reserve area. Converting on-street short-stay car parking bays to motorcycle parking bays in the subject area was considered. This raised concerns about traffic flow impacts and safety for motorcyclists and other road users, particularly if bays were located on busy streets.

There were also concerns that removing short-stay parking bays may impact the local area's viability and functionality. A substantial reduction in short-stay parking that supports local businesses and services would be required to accommodate enough new motorcycle bays. It would be difficult to provide enough motorcycle bays in the road reserve to meet demand. Demand is anticipated to be high as motorcyclists can park in the bays free of charge, whereas they must pay to park in car bays or private carparks.

The review also considered converting existing footpath and verge space for motorcycle parking or allowing motorcycles to park unrestricted on footpaths and verges. These options raised concerns about safety and amenity impacts for pedestrian and cyclists.

Given the above, the review found that off-street carparks would be the most suitable location for a substantial number of new motorcycle parking bays. I have forwarded your concerns to the NCA for their consideration and have suggested that they consider adding motorcycle parking bays in nearby NCA-managed carparks to support this mode of transport.

School bus services—petition 4-19

By **Ms Fitzharris**, Minister for Transport, dated 10 May 2019, in response to a petition lodged by Ms Lee on 13 February 2019 concerning school bus services.

The response read as follows:

Dear Mr Duncan

Thank you for your letter 13 February 2019 regarding petition No 4-19 lodged by Ms Elizabeth Lee MLA about school bus services from Fairbairn.

The new public transport network has been designed based on data from the MyWay ticketing system and other sources that shows how Canberrans

(including school students) use public transport, as well as consultation with the public, schools and parents.

Based on this analysis, the Government has prioritised school bus services for areas or schools where a large number of students are travelling and where the existing network is unable to effectively meet this demand. The new network does not include a school bus service for Fairbairn Park because, on average, about 1.2 students boarded a bus and 2.4 students alighted from a bus at Fairbairn Park each school day during 2018.

The ACT Government is committed to continuing to invest in our public transport network. We are monitoring how the new network is used and will continue to work to ensure it best serves our community going forward. Your feedback will be shared with the scheduling and planning area within Transport Canberra and City Services for consideration as part of the development of any future changes to services and timetables.

Thank you for raising this matter with me. I trust this information is of assistance.

Motion to take note of petition and responses

MADAM SPEAKER: Pursuant to standing order 98A, I propose the question:

That the petition and responses so lodged be noted.

Motor Accident Injuries Bill 2019—petition 11-19

MR COE (Yerrabi—Leader of the Opposition) (10.19): Many Canberrans have been opposed to the changes to the CTP scheme since they were first announced in 2017. The current scheme that we will be debating today provides the best coverage in compensation to not-at-fault victims. Despite their legitimate concerns about reduced access to the new scheme and insurer profits, the government are forging ahead and eroding the rights of motor accident victims with their bill. While the petition had 362 signatories, I seek leave to table a further 26 signatories, which were collected out of order, bringing the total to 388 Canberrans.

MADAM SPEAKER: Is leave granted?

Leave granted.

MR COE: I table the following paper:

Petition which does not conform with the standing orders—Motor Accident Injuries Bill 2019—Opposition—Mr Coe (26 signatures).

Many petitioners have had personal involvement with the scheme and are greatly concerned that future accident victims will be worse off because of the trade-offs made within the proposed legislation. Along with these Canberrans, I again urge members to vote against the bill later today.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 30

MRS JONES (Murrumbidgee) (10.20): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 30, dated 30 April 2019, together with a copy of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS JONES: Scrutiny report 30 contains the committee's comments on three bills, one piece of subordinate legislation and one national law. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Education, Employment and Youth Affairs—Standing Committee Statement by chair

MR PETTERSSON (Yerrabi) (10.20): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Employment and Youth Affairs. On 29 November 2018, petition 18-18, which related to the cessation of funding for the music for colleges program, also referred to as the H music course, was referred to the committee for consideration.

The committee carefully considered the response from the Minister for the Arts and Cultural Events in relation to the petition and on 9 April 2019 sought a joint briefing from the minister for arts and the Minister for Education and Early Childhood Development to fully understand the factors involved.

Following this briefing, the committee resolved to conduct an inquiry into the cessation of funding for the music for colleges program. On 30 April the committee opened the call for submissions. The committee has published the terms of reference for the inquiry on its website and looks forward to receiving submissions prior to 30 May 2019 and reporting back to the Assembly on the matter in due course.

Justice and Community Safety—Standing Committee Statement by chair

MRS JONES (Murrumbidgee) (10.21): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety, in its legislative scrutiny role, on scrutinising amendments and recent issues that have arisen concerning this role. The committee is aware that, due to scheduling of meetings, proposed amendments were unable to be scrutinised in time for inclusion in the committee's most recent report.

The committee acknowledges the inconvenience this has caused and regrets that it has occurred. As with most committees, the scrutiny committee's meeting schedule was set prior to the recent changes to the standings orders that require all amendments to pass through scrutiny prior to tabling. There were two sets of amendments lodged with the scrutiny committee within the time frame that had been advised to all members.

The committee accepts that the Assembly may grant leave to debate all amendments to the Motor Accident Injuries Bill 2019 which may be made this sitting period. The committee will take measures to ensure that its meeting schedule will be set with a view to avoiding this problem occurring again in the future.

Planning and Urban Renewal—Standing Committee Statement by chair

MS LE COUTEUR (Murrumbidgee) (10.23): Pursuant to Standing Order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Urban Renewal relating to its inquiry into the ACT planning strategy 2018. On 7 February 2019 the Standing Committee on Planning and Urban Renewal resolved to undertake an inquiry into the ACT planning strategy 2018. A public hearing was held on 29 March 2019. At this hearing the committee heard evidence from the Minister for Planning and Land Management and officials from the Environment, Planning and Sustainable Development Directorate.

The committee will not be drafting a formal report in relation to this inquiry. However, the identification and understanding of key elements of the planning strategy gained from this inquiry will inform future work undertaken by the committee during the Ninth Assembly. The committee wishes to thank the minister and the directorate officials for their contribution to the inquiry.

ACT Integrity Commissioner

MS J BURCH (Brindabella) (10.24): I seek leave to move a motion circulated in my name relating to the appointment of the Integrity Commissioner.

Leave granted.

MS J BURCH: I move:

That this Assembly, pursuant to subsection 25(3)(b) of the *Integrity Commission Act 2018*, approves the appointment of the Honourable Dennis Cowdroy OAM QC as the ACT Integrity Commissioner.

I am very pleased to move this motion today. The successful passing of this motion is the next step in establishing the territory's inaugural Integrity Commission and a commitment that we have made to members of our community for this strong new oversight body. The recruitment of the position for the ACT's inaugural Integrity Commissioner has been rigorous, and I am confident we will have a commission

which delivers the expectations that we in this place have debated for some time. Section 25 of the act outlines the process for the recruitment of the Integrity Commissioner. That process was rigorous and robust. I commend the motion to members.

Question resolved in the affirmative.

Public housing growth and renewal Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.25): Last October I launched the ACT housing strategy, which sets out the government actions in affordable housing over the next decade. One of the key pieces of this strategy is a \$100 million commitment to continue the renewal of public housing and support growth over the next five years. This investment builds on the success of the current public housing renewal program and will see 1,200 new homes built for public housing tenants, including an extra 200 homes for people on the housing register.

Four years ago this government committed to the largest renewal of public housing in our history, with the replacement of 1,288 public housing properties. While the ACT has the highest rate of public housing per capita of any jurisdiction in Australia, we also had, on average, some of the oldest. The housing that has been renewed and replaced, roof for roof, had reached the end of its useful life. It was built to the standards of the time, intended to be temporary accommodation for newly arrived workers to Canberra. The buildings had little or no energy and efficiency ratings, did not match the needs of public housing tenants and were not adaptable for older tenants or people with a disability.

The renewal of public housing enables a better alignment of the portfolio with tenant needs and size, with an increasing number of single person households. It has also broken down concentrations of disadvantage and increased public housing in areas where there was previously very little.

I recently attended the opening of a new complex in Monash which marked the 1,000th home completed under the current renewal program. It has been great to see these homes ready for their new residents, and I have consistently been impressed by the homes being delivered for tenants. The dwellings at Monash are fully adaptable and suitable for older tenants and people with a disability. All new public housing has a minimum six-star energy rating and efficient appliances, meaning it is cheaper to heat and cool during the Canberra seasons.

The current program has been developed with a mix of housing types in 39 different suburbs across Canberra. The government has committed over \$600 million over the life of this current program, and this investment in the development and construction of replacement public housing has supported the local industry, generating thousands of jobs.

At times the debate around this renewal program has been difficult. I acknowledge the contribution made by the Canberra community in the planning and consultation process over the last few years. In order to renew and build public housing in new areas there has been an ongoing conversation about how we can share some of our space in our great suburbs with vulnerable Canberrans in public housing and welcome them into the community.

It is important that we do not forget the experience of tenants in this renewal program. Relocated tenants were supported by considering their individual needs and preferences over the life of the program. Approximately 1,400 people have moved into new homes. For many people, moving home has provided the opportunity for a fresh start, while for others it has allowed them to move closer to family, friends or services they are linked in with.

I have heard many stories from tenants who have moved into their new homes about the significant improvement to their lives and overall wellbeing this has made. The program has empowered tenants to take hold of opportunities and take pride in homes that better suits their needs. Some tenants have chosen to stay in an area they know, while other tenants have taken the opportunity to move to an area that is closer to their family or workplace.

As the current program nears its successful completion in June this year it does not mean the government will be slowing down its investment in public housing. This week I released the ACT housing strategy—growing and renewing public housing 2019-24. It provides the detail on the new \$100 million investment and how we will continue to realign public housing to better suit the needs of current and future tenants.

The forward program of growth and renewal shifts gears; it changes the focus from divesting multi-unit complexes to renewing and growing our single and low density stock. It changes focus from building new public housing on predominantly vacant land to using Housing ACT's existing land more efficiently.

But one thing will not change—that is putting tenants at the centre of all we do. To achieve the renewal target of 1,000 dwellings and growth target of at least 200 dwellings Housing ACT will demolish around 300 old dwellings that no longer meet the needs of our tenants but are in locations worth preserving. They may be located near shops, schools, services and transport. On these sites around 700 new dwellings will be constructed.

Renewing on existing sites will provide tenants with more choice about where they live and whether they relocate permanently to a new home or choose to return to their old neighbourhood. Housing ACT will also construct around 360 new dwellings on land available through the indicative land release program as part of our public housing targets.

There will be more class C adaptable homes, suitable for all tenants with a range of ages and abilities. There will be more two and four-bedroom homes and our overall number of three-bedroom homes will be reduced so that the homes built better match the family size and needs of tenants.

Housing ACT will also purchase around 140 homes from the market. It will be using the purchasing component of the program to grow its portfolio in areas with low holdings or where redevelopment opportunities are not available. To supplement the \$100 million investment, Housing ACT will also sell around 700 older dwellings that will generate approximately \$500 million to reinvest straight back into the growth and renewal of public housing. The sales program will be used to reduce holdings in areas where the amount of public housing is higher or where houses are not well located. It will also sell houses that no longer meet the needs of tenants or are no longer viable for long-term use.

Over 10 years, to 2024, the ACT government will have invested more than \$1 billion in public housing and renewed approximately 20 per cent of the public housing portfolio. This is the largest investment and commitment of any government in Australia to public housing. If you compare our \$100 million investment in public housing on a per capita basis to other jurisdictions, New South Wales would need to invest nearly \$2 billion and Victoria would need to invest \$1.5 billion.

Our ongoing commitment to the renewal and growth of public housing ensures we will continue to better meet the needs of vulnerable Canberrans in need of long-term housing. Because of this program, at least 200 additional households from our housing register will be able to access safe and secure affordable housing. The government will continue our investment in public housing.

I present a copy of the statement:

Public housing growth and renewal—Ministerial statement, 14 May 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Matters of public importance

Statement by Speaker

MADAM SPEAKER: For the information of members, this morning 11 MPIs were lodged for discussion today. Four of those MPIs—those lodged by Ms Cheyne, Ms ,Orr, Mr Pettersson and Ms Cody—related to matters not subject to a specific area of ministerial responsibility. Accordingly, they were not included in the matters from which I selected today's discussion.

I remind members that, as MPIs can be left in play for some weeks, they should avoid nominating a date for the discussion. I currently have an MPI for a date that has already passed. So as not to run the risk of me deciding that such matters may be out of order at a future date, I ask members not to include a date.

Senior Practitioner Amendment Bill 2019

Ms Stephen-Smith, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (10.35): I move:

That this bill be agreed to in principle.

This bill addresses issues identified in the implementation of the Senior Practitioner Act 2018 and demonstrates the government's commitment to a nationally consistent approach to restrictive practice policy. We know that restrictive practices are more likely to be used in response to the behaviours of some of the most vulnerable people in our community: people with disability, older people, people living with mental illness, and children and young people.

The senior practitioner's powers extend to disability services, schools and other education settings, children and young people in out of home care and individuals receiving support for psychosocial disabilities. The senior practitioner is already playing an important role in our community, providing education and assistance in guiding decisions that deliver alternatives to restrictive practices. These alternatives preserve the person's rights, dignity and freedoms.

Since Ms Mandy Donley commenced work as the senior practitioner last year, she has done a lot of work in refining the operations of the office of the senior practitioner, working closely with the community and stakeholders on how we can reduce and eliminate restrictive practices in the ACT. One example of this work is the regular senior practitioner seminar series, which attracts registrations in the hundreds. This shows the strong interest in the ACT community in reducing and eliminating restrictive practices.

The bill I present today further supports the senior practitioner's engagement with community and service providers by recognising the use of restrictive practices in emergency situations and encouraging open disclosure and collaboration over a punitive approach. The amendments also address a requirement to change the definition of chemical restraint to align with the national disability insurance scheme quality and safeguarding framework. Amending the definition of chemical restraint shifts away from the current emphasis on movement to include a focus on behaviour, reflecting the person-centred intent of the act and ensuring a whole-of-person approach is adopted in the planning and implementation of positive behaviour support plans.

Alignment with the national quality and safeguarding framework supports the ACT government's commitment to national consistency in the authorisation, use and eventual elimination of restrictive practices. As the NDIS quality and safeguards commission comes into effect on 1 July 2019, an administrative amendment is also being made to include the NDIS quality and safeguards commission as an entity to which the senior practitioner may provide information.

An important element of this bill is the recognition of the use of restrictive practice in an emergency situation. Currently, the act specifies that the use of a restrictive practice by a provider must be in accordance with a registered positive behaviour support plan for the person. This does not recognise a situation where imminent harm is reasonably anticipated to either the person or others and restrictive practice is used as an emergency response. Acknowledging and making provision for the use of emergency restrictive practice is not an indication of acceptance of restrictive practices generally by either the ACT government or the senior practitioner, but rather recognition is made for the purpose of facilitating openness and reporting.

Importantly, and fundamentally, the bill enshrines the principle that providers should use restrictive practices only as a last resort, and in the least restrictive way and for the shortest period possible in the circumstances. I thank the Human Rights Commission particularly for their input into this amendment.

The bill includes an amendment to the offence of using a restrictive practice other than under a positive behaviour support plan. This is largely to provide for the use of emergency restrictive practice but also removes the penalty of six months imprisonment. This change has been made in response to stakeholder feedback that the potential penalties may prohibit open disclosure and collaboration with the senior practitioner. In addition, removing this particular penalty addresses strong stakeholder concerns that making individual workers potentially subject to harsh penalties will make it more difficult to attract and retain workers. A maximum penalty of 50 penalty units remains, as well as penalties for failure to comply with a direction of the senior practitioner.

The removal of this particular penalty, along with providing for the reporting of emergency restrictive practices, is intended to facilitate shining a light on hidden practices in the ACT. The collection and analysis of data to identify trends and potentially highlight areas for development will further support our goal of eliminating the use of restrictive practices in the ACT. Madam Speaker, the intention of the Senior Practitioner Act 2018 was to bring to bear infrastructure and supports to reduce and eliminate the use of restrictive practices in the ACT.

These amendments further refine this work. The government is committed to achieving the aims of the legislation, with a focus on the individual and by establishing a framework to guide providers and shape a culture focused on positive supports. The offences are an important tool to that end but do not replace a strength-based approach to cultural change, education and capacity building to reduce reliance on restrictive practices.

The final amendment extends the day of commencement for offences under the act by one year, to 1 July 2020. This amendment will further address stakeholder concerns about the imposition of offences and enable the senior practitioner to work with affected parties to ensure education and system supports are in place to facilitate a successful transition.

The Senior Practitioner Amendment Bill 2019 supports the ACT government's commitment to improving the lives of all people who are vulnerable and potentially subject to restrictive practices, as well as upholding their human rights. The bill ensures we meet our commitments under the NDIS quality and safeguards commission and the national framework for reducing and eliminating the use of restrictive practices in the disability sector.

I take this opportunity to thank all our community and sector partners, including the relevant unions, for their participation in the consultation process. I commend the bill to the Assembly.

Debate (on motion by **Mr Coe**) adjourned to the next sitting.

Motor Accident Injuries Bill 2019

Detail stage

Clause 1.

Debate resumed from 19 March 2019.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.42): Before we move into the detail stage debate on the individual clauses of the bill, I take this opportunity to speak briefly about how the government intends to proceed with implementing the new motor accident injuries scheme following the passage of this legislation through the Assembly.

We understand, of course, that there is no such thing as a perfect accident insurance scheme. As we have said from the start of this reform project, we are aiming to deliver a new scheme that best reflects the priorities and values of the broader Canberra community. We have been up-front in acknowledging that there will always be trade-offs and competing views when embarking on an overhaul this significant.

We also understand that in the lead-up to this debate members of this place have been working through which of these trade-offs they are comfortable with and how we can ensure that the new scheme delivers the best possible support for the greatest number of Canberrans who get injured in a motor vehicle accident.

I acknowledge that these have not been easy issues to grapple with. I particularly want to acknowledge Ms Le Couteur and her staff for their detailed engagement in the very fine details of the bill, as well as their determination to ensure that we have

anticipated and responded to as many different scenarios through this legislation as we possibly can.

Madam Speaker, this bill delivers a big reform by moving the ACT to a no-fault insurance scheme, where everyone—I repeat, everyone—who is injured in a motor vehicle accident is entitled to the treatment, care and income replacement they need to get better and to get back on their feet. As with any big reform of this scale, we may not get all of the settings exactly right on the first go. That is why this bill includes a requirement for a full and public review of the scheme to be carried out not more than three years after the date of its implementation. There are a range of issues that we have had to make choices about as we have gone through the process of designing this new scheme. It will be important to review the scheme once it has been running for a few years, to make sure that everything is working as intended.

This three-year review will take a particularly close look at the following issues: how well the scheme is supporting people who have both physical and psychological injuries as a result of their accident; the share of total scheme premiums directed to treatment and support for injured people; the average claims outcomes for people with different injury severities; the time taken to resolve claims and the number of legal disputes occurring; and actual insurer profits and how well they are meeting the requirements to provide timely and reasonable support for injured people. It will be a comprehensive review, Madam Speaker.

If there are issues that emerge in these areas or in other areas as the scheme is implemented, the government is open to making changes that will improve the experience for injured Canberrans accessing support through the scheme. The three-year review will provide a clear, timely and public opportunity to do this.

Should this legislation succeed today, there will be a range of implementation issues to work through with stakeholders and providers, including setting up new IT systems; preparing the further regulations identified in the bill, which require direct input from the legal and medical professions; expanding the staffing and resources of the new motor accident injuries commission and the ACT Civil and Administrative Tribunal; and helping the Canberra community to understand what is changing so that they can fully access their entitlements under the new scheme if they are involved in an accident.

To allow time for all of this important work to occur, the government now intends for the new scheme to commence on 1 February 2020. People who are injured in a motor vehicle accident before this date will continue to have their matters dealt with under the existing CTP arrangements. People who have ongoing CTP matters in train at the time of transition will also continue to have these dealt with under the existing scheme.

There are a large number of amendments to work through today as we move into this final stage of the debate. This includes some further technical and clarifying amendments the government has identified following feedback from legal stakeholders. While noting the overall opposition of the ACT Law Society and Bar Association to this reform, we appreciate their engagement in identifying areas where the bill needed strengthening or revising to remove any ambiguity about the rights of

injured people and the requirements placed on insurers to deal fairly with them in administering the scheme.

I can foreshadow that the government will not be supporting the majority of amendments proposed by the opposition. They would fundamentally alter the core features of the model chosen by the citizens jury on CTP and run counter to the objectives of offering fairer and faster access to support, as well as directing a larger share of the scheme's resources to those who are more seriously injured.

If the Liberals' amendments were passed today, indicative costings show that this would add at least \$100 to \$140 to premiums for an annual motor accident insurance policy. This means that premiums would be at least 25 per cent higher under the Liberals' plans than they will be under the legislation as it stands. That would make premiums higher than they are today under the current scheme, putting even more cost of living pressure on households.

When the government commenced this reform process, we were clear that premiums would not rise as a result of it. This was a clear commitment that we made, and we have designed a scheme that expands the number of Canberrans who are covered by 40 per cent. There is a 40 per cent expansion in the number of Canberrans covered by this scheme, whilst at the same time actually reducing premiums.

The new scheme laid out in this bill will deliver better outcomes for Canberrans by offering everyone—I repeat, everyone—who needs treatment, care and income replacement benefits for up to five years to support their recovery, as well as preserving the ability of people who are more seriously injured to make a claim for further support through common law.

This is a good reform, a reform that we are delivering in an affordable way for Canberrans. Madam Speaker, this is likely to be a very lengthy debate, so I will shut up now and we will get on with the detail stage. I commend this legislation to the Assembly.

MR COE (Yerrabi—Leader of the Opposition) (10.48): Madam Speaker, on the entirety of this legislation, rather than on clause 1 specifically, firstly I think it is important that I reiterate that we did oppose this legislation in principle; so it is unreasonable for Mr Barr to try to concoct this argument that we are trying to push up premiums by \$140 when actually our preferred option is not to go ahead with this at all.

However, if the government is going to go ahead with this, with the Greens' support, then we are at least trying to make this fair. It is unfortunate that we have to move all these amendments in an attempt to fundamentally alter the core features of this bill, as the Chief Minister put it. We are trying to fundamentally alter the core features of this bill, and the ball is in the Greens' court as to whether you want to fundamentally alter the core features of this bill. If not, you are siding with the government in eroding the benefits that so many people currently require after they are in a motor vehicle accident.

The other thing I want to address is the churlish slight that the Chief Minister made on me, my office and, in particular, some of my staff members. He paid particular recognition to Ms Le Couteur for being across the detail and for her commitment to the process, with no recognition of the enormous amount of work that my office has done on this bill, often in collaboration with Ms Le Couteur's office and with Mr Barr's office. For him to deliberately exclude the staff of my office, who have put hundreds of hours into this project, I think is pretty ordinary for a Chief Minister.

MS LE COUTEUR (Murrumbidgee) (10.51): I was not planning to speak at this point, but given that the other two parties have, it behoves me to briefly restate the Greens' position on this. The Greens are of the belief that the new scheme is, on the whole, a fairer scheme for the people of Canberra. I think we need to be very clear that, because this is a scheme relating to very complicated situations, dealing with a lot of people literally in very painful situations and dealing with different facts, some people will do better than others.

However, overall we believe that the proposed new scheme is something that will be fairer for the vast majority of people who are involved in motor vehicle accidents. As Mr Barr said, the new scheme will cover 40 per cent more people than the previous scheme. Given that those people also were injured in motor car accidents, we actually think that is a really good thing. To be able to do this without increasing the cost for everybody is also a really good thing. To do that, obviously there have been some movements, compromises and trade-offs.

We have worked on this for many hours. When I say that, I include the people sitting behind us and the people in the directorate who have done an awful lot of the work, given all the competing requirements to get the best possible scheme. There will be a review in three years, because I acknowledge—I am sure we all acknowledge—that there will be some things that need tweaking. I am confident that we will be improving our CTP scheme as a result of our debate today. I am also confident that the work we have done has improved the scheme, compared to its first iteration.

I mention one final thing, because it is not in the amendments. One of the things that we are very pleased about is that the original scheme had some very weird stuff relating to being guilty of fairly unrelated offences. For example, if you were a bike rider and you did not have your helmet on but it was your leg that was injured, you could have had your benefits considerably reduced. I am very pleased that the government has removed all of that; so we will not be debating it.

Clause 1 agreed to.

Clauses 2 to 13, by leave, taken together and agreed to.

Clause 14.

MR COE (Yerrabi—Leader of the Opposition) (10.54): I seek leave to move amendments to this bill which have not been considered or reported on by the scrutiny committee.

Leave granted.

MR COE: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the opposition amendments [*see schedule 1 at page 1633*]. Firstly, I note that it is most unfortunate that these amendments did not go through the scrutiny committee. That shows a problem with how the scrutiny committee is presently operating. It is not a problem with the members of the committee nor with the secretariat; but I think there is a problem with the processes set up for that committee. I also think there is an acute lack of resources offered to the scrutiny committee. I hope that either the scrutiny committee itself or admin and procedures are able to look at how that can be rectified going to the future.

With regard to amendment No 1, this amendment is consequential. It is based on subsequent amendments, particularly amendment No 4, so little needs to be said.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.56): I foreshadow the government's opposition to Mr Coe's amendments Nos 1, 2 and 3, and I will speak to all of them now. These amendments remove the concept of significant occupational impact from the bill. Significant occupational impact is an important principle of the bill as it provides an exemption to the whole person impairment threshold.

If an injured adult with a whole person impairment of less than 10 per cent is still receiving income replacement defined benefits at four years and six months after their motor accident, an independent significant occupational impact assessment will be arranged by a medical service provider.

It is intended that an independent medical examiner be able to undertake a significant occupational impact assessment. The guidelines power is required to provide for the administrative processes for an independent medical examiner provider in organising the provision of the significant occupational impact assessments. We do not support the removal of a significant occupational impact from the bill and, therefore, we will be opposing Mr Coe's amendments.

MS LE COUTEUR (Murrumbidgee) (10.57): The Greens will also be opposing this amendment. As Mr Barr said, the four amendments make a significant change proposed by the Liberal Party—that is, to remove the concept of significant occupational impact. A later Liberal amendment removes the chapter on significant occupational amendments in entirety. I will discuss our position now: we do not agree with the Liberal Party's amendment.

Significant occupational impact is one of the exemptions for an injured party with less than 10 per cent whole person impairment to enable them in some circumstances to make a common-law claim. It was not in the exposure draft but was added in the final version of the bill as a way to ensure that the whole person impairment test does not result in harsh outcomes.

I was surprised that neither Mr Barr nor Mr Coe brought it up, but the normal example on this is a concert pianist or concert violinist who loses one finger in accident. Most of us would be upset to lose one finger—my typing is not all fingers all the time anyway—but we would not be significantly impaired. But for some musicians such an injury could be the end of their livelihood. I am pleased that we have negotiated with the government for this addition, which will make the bill fairer. The Greens will oppose this series of Liberal amendments.

Amendment negated.

Clause 14 agreed to.

Clause 15.

MR COE (Yerrabi—Leader of the Opposition) (10.59), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 1 at page 1633*].

Amendments negated.

Clause 15 agreed to.

Clauses 16 to 34, by leave, taken together and agreed to.

Clause 35.

MR COE (Yerrabi—Leader of the Opposition) (11.00): I will be opposing this clause. Our proposed amendment omits clause 35. The definition of “full and satisfactory explanation” is excessively onerous in the context of an injured person who may not be well enough to attend to all the administrative requirements placed on them. Far more discretion and far more subjectivity needs to be applied to the situation a person may be in. To require a full and satisfactory explanation, especially in the eyes of an insurance company, is not appropriate.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.01): We will not be supporting the opposition’s proposed amendment here; the government opposes removing “full and satisfactory explanation” from the bill. This is a well-established concept that is supported by case law and is also used in the New South Wales compulsory third-party insurance scheme. Replacing “full and satisfactory explanation” with “reasonable excuse” would require far more case-by-case decision-making by an insurer and open an insurer to increased disputes.

MS LE COUTEUR (Murrumbidgee) (11.01): This is one of the bits that get seriously legal and technical. I accept that “full and satisfactory explanation” is already a well-established definition supported by case law and used in the New South Wales scheme. Thus we are prepared to accept what is in the bill at present.

I note that the Greens have improved this clause between the exposure draft and the presented bill, because a new example of a full and satisfactory explanation will sit in the examples part of the clause. It reads:

An application for defined benefits in relation to a motor accident is delayed because a person injured in the motor accident was not aware of the application process because the person did not receive accurate or timely information about the process.

The idea behind this was to recognise the kinds of challenges injured people may face in putting in an application and also to encourage insurers to disseminate information about how to make a CTP application. The definition of “full and satisfactory explanation” is also flexible enough to acknowledge that injured people may experience delays due to their injuries. It already has the concept of legal reasonableness to accommodate this. Decisions to refuse a late application are also reviewable decisions.

MR COE (Yerrabi—Leader of the Opposition) (11.03): From Ms Le Couteur’s comments I gather that on a number of these amendments it is quite likely that Ms Le Couteur and the Greens will be saying that this might not be ideal but it is in place in New South Wales so that is probably okay. Well, I do not think that is good enough, especially when we are talking about such significant legislation and when the victims are facing such massive changes to their livelihoods.

The Greens are willing to be trailblazers on so many issues, yet on something as important as this is for thousands of Canberrans they are simply going to sign up to what other jurisdictions have done, going in blind. That is totally irresponsible and Canberrans deserve much better than just a rubber stamp for the ACT government.

Clause 35 agreed to.

Clauses 36 to 49, by leave, taken together and agreed to.

Clause 50.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.04): I seek leave to move amendments to this bill which have not been considered or reported on by the scrutiny committee.

Leave granted.

MR BARR: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendments [*see schedule 2 at page 1643*]. This amendment clarifies that an injured person who has made a successful workers compensation application does not need to make an election to remain in their workers compensation scheme. It is a straightforward amendment, and I commend it to the Assembly.

MR COE (Yerrabi—Leader of the Opposition) (11.05): The opposition will be supporting the government's amendment.

MS LE COUTEUR (Murrumbidgee) (11.05): The Greens will be also.

Amendment agreed to.

Clause 50, as amended, agreed to.

Clause 51 agreed to.

Clause 52.

MR COE (Yerrabi—Leader of the Opposition) (11.06), by leave: I move amendments Nos 5 to 9 circulated in my name together [*see schedule 1 at page 1633*]. These amendments are particularly important in trying to get a better deal for Canberra's motorists. These amendments are consequential to changing the WPI threshold to five per cent. The current scheme allows individuals with all levels of injury to access just compensation and does not have restrictions on combining different types of injuries. This is a fundamental principle of our current system that the government is seeking to erode.

The opposition believes the current threshold of 10 per cent of WPI is too high and will unfairly restrict the scheme, meaning many people will be denied access to common-law avenues and therefore equitable compensation. Halving the threshold to five per cent will help to ensure that minor injuries are not tied up in the courts, but it means that people with legitimate claims can still access the care and support and compensation that they obviously need.

I urge the Greens in particular to support these amendments. It is absolutely essential that we open up the scheme to far more people than would be eligible if the threshold was to remain at 10 per cent, and therefore amendments Nos 5 through to 9 need to be supported.

MS LE COUTEUR (Murrumbidgee) (11.08): This is the first of a series of amendments proposed by the Liberal Party—I think there are 19 of them—that would change the whole person impairment threshold for accessing common law from 10 per cent to five per cent. So that we do not spend more than a day on this, I will put the Greens' position on the five to 10 per cent at this point in time and I will not bother repeating it for all the 19 amendments.

Fundamentally, we do not agree with changing the WPI threshold from 10 per cent to five per cent. Yes, this is something that is done on balance, and this is the reason why we are sticking with where it is. We are trying to produce a scheme here which balances a lot of different things, and the 10 per cent at this stage appears to be the correct place for the balance.

The citizens jury was clear that there needed to be a balance so that people who were more severely injured and were not at fault could potentially still access common law but there would be reasonable, good coverage for everybody who was injured. The citizens jury did look at WPI. My understanding is that this was where they saw the balance.

Yes, of course it restricts some people's access to common-law payouts, but I think we must also be very clear on this. It restricts some people's access to common-law payouts but the reality with this change is that 40 per cent of people who will get payouts and are expected to get financial support under the new system were 100 per cent restricted from any access to common law under the old scheme because they could not prove someone else was at fault. I think we have to remember this.

The new scheme has the advantage of allowing people who are not at fault to also receive benefits and promotes early access to treatment and payments. It also has the major advantage for the community of Canberra, with the exception of the legal community, of avoiding protracted legal action in many, many cases because many people will not have to establish fault to get full compensation. Protracted legal cases can delay people's access to treatments and payments and increase the cost of the scheme.

Of course, this scheme is not precisely the scheme that the Greens might have proposed had we had the task of doing the scheme from scratch, but this has many benefits over the existing scheme, and its fundamental principles have been considered and agreed on by a citizens jury—that is, a bunch of ordinary Canberrans who were given access to a lot of the facts about this and were asked to make the judgement about expanding it to cover everyone injured or continuing the restriction to only people who could prove it was someone else's fault.

They spent several weekends looking at it, and I think you could say one of the fundamental conclusions they came to was that it would be a fairer scheme to expand it to all people who are injured in car accidents rather than a subset of those people. I think that we really should respect that decision. It is a fundamental, ethical, moral decision as to where we want to go. Personally I am siding with the citizens jury on this one. I would prefer to see all injured Canberrans have a chance to have their medical expenses paid and, if necessary, some income replacement rather than a smaller subset having a potentially larger payout. That is what we are talking about here, we have to remember.

The other thing that has not come up here—and I should mention it—is that the major criticism that we have received for supporting the new scheme is that it is claimed to give more power to the insurance companies. I am not sure if it is going to give more power to the insurance companies than they have at present. Insurance companies seem to me to be pretty powerful at present. But there are a few things to say on that.

The first is: if we were doing a scheme, it possibly would be like Victoria's, a government-run scheme. The Greens have not bothered proposing this as an amendment because we cannot imagine either the Liberal Party or the Labor Party

supporting this. We are not going there. We are going for something which we are confident is an improvement on the current scheme, and we are also going for a lot more restrictions and interrogation of what the insurance companies do. Their power will not, hopefully, be unduly increased.

I would also note that the modelling conducted on the proposed scheme shows that with a 10 per cent threshold there may be a small number of people who will still receive payments for medical treatment or lost income even after the five years of defined benefits are up but who cannot meet them as they do not reach the 10 per cent threshold. This has been mitigated by the important amendments which have been made between the exposure draft and the final bill.

I mention one of the first of them: the significant occupational impairment test. I note that the Liberals oppose it, much to my surprise. Injured children still requiring treatment and injured adults still living on benefits after five years will now be able to access common law, despite having less than 10 per cent WPI. The scheme will also now provide options for injured people still requiring medical treatment at five years. These people will be eligible for a lump sum payment from their insurer which can be arbitrated in the ACAT. These were amendments that the Greens negotiated with the government to mitigate any potential harsh outcomes of the application of the WPI.

I would also point out that this scheme has, and has always had, a three-year review, and I would hope that if anything was unduly harsh that would in fact be looked at in that three-year review and we would have time to say, "Okay, this bit needs tweaking." No, the Greens do not support these amendments or the other amendments in relation to the reduction to five per cent from 10 per cent.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.15): Yes, these are obviously some of the more significant amendments. This will come up on multiple occasions, so I will make one set of comments now and then not speak further on this issue through the various future amendments that relate to the WPI threshold.

I state from the outset that it is important to remember in the context of debate on these particular amendments that all injured people will be automatically entitled to up to five years of treatment, care and income replacement as well as quality of life payments for whole person impairments of five per cent or more. This means that these defined benefits will meet the recovery and support needs of the overwhelming majority of people who are injured in an accident.

For most common injuries, whole person impairment scores cluster around multiples of five—five per cent, 10 per cent, 15 per cent. Most schemes that employ a whole person impairment tool set the thresholds at these levels for that reason. The majority of injuries from motor accidents are to the neck and to the spine, and they are mainly soft tissue injuries. We colloquially refer to them as whiplash. More serious injuries, including clinically verifiable nerve damage or material fractures to a vertebrae, of course would then go above that threshold, and the threshold of at least 10 per cent

whole person impairment has been set so that these people with injuries that are more serious will exceed that threshold and then will be eligible for common-law damages.

Whole person impairment assessment is more difficult at low levels, at around the five per cent mark that the opposition are proposing, partly because of the difficulty of distinguishing the impact of the accident from any pre-existing conditions. This, I think, is important when we look at the balance of the scheme, as Ms Le Couteur has indicated, and then look at how this is applied in other similar schemes across the nation. For example, Victoria have a 30 per cent threshold. They have some provision for a descriptive or narrative test but they have a 30 per cent threshold. New South Wales use a threshold of greater than 10 per cent whole person impairment for common-law claims.

When you look at the workers compensation schemes around the country which are similar—not exactly the same but similar—but which also use whole person impairment, it is greater than 15 per cent in New South Wales, 30 per cent in Victoria, 15 per cent in WA, 30 per cent in South Australia, 20 per cent in Tasmania and 20 per cent in Queensland. A 10 per cent figure here in the ACT is more generous than any other jurisdiction in the country and, I believe, strikes the right balance.

I think it is important to note that voting for these amendments would increase premiums. This is exactly the point that I made in my introductory remarks. This would be the big cost of living impact upon all Canberra motorists if these amendments were to pass. We believe we have struck the right balance here. I acknowledge the support of Ms Le Couteur and the Greens on this important issue. The government will not be supporting these amendments and the future ones that relate to this specific issue.

MR COE (Yerrabi—Leader of the Opposition) (11.19): I want to reiterate that we would not be in this situation if the Canberra Liberals had got their way and the legislation was rejected and we could simply keep the current system. We would not be having this talk, this discussion about 10 per cent or five per cent. The Chief Minister can try to construct this argument about \$100 or \$150 more, but this would all be moot if, indeed, they simply left the current system as it is.

The other thing that is important to note here is that the government and Ms Le Couteur, a member of the government in everything but name, keep talking about WPI, in particular talking about it as a percentage. In reality it is not a zero to 100 continuum. In reality, in effect, the continuum is far more likely to be zero to 50 or 60 because, for anything over 50 or 60, there is a fair chance you are pretty much dead. We have to put this in some perspective. That five per cent might sound very minor but that is actually doubled if you consider that the continuum is half the length that might be suggested if it were zero to 100.

Ms Le Couteur also made mention of the in-principle support for extending the coverage, the in-principle support for avoiding litigation and the need for more defying settlements. You can still have that in-principle support and reduce it to five per cent. The principle does not change by tweaking it from 10 per cent to five per cent. It is exactly the same principle. You are just choosing a different entry level, a much fairer entry level of five per cent.

Ms Le Couteur also made mention that this was the will of the jury. As Ms Le Couteur knows all too well, the jury primarily concentrated on the principles, not on the detail of the scheme. The detail of five per cent or 10 per cent was hardly looked into by the jury. You can talk about the principle when it comes to the jury but I do not think you can put much stock on five per cent, 10 per cent, 20 per cent or 30 per cent as far as the jury is concerned.

Unfortunately it seems that once again the Greens are far more committed to standing by the Labor Party than they are for standing up for injured Canberrans. It is a shame that so many people are going to be excluded from this scheme because of that cosy relationship.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 10

Noes 13

Mr Coe

Mr Milligan

Mr Barr

Ms Orr

Mrs Dunne

Mr Parton

Ms Berry

Mr Pettersson

Mr Hanson

Mr Wall

Ms J Burch

Mr Ramsay

Mrs Jones

Ms Cheyne

Mr Rattenbury

Mrs Kikkert

Ms Cody

Mr Steel

Ms Lawder

Mr Gentleman

Ms Stephen-Smith

Ms Lee

Ms Le Couteur

Amendments negatived.

Clause 52 agreed to.

Clause 53.

MR COE (Yerrabi—Leader of the Opposition) (11.27): I move amendment No 10 circulated in my name [*see schedule 1 at page 1634*]. I am seeking to change the definition of “information” in clause 53. At present “information” is defined as including a record containing information. It is a definition including the very word itself. I am seeking to change it to be “information means a required document or relevant application information for an application for defined benefits”. I hope those opposite can at least support that one.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.28): Sorry, Mr Coe. Madam Assistant Speaker, the Leader of the Opposition has indicated that the definition of the amendment requires information that is relevant to a common-law claim; that is, types of medical treatment received rather than a defined benefit application.

The government will be opposing the amendment. It creates uncertainty about the scope of an authority to disclose personal health information and health records. The disclosure of health records is essential for the processing of an injured person's application for defined benefits, and for assessing and otherwise managing an injured person's entitlements to defined benefits.

The definition in Mr Coe's amendment will also have the effect of excluding other essential information required to process an application for defined benefits such as the personal particulars of an injured person, the dependants of a person that has died in a motor accident, medical certificates or death certificates and consents in relation to personal information. The government will not be supporting this amendment.

MS LE COUTEUR (Murrumbidgee) (11.29): The Greens will also not support this amendment. As Mr Barr and Mr Coe have said, the Liberal amendment changes the definition of information in a defined benefit application. And it substitutes the definition of information that includes only the information required to make a common-law application and not to make a defined benefit application.

This means it will create uncertainties. There will not be enough information there. There will then be uncertainty as to whether or not an authority can disclose health records, which are essential for processing an injured person's application for defined benefits and for assessing and otherwise managing an injured person's entitlements to defined benefits. It would also exclude other information necessary to process an application for defined benefit.

Amendment negatived.

Clause 53 agreed to.

Clause 54.

MR COE (Yerrabi—Leader of the Opposition) (11.30): I move amendment No 11 circulated in my name [*see schedule 1 at page 1635*].

Amendment negatived.

Clause 54 agreed to.

Clauses 55 and 56, by leave, taken together and agreed to.

Clause 57.

MR COE (Yerrabi—Leader of the Opposition) (11.31): I move amendment No 12 circulated in my name [*see schedule 1 at page 1635*].

Amendment negatived.

Clause 57 agreed to.

Clause 58 agreed to.

Clause 59.

MR COE (Yerrabi—Leader of the Opposition) (11.32): I move amendment No 13 circulated in my name [*see schedule 1 at page 1635*]. This is quite a straightforward amendment that seeks to change the threshold for late application from “full and satisfactory” to “reasonable excuse”. This will bring a little bit of common sense to what is being proposed here. I am not too hopeful that it will get up because common sense is not high on the agenda of those opposite. But maybe.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.33): I enjoy the commentary of the Leader of the Opposition on these matters. This is very similar to the amendment he moved, which was amendment No 4, earlier on. The government will be opposing it for the same reason that we did earlier on.

Amendment negatived.

Clause 59 agreed to.

Clauses 60 to 70, by leave, taken together and agreed to.

Clause 71.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.34): I move amendment No 2 circulated in my name [*see schedule 2 at page 1643*]. This is a straightforward amendment that clarifies to an insurer that it can refuse to accept an application or pay expenses only if the insurer reasonably suspects the information in an application or a request was false or misleading. I commend the amendment to the Assembly.

Amendment agreed to.

Clause 71, as amended, agreed to.

Clause 72 agreed to.

Clause 73.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.35): I move amendment No 3 circulated in my name [*see schedule 2 at page 1643*]. This amendment to subsection 73(1) clarifies that a person that has a right to make a claim under both a workers compensation scheme and the motor accident injury scheme does not need to make a defined benefit application under the motor accident injury scheme.

This amendment clarifies that an injured person that has made a successful workers compensation application does not have to withdraw the application within 13 weeks and is not required to give an insurer notice under subsection 74(4), which is coming up. My next amendment is consequential and covers this point.

MR COE (Yerrabi—Leader of the Opposition) (11.36): The opposition supports the clarification being made in Mr Barr’s amendment No 3.

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.36): I move amendment No 4 circulated in my name, which is consequential to the previous amendment [*see schedule 2 at page 1643*].

Amendment agreed to.

Clause 73, as amended, agreed to.

Clauses 74 and 75, by leave, taken together and agreed to.

Clause 76.

MS LE COUTEUR (Murrumbidgee) (11.37): I seek leave to move amendments to this bill which have not been considered by or reported on by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 1 circulated in my name [*see schedule 3 at page 1658*]. This amendment deals with superannuation. We have had long and detailed discussions about whether superannuation is income. I will not, in the interests of brevity, go through all the discussions that we have had. Basically my proposal will, for some people, add in superannuation which would normally have been paid by a person’s employer if they were still working. The Liberal Party, I understand, will be moving an amendment which would add superannuation as parts of income for all workers. Clearly I can see the logic behind that. My amendment is not that amendment. My amendment is similar but not the same. We think that the Liberals’ amendment would change the scheme too substantially.

We are looking, basically, at the situation of low income people. If you are already on a low income and are in a car accident and you stop going to work for a period of time, it seems to us unfair that, when you finally retire in however many years—even if you manage to get back to work and you were not on long-term income replacement, you were not over 10 per cent and you were only out of work for a few years—you would find that you were still suffering the effects of that because your superannuation was not paid in that period.

I suppose I am particularly conscious of this because I am a female. This is what happens to most women. They take off time to have kids. This is all very good, but they find at the end of life that they simply do not have the superannuation income that males with an uninterrupted work life have.

Basically this is saying that superannuation is a long-term part of a person's income. Certainly for lowest income people, this is a reasonable expectation. I acknowledge that there are potential implementation issues with this, which is why I understand that the government did not put it in immediately.

I appreciate that the government and the insurance companies will not be employing the injured person, so they are not in a position to make an employer contribution directly themselves. However, the injured person is not going to be in a position to make a personal contribution themselves.

I commend this to the Assembly as something which I think is necessary to fulfil the original equity ideas behind compulsory superannuation. It is particularly so for the low income earners, who will always be the people who are going to find retirement more financially challenging than high income earners. We need to make sure that low income earners who are unfortunately injured in a car accident do not live to find that this is a problem for them in their old age as well as at the time.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.41): We do support the principle of this amendment but there are clearly going to be challenges in implementing the intent. Ms Le Couteur has touched on some of those. There are a number of technical issues related to commonwealth superannuation law, the ability of individuals to make superannuation contributions, and of course our capacity to compel people who receive these payments to actually put them into their superannuation.

These issues make it challenging to achieve the policy intent of the amendments; however, we will work through these with the aim of finding a way to implement the intent. In doing so, we need to be cognisant of any changes that may be required to commonwealth legislation.

This, in simple terms, also flows on to the amendments that are coming up in this clause from Mr Coe as well. An insurer cannot step into the shoes of an employer and pay compulsory superannuation under current commonwealth legislation. To do so would require a change to commonwealth legislation. We also need to be cognisant of the inclusion of superannuation in gross income and its relative fairness to those who, for example, are self-employed, who can pay voluntary superannuation only from their net business income.

Regardless of the outcome here, it would appear that this proposed amendment, both Ms Le Couteur's and Mr Coe's, could really apply only to employees. That is an added complexity. There are interactions with commonwealth law. There are challenges here, but we do support the principle of the amendment. We will work

through the issues with an aim to find a way to implement them. We will support Ms Le Couteur's amendment today.

MR COE (Yerrabi—Leader of the Opposition) (11.43): The opposition will also be supporting Ms Le Couteur's amendment, as it provides a platform for my 15th amendment. Ms Le Couteur mentioned something that I would like to point out. She gave the example of a mother who might take some time out of the workforce, then return—who knows, five 10, 15 years later perhaps. She therefore has fewer years in the workforce to accumulate superannuation.

That, to me, is an argument to not have a low threshold of \$800 as average weekly earnings but to have a much higher threshold. If that mother is returning to the workforce and has only 20 years in the workforce, with perhaps 15 years to contribute to super, being over \$800 as an AWE, a portion of that whole career may not be a huge amount of money.

The person who goes into the workforce at the age of 40, perhaps having had kids and earning \$75,000, is deemed a high income earner by Ms Le Couteur's amendment. Therefore, they are not going to get the super contributions that I think they need. The detail in Ms Le Couteur's amendment of \$800 as an indexed weekly income I think is too low and is not going to satisfactorily address the very scenario that Ms Le Couteur mentioned in support of her amendment.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (11.46): I move amendment No 15 circulated in my name [*see schedule 1 at page 1635*]. As foreshadowed in debate on the last amendment, this amendment ensures that superannuation is included in gross income payable. Excluding superannuation from the gross income unfairly disadvantages injured people, particularly those who have been injured through no fault of their own. It is essential that superannuation is paid to ensure that individuals are adequately supported when they reach retirement age.

Under the common-law system this can be factored into any payments made. But when you go for this one-size-fits-all approach, you get all these unintended consequences. Working mothers and many other groups will be disproportionately disadvantaged as a result of what Labor and the Greens are conspiring to do today.

I do not know why the Greens think that people on a lower income are more deserving of superannuation than somebody who is on \$50,000 a year. Somebody on \$50,000 a year is probably going to be cut off by the Greens' proposal. It is very important that other income earners, especially middle income earners and in particular middle income earners who spend less time in the workforce, such as mothers returning to work, should be included as deserving of superannuation payments. I urge the government and the Greens—or the government, including the Greens—to support the amendment.

MS LE COUTEUR (Murrumbidgee) (11.48): There is a whole philosophical discussion here as to what the income should be in terms of this scheme. I could quite

happily argue that everybody is equal and should all get the same income under this scheme. It is particularly hard if you are a young person at the beginning of your working life and have a substantial injury and may not go on to do what you otherwise would have done.

I do not think it is possible to say there is a clear, unambiguous answer as to what income should be. But I am unashamedly in favour—as this bill is—of people whose income is less. The reason we chose this particular threshold is that it is one of the existing thresholds for low income earners in this scheme. As members would be aware, there are different amounts of income replacement depending upon how much you earn. The scheme attempts to favour people on lower incomes, and I think that is a good thing.

I note Mr Coe's comments about superannuation; we should have a whole debate as to whether we should all be paid the same, what is reasonable and whether we should be in a socialist state. But that is not what we are doing today; we are looking at trying to get an improved CTP scheme that gives a higher proportion of payments to low income earners versus higher income earners. That is a good thing.

MR COE (Yerrabi—Leader of the Opposition) (11.00): Ms Le Couteur just said there is no clear, unambiguous answer to this question. She is spot on, and that is the whole problem with this legislation. It tries to create one size fits all for something that cannot be standardised. That is why it is complex at the moment. That is why, in settlements, consideration has to be given to all the different factors at play. Where one victim is at in their life is going to be totally different to where somebody else is at, yet this legislation proposes to standardise it and just say that everyone is at the same point in their career, their family, their income trajectory et cetera. Ms Le Couteur highlighted a fundamental problem with this scheme when she said there was no clear, unambiguous answer. Yet for some reason they have signed up and given a blank cheque to the government.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 10

Miss C Burch	Mr Milligan
Mr Coe	Mr Parton
Mrs Dunne	Mr Wall
Mr Hanson	
Mrs Jones	
Mrs Kikkert	
Ms Lee	

Noes 13

Mr Barr	Ms Orr
Ms Berry	Mr Pettersson
Ms J Burch	Mr Ramsay
Ms Cheyne	Mr Rattenbury
Ms Cody	Mr Steel
Mr Gentleman	Ms Stephen-Smith
Ms Le Couteur	

Amendment negatived.

MS LE COUTEUR (Murrumbidgee) (11.57): I move amendment No 2 circulated in my name [*see schedule 3 at page 1658*]. It is consequential to the previous discussion about superannuation for low income earners, so I need say no more about it.

Amendment agreed to.

MS LE COUTEUR (Murrumbidgee) (11.57): I move amendment No 3 circulated in my name [*see schedule 3 at page 1658*]. It relates to exactly the same thing, so please support it.

Amendment agreed to.

Clause 76, as amended, agreed to.

Clauses 77 to 104, by leave, taken together and agreed to.

Clause 105.

MR COE (Yerrabi—Leader of the Opposition) (11.58): I move amendment No 16 circulated in my name [*see schedule 1 at page 1635*]. This amendment seeks to amend clause 105(1)(a) so that the relevant insurer cannot request that an injured person undergo more than one medical or other examination to assess the person's fitness for work in any 13-week period. Under the current bill, insurers can suspend income replacement payments if the insurer determines that the injured person has failed to comply with a request to undergo a medical or other examination to assess the person's fitness to work.

In the absence of any contrary direction, insurers could require injured people to frequently attend medical appointments. We need to give some protection to injured people, and we should not have a situation where you could have an insurance company play hardball and require an injured person to go to many medical appointments in an attempt to try to deter them from going through with their claims.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (12.00): The challenge with Mr Coe's amendment is that it is unduly restrictive in a circumstance where a person may have injuries to multiple body systems or may require both a medical and an occupational assessment for an insurer to determine an injured person's fitness for work. Whilst I appreciate that the intent behind the amendment may have been as Mr Coe outlined, it is unduly restrictive and would make it very difficult, in the circumstances I have outlined, for such a process to occur. On balance, the government will not support the amendment.

MS LE COUTEUR (Murrumbidgee) (12.00): On balance, the Greens will also not support it, basically for the reasons outlined by Mr Barr.

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (12.01): I move amendment No 5 circulated in my name [*see schedule 2 at page 1644*]. This is a straightforward amendment that will ensure that guidelines can be made so that an insurer can request an assessment to determine an injured person's fitness for work only in certain circumstances specified in guidelines.

MR COE (Yerrabi—Leader of the Opposition) (12.01): It is very difficult to know what these guidelines contain, given that they have not been fully written, so the devil will be in the detail.

Amendment agreed to.

Clause 105, as amended, agreed to.

Clause 106.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.02 to 2.00 pm.

Questions without notice

Taxation—reform

MR COE: My question is to the Treasurer. Treasurer, has your tax reform regime been revenue neutral, as you have promised?

MR BARR: Yes.

MR COE: Treasurer, has rates revenue increased by more than 130 per cent since the reform program began in 2011-12? Is this amount considerably more than property price growth, population growth and inflation?

MR BARR: Yes, rates revenue has increased. It has increased as a result of a number of factors. The Leader of the Opposition outlined a number of them. There are significantly more rate-paying households and commercial ratepayers in the territory since the commencement of the reform because we have been experiencing a period of very significant population growth.

Opposition members interjecting—

MADAM SPEAKER: Mr Coe, members!

MR BARR: Also, Madam Speaker, as we have debated in this place on probably several hundred occasions since 2012, the government is switching the tax base away from transaction-based taxes, insurance taxes and payroll taxes towards the broad-based land tax, the most efficient form of taxation available to our level of government.

So insurance taxes have been abolished: nearly \$100 million of revenue annually. Around \$100 million it would be now if we had a 10 per cent tax on all insurance products—

Mr Wall interjecting—

MADAM SPEAKER: Mr Wall!

MR BARR: Stamp duty has been significantly reduced for every property in the territory, including its abolition on commercial transactions below \$1.5 million. And we have lifted, and further lifted, the payroll tax-free threshold. So we have a choice. We can tax land, labour or capital. Land is the only area where people cannot easily avoid tax. It is the most simple, fairest and most efficient way to raise revenue at a state or territory level.

That is why we are phasing out stamp duty, why we have abolished insurance taxes and why we have lifted the payroll tax-free threshold in order to have a simpler, fairer and more efficient tax system for the ACT, utilising the tax line that is most efficient for this jurisdiction. *(Time expired.)*

MR PARTON: Treasurer, how much more will rates revenue increase over the life of your tax reform program?

MR BARR: The future increases in both residential and commercial rates have been outlined in the budget papers. They are between about six and seven per cent annually and coming down each year. The most significant part of tax reform, the heaviest lifting, occurred in the first five years, as we were simultaneously abolishing insurance taxes, reducing stamp duty and increasing the payroll tax-free threshold. From here we will announce a further five-year phase of tax reform in the next couple of years to see through the third phase. In that phase you will see the rate of increase continue to taper off as we move into the second half of the tax reform. But the heaviest lifting has been undertaken already as we abolished insurance tax, as we have been reducing stamp duties and as we have been lifting the payroll tax-free threshold.

It is that reform of our taxation system that has seen the ACT have nation-leading rates of economic growth. We have continued to see very strong population growth in the ACT. People are voting with their feet. There are more people living in the ACT now than prior to the reforms, more taxpayers in the ACT, and that growth in the tax base has also been a significant contributing factor to the increase in the overall tax take. A broader tax base and a fairer tax system are what we are working towards. That is what economists recommend for our level of government. That is what the Henry tax review recommended. That is what your former leader Malcolm Turnbull said was the right tax reform for our jurisdiction. *(Time expired.)*

Public housing—renewal program

MS LE COUTEUR: My question is to the Minister for Housing and Suburban Development and relates to the plan for growing and renewing public housing. Which

large multi-unit public housing sites have been earmarked for renewal as part of the five-year capital works program developed as part of the growing and renewing public housing 2019 to 2024 plan, which you released yesterday? What consultation has been done with the affected communities?

MS BERRY: As Ms Le Couteur will be aware, through the current renewal of public housing across the ACT, there has been significant consultation with existing communities, particularly with housing tenants, to ensure that they have their needs met and have the same choices as every one of us has about where, across the city, they would like to live.

Public housing tenants should have exactly the same rights as we do. They have their own goals and aspirations to a decent quality of life. There is no reason why they should not have a choice about where across the ACT they live in Canberra. As with everybody else also in our community, public housing tenants are entitled to some privacy about where they live and where their homes are.

Ms Le Couteur: Madam Speaker, I am afraid the minister misinterpreted. When I said “the affected communities” I was referring primarily to the affected communities of tenants who lived in multi-unit developments which may be about to be renewed. My question is about the multi-unit tenants.

MADAM SPEAKER: Ms Berry, you have time left.

MS BERRY: The housing properties that will be developed across the city will be low-density, multi-unit housing and individual houses across the city. As Ms Le Couteur will know, the high-density housing blocks were renewed and removed as part of the public housing renewal program. Public housing tenants are now living in brand new public housing that better suits their needs and that makes it more affordable for them to heat and cool in Canberra’s challenging climates (*Time expired.*)

MS LE COUTEUR: Will the government’s 15 per cent target for public, community and affordable housing dwellings apply to the new land releases and urban infill which will apply to these sites when they are eventually identified?

MS BERRY: These are not large, multi-unit sites. Let me be clear: they are not large, multi-unit sites that will be developed.

Mr Coe: Which ones are they?

MS BERRY: Mr Coe, I know you are very interested in the private lives of individuals in this town but public housing tenants have every right to have their homes not disclosed to anybody. It is not really any of your business, Mr Coe, where public housing tenants—

MADAM SPEAKER: Minister, through the chair, and I would not respond to interjections. You have a minute and a half.

MS BERRY: Thank you, Madam Speaker. It is not large multi-unit—

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, the question has been asked. Resume your seat please, minister. Ms Le Couteur.

Ms Le Couteur: The supplementary did not ask for locations. It just said, “Given they are somewhere in Canberra will the 15 per cent apply to them?” It is not about location.

MADAM SPEAKER: Minister, in the minute you have left can you go to that point of the question.

MS BERRY: If Ms Le Couteur was referring to her question, “Which multi-unit?” I have said that there are no large multi-units and that public housing will be renewed; individual dwellings all across the city, across every district.

MR PARTON: Minister, will the strategy address in any way the current three-year waiting time for those on the standard waiting list or will that waiting time continue to blow out as more Canberrans are squeezed out of the private rental market?

MS BERRY: Public housing is not a solution for every person in our Community so the ACT government has made sure that there are a number of different opportunities for people across the ACT. Particularly for this cohort on the priority housing needs list, that is where the figure for the 200 new homes came from to make sure that we meet the needs of those people whose applications are required to have priority housing and that they get their needs met first of all.

The question gives me the opportunity to talk about Community Housing Canberra and their recent work with the ACT government in developing HomeGround and to call out to anybody in this place who might have a spare property, who might have an investment property available to—

Opposition members interjecting—

MADAM SPEAKER: Members, please, let the minister—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson!

MS BERRY: If there are members in this place who have a spare property, or if they are aware of others within their communities who might have investment properties and who want to provide those investment properties for the social good for people who are on low incomes so that they can be provided with an opportunity to get into a home in an affordable way and pay an affordable rent, this gives the opportunity for those investors to make the right decision and to provide an investment into the people of this town that is more than just bricks and mortar.

Taxation—small business

MISS C BURCH: The latest Sensis Business Index survey found that 41 per cent of Canberra businesses think that the current government is working against them, confirming the feedback on commercial rates from businesses that we heard in the recent Assembly inquiry. If federal Labor wins the next election, they will introduce a family business tax which will tax small businesses at the same rate as multinational corporations. Treasurer, why are your government and your tax policies working against local Canberra businesses?

MR BARR: They are not. In fact what we have seen through having the highest payroll tax-free threshold and the abolition of taxes on all commercial insurance products is that small and medium enterprises operating in the ACT pay less tax to the ACT government than an equivalent business operating in Queanbeyan would to the New South Wales government. That is very clear. So we will continue to pursue tax reforms that prioritise small and medium enterprises over the top end of town.

MISS C BURCH: Treasurer, how can local Canberra businesses compete interstate or internationally when your government's tax policies make it hard for them to survive in our territory?

MR BARR: As I pointed out, they pay less tax—small and medium enterprises in the ACT—than they would if they were operating in New South Wales or indeed in other jurisdictions in Australia. We have seen 3,000 additional businesses established here in the ACT in recent years. We have very high levels of confidence in the small business sector and should there be a change of government on the weekend Canberra will benefit from hundreds of millions of dollars of additional infrastructure expenditure and there will be more money in our economy if penalty rate cuts that have harshly been put in place by those opposite are overturned and people get their Sunday penalty rates back.

MADAM SPEAKER: Before I call for the supplementary, members, 14 minutes into question time and it has been a wall of interjections. Can you manage to control yourselves for just a little bit.

MR WALL: Treasurer, what advice can you give local Canberra businesses on what government tax concessions or assistance might be available if they are struggling with the tax burden that you have placed upon them?

MR BARR: The best advice is, of course, to contact the revenue office. The revenue office have a range of information available on their website around concessions, payment plans and the like for anyone who is experiencing difficulty meeting their obligations. I also particularly encourage those businesses to look at the suite of policies that are on offer for them at this Saturday's election and support a change in our nation to support increased employment and a focus on investment in Canberra. If you are a small businesses in Canberra and you want more custom, then you would definitely be voting Labor this weekend.

Mr Wall: If you want to turn your large business into a small one.

MADAM SPEAKER: Mr Wall, I do not want to have to warn you.

Light rail—implementation

MS ORR: My question is to the Minister for Transport. Can the minister please provide an update on the implementation and development of light rail in Canberra?

MS FITZHARRIS: I thank Ms Orr very much for the question. I am delighted to provide an update on the implementation and development in Canberra. The city to Gungahlin light rail project is the first of a city-wide light rail system and an integrated public transport network to support our growing city. We are very pleased to see the project delivered under budget at \$675 million.

The funding and delivery model of the project also broke new ground, with the ACT government entering into one of its first public-private partnerships. All stages of the project were overseen by a strong governance structure, and staff across the ACT public service, the private sector and Canberra Metro have worked collaboratively, particularly with local businesses, to deliver this vital project.

The ACT government's focus on quality and achieving the best possible customer experience for the people of Canberra prompted many improvements to the project's scope during its detailed design and delivery stage. These included an improved light rail stop design with improved aesthetics, larger sheltered areas and higher quality public seating, incorporation of public art in the design of each stop, and comprehensive customer engagement to optimise passenger accessibility and comfort.

It was wonderful to see the years of hard work come to fruition on 18 April when the community preview loop opened, followed by the first day of operations on Saturday, 20 April. We are now working to extend light rail to Woden, creating a north-south spine of the light rail network and delivering a world class transport network to even more people and proving those doubters wrong.

MS ORR: Minister, can you please also share an overview of the first few weeks of light rail stage 1 operations?

MS FITZHARRIS: Light rail from Gungahlin to the city, as I mentioned, started its first day of operations on Saturday, 20 April. On that day alone, over 25,000 people enjoyed the experience of hopping on board light rail for the first time in the ACT. We had 10 vehicles running and 130 trips that covered 1,560 kilometres. The city and Gungahlin termini came to life with light music, kids entertainment and barbeques for people waiting to ride.

For Tuesday, 30 April MyWay data shows 90,854 boardings across bus and light rail, our largest day of public transport ever. The record figure includes 16,549 boardings on light rail, meaning that we have already surpassed the business case estimates two years ahead of schedule. More than 77,000 light rail trips were taken during the first

week, adding to 290,000 journeys taken on the new bus network over the same period. Light rail is encouraging people who may never have caught public transport before to give it a go.

Additional light rail features and the finishing touches will continue to be phased in. The launch and high patronage figures show how invested the community is in the future of Canberra. Canberra is now better connected with the light rail route from Gungahlin to the city and we are pleased to get on with the work of extending light rail to Woden.

MR PETTERSSON: Minister, what work is underway on future stages of light rail, including planning and early works?

MS FITZHARRIS: As members well know, the government took light rail stage 2, from the city to Woden, to the last election. We are now actively working to deliver this next stage of Canberra's light rail network. Following the federal parliamentary joint standing committee inquiry into stage 2, we now have further clarity on the complex approval process for the parliamentary zone. We will soon make a submission under the commonwealth's Environment Protection and Biodiversity Conservation Act. We expect that this will lead to an environmental impact study being produced, creating another opportunity for community feedback on the project.

At the same time, Transport Canberra will continue to progress transport, financial, heritage and other analysis in preparation for the design and construction phase of the project. The ACT government has also invested in related infrastructure upgrades, including redesigning the Woden bus station into a modern, integrated transport interchange with an initial \$3.5 million investment; investing to improve pedestrian and cycle access; developing options for a future park and ride facility adjacent to Phillip Oval; and considering options for the Yarra Glen roundabout so it can accommodate light rail as it approaches the Woden town centre.

Of course, all of this will be made much easier if federal Labor comes to power this weekend, with their commitment of \$200 million for the second stage of light rail, a clear commitment that it is only Labor that is serious about better public transport for our city.

Taxation—rates

MR HANSON: My question is to the Treasurer. Carol is a self-funded retiree. She is struggling to pay her rates bill, which rose from \$1,153 in 2013-14 to \$2,016 in 2017-18, and land tax, which has increased from \$1,142 to \$3,044 during the same period. Carol is worried that she will need to go on the pension. Treasurer, why are your policies resulting in a growing number of Canberrans feeling that they have no option but to go on the pension?

MR BARR: In the circumstances that Mr Hanson has outlined, Carol clearly owns more than one property.

Mr Coe: No, she could be renting.

MR BARR: Madam Speaker, the imputation in the question from Mr Hanson was that the taxpayer in question, Carol, was paying both rates and land tax, which implies being a property owner and a property investor.

Mr Hanson: No, it could be the rates on the property that she rents.

MR BARR: If Carol is renting then those taxes are the responsibility of her landlord.

Mr Hanson: She owns and rents a property and she rents her principal place of residence.

Mr Coe: She rents and owns a property that she cannot live in.

MADAM SPEAKER: Mr Coe. Mr Hanson, you asked a question. The minister is on his feet answering.

MR BARR: Regardless of that—and there was not sufficient detail in the individual circumstances that Mr Hanson outlined—the government’s transition away from stamp duties, insurance taxes and payroll taxes is aimed at creating a fairer and more efficient tax system. Carol presumably consumes services in our city so she, like all other ratepayers, would be expected to contribute to those services. She is no longer paying tax on her insurance products, so presumably if she has motor vehicle insurance—

Opposition members interjecting—

MR BARR: I assume she has home and contents insurance. I assume she has building insurance on her rental property. So she is no longer paying tax on those properties, and that makes a considerable difference. And of course Carol, if she is eligible, has the capacity to apply for deferrals for those charges.

Mr Hanson: Death tax! There it is. Andrew Barr’s death tax.

MR BARR: She can apply for deferrals. But in the end what we are looking to achieve is a fairer tax system for all ratepayers. *(Time expired.)*

MADAM SPEAKER: Mr Hanson, I have asked you and asked you to stop your interjections. You are warned.

MR HANSON: Treasurer, what provisions has the government made for the increased number of self-funded retirees who will need to access concession schemes because of this Labor government’s policies?

MR BARR: I do not think that there is any evidence at this point to support the assertion by Mr Hanson that this in fact the case. The government provides a range of concessions and they are means tested. It is not just your age but it is your means. In terms of concessions, they are means tested.

Mr Coe interjecting—

MADAM SPEAKER: That is enough, Mr Coe.

MR BARR: The more generous concessions are means tested and they impact on providing—

Mr Hanson interjecting—

MADAM SPEAKER: Minister, resume your seat. I remind you, Mr Hanson, you are on a warning. Mr Coe, I have asked you to be quiet a number of times. See how you go. Mr Barr.

MR BARR: Thank you, Madam Speaker. Yes, there is a range of concessions and deferral schemes available for anyone who is experiencing hardship.

MS LAWDER: Treasurer, will you rule out increases to rates in the upcoming ACT budget to give Canberrans like Carole and many self-funded retirees a break?

MR BARR: The government has already foreshadowed the next phase in the next few years of tax reform. They are already there for people to see. And rates have gone up every year in the history of Canberra; every year. They have gone up every year and they will go up every year into the future. No-one is suggesting—not even you lot at the last election were suggesting—that there will be no increase in rates ever into the future. The difference is whether there is any effort to reduce other taxes. You will put rates up and you will put all the other taxes up as well every year.

Mr Hanson interjecting.

MR BARR: You went to the last election proposing to increase all of the taxes. The tax take on every tax line would have gone up under the Liberals, because you were not proposing to cut any other taxes. We are cutting stamp duty in every budget.

Canberra Hospital—obstetrics unit

MRS JONES: Madam Speaker, my question is to the Minister for Health and Wellbeing. The obstetrics and gynaecology unit at the Canberra Hospital has experienced ongoing problems under this government. The head of the obstetrics unit resigned in both 2011 and then again in 2014. The media reported on May 1 that a consultant has been hired to try to fix the ongoing tensions between management, doctors and midwives at the hospital. What is this consultant doing?

MS FITZHARRIS: I thank Mrs Jones for the question. I would like to take this opportunity to correct the reporting that implied, as Mrs Jones did, that this consultancy was to fix a particular problem. In fact, that is not specifically the case.

It is the case that we have discussed a number of matters related to maternity services here in the chamber. There is a consultancy underway to work across the variety of

clinical professionals and other staff in the maternity service at Canberra Hospital. This is a very positive opportunity that came out of an all-staff meeting with members of that unit in March. I congratulate the CEO for taking this step to bring in some experts to work right across the maternity service.

I can give a sense of the success which I think the new CEO has brought to the role. This morning I attended Canberra Hospital for the launch of the new Canberra Health Services vision. It was an extraordinary event. I congratulate everybody involved. This work, undertaken and led by the CEO and a number of conversation starters within Canberra Health Services, resulted in over 5,200 members of Canberra Health Services having a conversation about how they can contribute to the vision unveiled today about the work that Canberra Health Services does.

It is this very approach that the CEO is taking with her executive team right throughout the organisation, working collaboratively with and listening to staff, and, when necessary, bringing in some expert assistance to be able to do this kind of collaborative work, that I believe—certainly in terms of the work that the independent panel undertook—Canberra Health Services needs. (*Time expired.*)

MRS JONES: My supplementary is: what recommendations did the independent culture advisory panel make about obstetrics and gynaecology in their letter to you?

MS FITZHARRIS: No particular recommendations. The recommendations that the panel made were in the panel's final report which has been circulated throughout the chamber.

MRS DUNNE: Can the minister confirm that she has not received a letter from the independent advisory panel on culture as was described by Mr Reid, that he would be writing to her about particular issues in particular areas in the hospital?

MS FITZHARRIS: I did receive a letter, which did not make specific recommendations about maternity services, which I believe was Mrs Jones's question.

Light rail—economic benefits

MR PETTERSSON: My question is to the Chief Minister. Chief Minister, what have been the economic and productivity benefits arising from the construction and operation of light rail?

MR BARR: I thank Mr Pettersson for the question. There have been, obviously, significant benefits to the territory economy from the largest transport infrastructure investment in the territory's self-governing history. This project is now delivering what Canberra needs as our city grows—better and more sustainable transport—and it is reducing congestion to keep our growing city moving.

As Minister Fitzharris has outlined, the delivery of the project under budget has improved the benefit-cost ratio immediately because the cost is lower. We are doing still further work in relation to the benefits but it is very clear that the pipeline of associated private sector investment along the transport corridor is ahead of what was

anticipated in the initial business case development for the project. The cost-benefit ratio has already been revised up from 1.2 to at least 1.3 as a consequence of the project's costs being lower than expected.

In terms of direct economic impact, our gross state product in 2017-18 increased by four per cent. This was the highest growth rate of any jurisdiction in Australia. Two sectors of the economy that contributed significantly to that increased growth were the construction sector and professional, scientific and technical services. The light rail project had an impact in both of those areas and contributed positively to the territory's economic growth.

There is no doubt that the more investment there is in high quality transport infrastructure, the greater the productive capacity of the economy and of course we see, particularly as measured through GSP, a direct benefit of this project for the territory's economy.

MR PETTERSSON: Chief Minister, how many jobs were supported in the construction phase and created through the commencement of operations?

MR BARR: The answer is that more than 5,000 people worked on the project, more than 300 local businesses were involved in delivering aspects of the project, and more than 70 per cent of the project workforce came from Canberra and the surrounding region. So it has been an absolute success for the local economy and for people who wanted to be part of the project, from traffic controllers and electricians, to engineers and construction managers.

Some of the local companies that participated in the construction of light rail include Capital Asphalt, Rodgers Electrical and ABS facade. Dozens more ongoing jobs have been created in the territory for customer service officers, drivers and maintenance team members, and these have been filled by Canberrans.

MS CHEYNE: Chief Minister, how has this project been structured to ensure that it was delivered on budget?

MR BARR: The final project costs released yesterday show that it has been delivered \$108 million under the territory's original budget, the business case, within the originally forecast time period and to a very high standard. This does not happen just by chance. It was possible because of a sound procurement process, a clear contract at the outset of the project, a robust governance framework and careful management of the contingency held by the territory.

The good governance arrangements ensured clear direction on the project, timely communication from relevant agencies and directorates to government, and the ability for the territory to make well-informed and prompt decisions on key project matters. I particularly acknowledge the chair of the board, John Fitzgerald, and the entire project advisory board for their efforts to deliver light rail for Canberra. With this sort of important governance structure in place, we were confident that we would be able to deliver the project as we promised.

As we move into the next phase of light rail, we do so with clear confidence in both the due diligence associated with the procurement process, the quality of the public-private partnership, and indeed all of those participants who have been a united nations of entities that have come together, with companies from Europe, Asia and Australia all involved in the delivery of the project. It is a great result for Canberrans. We look forward to the election of a federal Labor government on Saturday and being able to work constructively with a federal government that is interested in Canberra and does not just think that this city is a bubble.

Canberra Hospital—emergency department performance

MRS DUNNE: My question is to the Minister for Health and Wellbeing. I refer to the most recent AMA report card on hospital performance and a particular graph in that report card that shows that the ACT's performance in ED access for patients needing urgent access to treatment has fallen. It shows that in 2003-04, nearly 75 per cent of patients were seen on time if they had an urgent need. In 2017-18, only 37 per cent of patients needing treatment were seen on time. Minister, why has the performance of our hospital system in seeing people on time for urgent treatment halved over the past 15 years?

MS FITZHARRIS: Timely access to care is a significant priority—in fact, the greatest priority—for Canberra Health Services. That includes, of course, timely access to the emergency department. Yes, we have seen some of those waiting times not meeting my expectations, but there is significant work underway to address this.

There are, of course, a number of factors. Certainly, federal cuts from 2014 have had an impact that we have seen. The AMA reports that nationally this continues to be an issue. The 2014 federal budget cuts, the AMA says itself, had a significant impact on hospital services, as did the extended freeze on the Medicare payment to GPs.

Mrs Dunne quite freely referenced an AMA report card. We see that the AMA had certain things to say federally about their colleagues and the federal government, including the ongoing impact of cuts from the 2014 budget. That has had a significant impact in hospitals right across the country. State health ministers, be they Labor or Liberal, are united in that fact, that those cuts had a significant impact on timely access to care. The AMA federally has said it; federally, Labor has said it; and right across the country, state and territory health ministers have said it. So that is a significant impact over recent years.

Madam Speaker, a number of other factors contribute to that including that we are seeing people with more complex conditions presenting to our hospitals. That is a matter of significant concern to me and of concern in the community. There are, right across the country, emergency departments now dealing with many people with more complex issues who are presenting to emergency departments. In fact, where we see our most significant growth in emergency department presentations is in categories 1, 2 and 3. *(Time expired.)*

MRS DUNNE: Minister, why has the ACT been consistently unable to meet the targets for emergency department treatment, and why have they, over time, got progressively worse than the rest of the country, notwithstanding all the reasons you have given?

MS FITZHARRIS: It is the priority of Canberra Health Services to improve those waiting times. We are seeing a number of strategies in place at the moment in the emergency department to improve waiting times in the emergency department.

One aspect of the work that we have been doing is to introduce walk-in centres to provide another alternative for people needing treatment.

Mrs Dunne interjecting—

MS FITZHARRIS: Category 5 presentations to the hospital have come down by 15 per cent, whereas category 1 patients have gone up by about the same number. Obviously these are very different presentations.

We have a number of strategies in place at Canberra Hospital and also at Calvary hospital. One other significant measure that this government is taking is investing in the Calvary hospital emergency department to deliver a significant expansion and upgrade of the emergency department. We look forward to that being delivered, particularly for Canberrans on the north side.

MS LEE: Minister, why has the ACT been the only jurisdiction that has not been able to provide accurate data for the performance of its hospitals when it is the smallest hospital system in the country in terms of number of hospitals?

Ms Fitzharris: I am not clear what Ms Lee is specifically referring to. If she could provide clarification that would be welcome.

MS LEE: I repeat: why is the ACT the only jurisdiction not able to provide accurate data on the performance of hospitals?

MS FITZHARRIS: No, it is not. I certainly know that there have been well-canvassed views and discussions in this place on the ACT not providing data to a ROGS report a number of years ago and subsequent to that there have been agreements with AIHW about providing certain data sets. But I am not aware of anything in particular that is different to that that Ms Lee may be referring to.

Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm

MR MILLIGAN: My question is to the Treasurer. It is regarding the Indigenous bush healing farm, for which \$10.8 million was appropriated in the 2007-08 Appropriation Bill (No 2). The purpose of that appropriation was outlined in the 2007-08 Appropriation Bill (No 2). Treasurer, what actions did you take to ensure that the usage of the Indigenous bush healing farm was consistent with that purpose?

MR BARR: I believe it is.

MR MILLIGAN: Treasurer, what actions have you taken to ensure that the expenditure of public money on the Indigenous bush healing farm has been consistent with the Financial Management Act?

MR BARR: There is no suggestion that it has been otherwise.

MRS DUNNE: My supplementary question to the minister is: Treasurer, what role does treasury have in ensuring that public funds are used for the purposes appropriated for it by the Assembly, and what steps were taken to ensure that the money appropriated for the Ngunnawal Bush Healing Farm was in compliance with the Financial Management Act?

MR BARR: They are all hypothetical questions.

Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm

MRS KIKKERT: My question is to the Minister for Health and Wellbeing regarding the Indigenous bush healing farm. Minister, is the usage of the Indigenous bush healing farm consistent with the purpose detailed in the Appropriation Bill (No 2) 2007-2008?

MS FITZHARRIS: Certainly, the Ngunnawal Bush Healing Farm has been in operation now since around about a year ago. It is, I know, a very welcome addition. It is certainly the case that I have stated in this place that it is our intention for the Ngunnawal Bush Healing Farm to be a residential facility. Certainly, in this case it did not open as a residential facility, but I stated at that time that it has the capacity, with rooms, to be a residential facility. Work is well underway to ensure that that is the case.

MRS KIKKERT: Minister, what actions have you taken to ensure that the expenditure of public money on the Indigenous bush healing farm has been consistent with the Financial Management Act?

MS FITZHARRIS: Since taking on this portfolio we have seen the Ngunnawal Bush Healing Farm open. We have seen the fourth program of the Ngunnawal Bush Healing Farm underway as we speak, with approximately in total 85 clients having received treatment at the Ngunnawal Bush Healing Farm. I indicated that we would be looking very carefully at the Ngunnawal Bush Healing Farm once it started operating to ensure that we could make it the best facility that it can be for the Aboriginal and Torres Strait Islander community.

Mrs Jones: On a point of order, Madam Speaker, the question was about steps that have been taken or actions that have been taken to ensure that the farm is consistent with the Financial Management Act. The minister has not referred in any way to the question that was asked. It is not relevant.

MADAM SPEAKER: I think she is on the policy area about the use and how it has been operating. I think the other questions are consistent with the budget outline. Minister, you have a minute left.

MS FITZHARRIS: I would refer to the Chief Minister's previous answer and also note that steps are taken each year to ensure that all initiatives comply with the Financial Management Act. It has certainly been the case that there has been a long history with the Ngunnawal Bush Healing Farm and each step in the procurement, delivery and construction phases is subject to the normal processes of governing the way that the ACT government expends public funds.

MR MILLIGAN: Minister, why has the government not used the facility as an Indigenous-specific drug and alcohol residential rehabilitation facility?

MS FITZHARRIS: As I mentioned in my previous answers, the government is taking a number of steps to ensure that the bush healing farm can be a facility that meets the needs of the Aboriginal and Torres Strait Islander community. To that end, Minister Stephen-Smith and I attended a very important workshop last month. That workshop was intended to bring a number of stakeholders together. Over 35 people participated in a full-day workshop. They included representatives of UNEC and of the Aboriginal and Torres Strait Islander Elected Body, ACT government staff, other Aboriginal and Torres Strait Islander community leaders and the Healing Foundation. They came together at a workshop to discuss the future of the Ngunnawal Bush Healing Farm so that we can get on and provide residential services in the medium to long term, and the healing framework that will underpin not just the work of the Ngunnawal Bush Healing Farm but also a range of other initiatives undertaken across ACT government.

Light rail—environmental benefits

MS CHEYNE: My question is to the Minister for Environment and Heritage. Minister, what benefits does light rail bring to the environment?

MR GENTLEMAN: I thank Ms Cheyne for her important and timely question. It is often easy to forget that air pollution, including from cars, harms both human health and our environment. Unlike other countries, Australia has failed to clean up emissions from vehicles. Madam Speaker, thanks to this Liberal federal government, Australia has one of the least fuel efficient fleets in the world, even worse than Saudi Arabia. This is bad for both the environment and Canberrans. In contrast, this ACT Labor government is taking steps to help improve our bush capital and create better environmental outcomes while connecting more Canberrans to the city we all love.

Light rail for Canberra means improving our public transport system so that it becomes more convenient, efficient, affordable and reliable—a genuine alternative to driving. Light rail has a proven ability to attract development and investment opportunities that will help revitalise a transport corridor and city. It will bring environmental, social and community benefits to areas by increasing accessibility and

encouraging better use of green spaces. The light rail is an important contribution in Canberra's response to environmental challenges such as air quality, traffic volumes, congestion and greenhouse gas emissions.

MS CHEYNE: Minister, how does having more Canberrans taking public transport improve the ACT's environment?

MR GENTLEMAN: Canberra is one of the great planned cities of the world. We are home to 420,000 people, heading towards 510,000 people in 2030 and 640,000 people in 2050. Canberra is one of the world's most liveable cities, thanks to its natural and built environments, with over 70 per cent of the ACT preserved as green space. Canberra has the highest car dependence of any major Australian city. Transport is responsible for 34 per cent of the ACT's greenhouse gas emissions and 11 per cent of the ACT's particulate pollution emissions.

These figures will continue to grow, harming the environment and our health. As the years progress, light rail will continue to be a positive influence not only on our carbon and pollution footprints but also on economic, health, social and environmental factors. The light rail network will become the backbone of an integrated transport system for Canberra, powered by emissions-free renewable electricity to support the shift to a more sustainable Canberra. The light rail system will help increase public transport use, thus helping improve environmental outcomes for the territory.

MS CODY: Minister, does expanding public transport, including adding more light rail routes, help the local environment?

MR GENTLEMAN: I thank Ms Cody for her important question. Urban life in Canberra is changing as our population and suburbs grow. Canberra is now known as the bush capital and a smart city, boasting the country's best natural and urban environments, a highly educated workforce, high labour productivity, modern infrastructure, low business costs and a culture of innovation. We are well placed to compete in this changing global environment and make our city one of the most attractive environments to live in.

The ACT government is committed to giving Canberrans a wider choice of how we live. We are taking action to grow our city while maintaining everything that is great about Canberra, creating new and exciting environments for people to live, work and play in. Light rail for Canberra means improving our public transport system so that it becomes even more convenient, efficient, affordable and reliable. It will bring environmental, social and community benefits to areas by increasing accessibility and encouraging the better use of green spaces. It is our environmental values that we appreciate—some of the world's very best environmental values and a great city. Light rail is an integral part of achieving those outcomes.

Industrial relations—long service leave

MR WALL: Madam Speaker, my question is to the Minister for Employment and Workplace Safety. Mental Health Australia has been embroiled in a long-running

battle with the ACT government through the ACT Long Service Leave Authority about their requirement to contribute employee LSL entitlements into the portable long service leave scheme. This issue has been ongoing since 2010 with conflicting advice having been provided regarding their requirement to contribute or not contribute, as the case may be. Minister, what action or steps have you taken to ensure that a negotiated resolution with Mental Health Australia has occurred prior to this date?

MS STEPHEN-SMITH: I thank Mr Wall for the question. I have been briefed on this matter a number of times in my time in this portfolio. As the issue in relation to Mental Health Australia and the amounts paid to the Long Service Leave Authority under the Long Service Leave (Portable Schemes) Act 2009 is now subject to litigation brought by Mental Health Australia, I will not be able to comment on the matter specifically. In relation to the specific question, I have been briefed a number of times and I have indeed written to Mental Health Australia in relation to this matter. My correspondence with them reflects the information that I have been provided with.

MR WALL: Minister, why have the ACT government and the ACT Long Service Leave Authority been unable to apply this legislation consistently across applicable peak advocacy and industry bodies?

MS STEPHEN-SMITH: I think Mr Wall's question goes directly to the matters that are subject to current litigation. Therefore I will not be commenting on that matter.

MRS DUNNE: Is the ACT government using the Mental Health Australia example as a legal test case for the failures in the long service leave scheme?

MS STEPHEN-SMITH: I note that the litigation was brought by Mental Health Australia, not by the ACT government.

Industrial relations—long service leave

MS LEE: My question is also to the Minister for Employment and Workplace Safety. Minister, Mental Health Australia has claimed that it is adversely affected by the inconsistencies in the application of the ACT Long Service Leave (Portable Schemes) Act. How many not-for-profit organisations could potentially be affected by these inconsistent applications of the act?

MS STEPHEN-SMITH: I think the answer to Ms Lee's question probably goes to the outcome of the current case. Therefore, it will not be possible to answer it at this point in time. If Ms Lee would like me to take on notice her question in relation to how many organisations are currently registered under the community sector industry part of the scheme, I believe that that information is public. I am happy to take that question on notice and come back to the Assembly with the answer about how many community sector industry businesses are registered for portable long service leave.

MS LEE: Minister, what actions have you taken to ensure that the experience of Mental Health Australia is not going to be replicated in other not-for-profits?

MS STEPHEN-SMITH: I am not aware of and I have not been briefed on any other organisation that has had this kind of matter raised. Again, I do not want to speak to the specifics because the matter is currently the subject of litigation.

MR WALL: Minister, will you guarantee that no not-for-profits will be adversely affected by the inconsistent application of the long service leave act?

MS STEPHEN-SMITH: I think the assertion in Mr Wall's question speaks directly to the matter that is currently subject to litigation.

Construction industry—consultation

MR PARTON: My question is to the Minister for Building Quality Improvement. Minister, I refer to comments in the media from Gary Petherbridge from the Owners Corporation Network on 4 May this year about consultation with your office:

As for consultation, I attempted to have a meeting with the Minister about three or four weeks ago and that was refused. I did meet the chief of staff, but generally the access to the Minister is very poor.

The head of the MBA ACT, the Housing Industry Association and the Australian Institute of Building Surveyors ACT Branch were advised of delays to the introduction of the national construction code the day before they were due to begin. Why have communication and consultation with stakeholders about building quality been so poor?

MR RAMSAY: I thank Mr Parton for the question. I reject the premise that it has been poor. Certainly there has been a range of consultation in relation to a number of matters in building reform and certainly what has happened recently is that we have been in close consultation with both local and national bodies: the MBA and the HIA, the building surveyors and the Property Council. We will continue to work very closely as we roll out other reforms that we know are the reforms that Canberra deserves.

As I have said before, there are 43 recommendations that have come through on the reforms. A number of those have already been implemented. A number of those will be implemented by the end of June. The rest will be implemented by the middle of next year.

I will continue to work closely with industry and closely with people right across the community to make sure that Canberra does indeed have high quality buildings, confidence in the sector and a strong and active regulatory system.

MR PARTON: Minister, what actions have you taken as minister to improve consultation and communication with the stakeholder groups who do not seem to agree with your summation of the adequacy of your consultation to date?

MR RAMSAY: I thank Mr Parton for the supplementary question. I have spoken not only with the head of EPSD but also with Access Canberra to ensure that consultation is clear. I have made sure that my office is working with them, and that has increased over the last few days.

MS CODY: Minister, what is the directorate currently consulting on in the building space?

MR RAMSAY: I thank Ms Cody for the supplementary question. There is, indeed, a large number of matters that are being consulted on at the moment following on from the work that has come through in relation to the national construction code and its implementation to make sure that there is a good and adequate transition period for those matters that are implemented this year under the changes to the code.

In addition to that, we are consulting in relation to a number of the reforms. The most specific reform at the moment relates to design documentation to make sure that people are very clear about what is needed in terms of any design documentation, to make sure that certifiers and builders are clear on what needs to happen to make sure that Canberra has the highest quality of building. We will continue to work very closely with industry and the rest of the community on that.

ACTION bus service—journey times

MS LAWDER: Madam Speaker, my question is to the minister for health and Minister for Transport. How many buses would a person need to catch to travel between the Lanyon Valley and the University of Canberra hydrotherapy pool?

MS FITZHARRIS: Of course, it depends on where that person lives in the Lanyon Valley. I note that the rapid 5 from the Lanyon Valley is actually a very well-performing new service in our network. Transport Canberra is keeping a very close eye on the performance and capacity on that route. It has proven to be a popular route.

I encourage Ms Lawder's constituent to use the journey planner if they would like to catch public transport to take that journey. Generally, I expect that they would be able to catch the rapid 5 and they would be able to use the journey planner to plan their journey to the University of Canberra Hospital.

MS LAWDER: Minister, can you confirm the advice from the Transport Canberra website that a return journey between Lanyon Valley and the University of Canberra public hospital would take at least three hours?

MS FITZHARRIS: It would depend on what time of the day that particular person wished to travel.

MRS DUNNE: Minister, what estimates has your Health Directorate made in relation to the time it would take an elderly person with arthritis to walk the standard distance to a bus stop in the Lanyon Valley?

MS FITZHARRIS: Mrs Dunne, could you repeat the question, please?

MRS DUNNE: Minister, what estimates have officers of your directorate done to determine how long it would take the average elderly person with arthritis to walk to the average bus stop in the Lanyon Valley?

MS FITZHARRIS: I have not asked my directorates to undertake that analysis.

Government—procurement policy

MS CODY: My question is to the Minister for Government Services and Procurement. Minister, can you update the Assembly on recent progress in procurement policy in the ACT?

MS STEPHEN-SMITH: I thank Ms Cody for her question and for her ongoing interest in matters of procurement. Procurement in the territory continues to grow, and we are constantly looking for ways to support the growth of business while driving sustainable procurement outcomes.

The Aboriginal and Torres Strait Islander procurement policy is a clear demonstration of our commitment to supporting Aboriginal and Torres Strait Islander enterprises. I spoke in detail about this policy recently in this place. I am pleased to say that it is expected that the Aboriginal and Torres Strait Islander policy will be finalised shortly and come into effect on 1 July 2019. Following final approval of the policy we will undertake training and engagement activities to support both Aboriginal and Torres Strait Islander enterprises and government agencies in the implementation of the policy.

We have also introduced recently a supplier complaints management procedure as a consistent and effective way to respond to supplier complaints, in line with our commitment to continuous improvement in procurement. Further to this, we have established a cross-agency advisory group to identify specific areas in the procurement framework that could benefit from further clarity or enhancement.

I cannot speak about recent developments in procurement without mentioning the secure local jobs code. Around 650 businesses have now received a secure local jobs certificate to date, having been audited and certified that they meet the highest ethical and labour standards and treat their workers with respect. We have also incorporated the secure local jobs policy into our procurement processes more broadly and we provide ongoing support to territory agencies and industry to meet their obligations under this important policy.

MS CODY: Minister, can you advise the Assembly of recent milestones in the secure local jobs code?

MS STEPHEN-SMITH: I thank Ms Cody for the supplementary and, again, her continued interest in the progress of the secure local jobs code. As I mentioned, the Secure Local Jobs Registrar has approved approximately 650 secure local jobs

certificates as of today and I have heard a number of positive stories from the Secure Local Jobs Code Registrar. For example, the recent light rail launch event, a fantastic event enjoyed by me and many others across Gungahlin and Civic, was only possible with extensive traffic management and security services. I am pleased to say that the businesses engaged by the ACT government for these services held secure local jobs certificates and had been certified that they provide their workers across the events and indeed the entirety of their businesses with the highest ethical and labour standards.

A significant milestone for the secure local jobs code is that we have received and approved an application from one of the country's largest facility service providers, with over 11,000 employees across the country delivering cleaning, support, property, aviation security and catering services. Every one of those 11,000 employees now covered by the secure local jobs code is providing the high standards set out by our progressive government.

We have also seen the secure local jobs code's reach go beyond ACT government work and beyond those companies. The registrar has been contacted by a local non-government organisation that is undertaking construction work that will require construction companies tendering for their work to hold a secure local jobs code certificate.

These examples further highlight that the expectation that businesses provide the highest ethical and labour standards for their workers is not only an expectation of the ACT Labor government but also an expectation of our entire community.

MS ORR: Minister, how can businesses find out more about secure local jobs code certification?

MS STEPHEN-SMITH: I thank Ms Orr for the supplementary and her interest in this very important policy area. As I have mentioned, businesses that tender for ACT government work in security, cleaning, traffic management and construction currently require a secure local jobs certificate. That said, we have received applications from a broad range of industries beyond those four sectors.

Application for a secure local jobs code certificate is open to any business that can demonstrate that it provides their workers with the highest ethical and labour standards. Indeed, it would be worthwhile for any business that intends to tender for any government work, particularly when the secure local jobs code is expanded to tenders over \$200,000 from January next year, to consider getting certified early.

Businesses have reported that undertaking certification has been a very helpful exercise beyond just receiving the certificate. Auditors have not only been ensuring compliance with relevant obligations but have also been providing guidance and advice in relation to how to meet those employment obligations in an efficient way. I have heard reports of some businesses, through an audit, identifying and rectifying issues that they may not have been aware of and ensuring that they continue to meet high standards for their workers.

If businesses want to find out more in relation to certification or even what they are required to do for their tenders, they can get in touch with the secure local jobs code team through the Procurement ACT website.

Mr Barr: I ask that all further questions be placed on the notice paper.

Supplementary answers to questions without notice Industrial relations—long service leave

MS STEPHEN-SMITH: I said I would take on notice the number of community sector registrations under the portable long service leave scheme. I can advise the Assembly that as of 30 June 2018 there were 292 registered businesses under that element of the scheme.

Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm

MS STEPHEN-SMITH: I want to reflect briefly on the opposition's use of the word Indigenous in the context of what they described as the Indigenous Bush Healing Farm. I do not usually do this, but I want to draw the attention of the opposition to the fact that the local Aboriginal and Torres Strait Islander community has very clearly indicated that it prefers the term Aboriginal and Torres Strait Islander. The name of the Ngunnawal Bush Healing Farm is the Ngunnawal Bush Healing Farm. Out of respect for the local Aboriginal and Torres Strait Islander community, I encourage the opposition to use the term to describe the Aboriginal and Torres Strait Islander community that the community itself has said it prefers.

Answers to questions on notice

Questions 2125, 2128, 2140, 2312, 2349, 2350, 2352, 2353, 2371, 2372, 2373, 2419, 2423 and 2424

MRS DUNNE: Under standing order 118A, Madam Speaker, I draw your attention to the fact that I have 14 questions outstanding. As of 1.35 this afternoon I have received no advice about them. They are questions 2125, 2128 and 2140, due on 17 March from the Minister for Health and Wellbeing; 2312, 2349, 2350, 2352, 2353, 2371, 2372 and 2373, due on 23 March from the Minister for Health and Wellbeing; and, due on 5 May, from the Minister for Health and Wellbeing, questions 2419, 2423 and 2424. In accordance with standing order 118A, I ask the minister for an explanation or a statement in relation to why those 14 questions have not been answered.

MS FITZHARRIS: It was my understanding that Mrs Dunne was aware that there has been a significant volume, a significant number of questions, and it is quite simply the workload. I have come into the Assembly today with a number of those to clear, and my intention is, immediately after question time, to do that. On those that remain outstanding, by tomorrow morning I will provide further advice to Mrs Dunne directly.

Papers

Madam Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—

No 3/2019—Access Canberra business planning and monitoring, dated 23 April 2019.

No 4/2019—2017-18 Financial Audits—Computer Information Systems, dated 30 April 2019.

Ombudsman Act, pursuant to subsection 21(2)—ACT Ombudsman—A report on the activities of the ACT Ombudsman—Report No 2/2019—Quarterly report for the period 1 January to 31 March 2019.

Public Accounts—Standing Committee—Report 5—*Report on Annual and Financial Reports 2017-2018*—Speaker's response to Recommendations 11 and 12, dated 6 May 2019.

Standing order 191—Amendments to:

Controlled Sports Bill 2018, dated 10 and 11 April 2019.

Fuels Rationing Bill 2018, dated 10 and 11 April 2019.

Retirement Villages Legislation Amendment Bill 2018, dated 10 and 11 April 2019.

Mr Gentleman presented the following papers:

Freedom of Information Act—Freedom of Information (Accessibility of Government Information) Statement 2019 (No 1)—Notifiable Instrument NI2019-271, dated 3 May 2019.

Financial Management Act—

Pursuant to subsection 30F(3)—2018-19 Capital Works Program—Progress report—Year-to-date 31 March 2019.

Pursuant to section 26—Consolidated Financial Reports—Financial quarters ending—

31 December 2018—Revised.

31 March 2019.

University of Canberra Act, pursuant to section 36—Annual report 2018—University of Canberra (2 volumes).

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2018—Canberra Institute of Technology, dated 2 April 2019.

Planning and Development Act,—

Pursuant to subsection 242(2)—Statement of leases granted for the period 1 January to 31 March 2019, dated May 2019.

Pursuant to subsection 79(1)—Approval of Variation No 362 to the Territory Plan—Amendments to the West Belconnen Concept Plan for Ginninderry Stage 2 Development, dated 2 May 2019, including associated documents.

Inspector of Correctional Services Act—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on 25 October 2018—Government response.

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 1/2019—Total Facilities Management Procurement—Government response.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2019 (No 3)—Disallowable Instrument DI2019-34 (LR, 4 April 2019).

Domestic Animals Act—Domestic Animals (Cat Containment) Declaration 2019 (No 1)—Disallowable Instrument DI2019-33 (LR, 11 April 2019).

Land Tax Act—Land Tax (Affordable Community Housing) Determination 2019 (No 1)—Disallowable Instrument DI2019-32 (LR, 27 March 2019).

Legal Aid Act—

Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2019—Disallowable Instrument DI2019-27 (LR, 25 March 2019).

Legal Aid (Commissioner—Law Society Nominee) Appointment 2019—Disallowable Instrument DI2019-26 (LR, 25 March 2019).

Legislative Assembly (Members’ Staff) Act—

Legislative Assembly (Members’ Staff) Members’ Salary Cap Determination 2019 (No 1)—Disallowable Instrument DI2019-29 (LR, 28 March 2019).

Legislative Assembly (Members’ Staff) Speaker’s Salary Cap Determination 2019 (No 1)—Disallowable Instrument DI2019-30 (LR, 28 March 2019).

Long Service Leave (Portable Schemes) Act and Financial Management Act—

Long Service Leave (Portable Schemes) Governing Board Appointment 2019 (No 3)—Disallowable Instrument DI2019-35 (LR, 8 April 2019).

Long Service Leave (Portable Schemes) Governing Board Appointment 2019 (No 4)—Disallowable Instrument DI2019-36 (LR, 8 April 2019).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 5)—Disallowable Instrument DI2019-25 (LR, 20 March 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 6)—Disallowable Instrument DI2019-31 (LR, 26 March 2019).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2019—Disallowable Instrument DI2019-28 (LR, 25 March 2019).

University of Canberra Act—University of Canberra Council Appointment 2019 (No 1)—Disallowable Instrument DI2019-40 (LR, 11 April 2019).

Water Resources Act—

Water Resources (Water Available from Areas) Determination 2019—
Disallowable Instrument DI2019-39 (LR, 11 April 2019).

Water Resources (Water Management Areas) Determination 2019—
Disallowable Instrument DI2019-38 (LR, 11 April 2019).

Water Resources Environmental Flow Guidelines 2019—Disallowable
Instrument DI2019-37 (LR, 11 April 2019).

Inspector of Correctional Services—critical incident review— government response

MR GENTLEMAN (Brindabella—Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.10): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on 25 October 2018—Government response.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.10): I am pleased to speak to the government's response to the Inspector of Correctional Services report of a review of a critical incident: *Assault of a detainee at the Alexander Maconochie Centre on 25 October 2018*.

As members are aware, on 12 February 2019 the Inspector of Correctional Services tabled this report, the second review the office has completed of a critical incident. The review was conducted on the inspector's own initiative, following the assault and subsequent hospitalisation of a detainee at the Alexander Maconochie Centre.

The report found that the incident was not reasonably foreseeable by ACT Corrective Services. It made seven findings that provide the ACT community with assurance that ACT Corrective Services responded to this critical incident efficiently. It is reassuring to hear that the Alexander Maconochie Centre's policies and procedures for detainee classification and accommodation placement were appropriate in this instance.

ACT Corrective Services continues to strive to maintain correctional facilities where detainee and staff safety is paramount. In order to enhance detainee and staff safety at the AMC, ACT Corrective Services has bolstered its security operations and is constantly evolving its security practices to align with international best practice in corrections management. I thank the office of the Inspector of Correctional Services for this report that will continue to inform best practice in the care, treatment and safety of all detainees in the ACT's correctional facilities.

Question resolved in the affirmative.

Planning—variation 362 to the Territory Plan

MR GENTLEMAN (Brindabella—Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.12): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 362 to the Territory Plan—Amendments to the West Belconnen Concept Plan for Ginninderry Stage 2 Development.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.12): I welcome the tabling of this variation. I think this is an important development in thinking about the future of Canberra and how we meet the challenges that lie ahead of us in reducing our greenhouse gas emissions in the ACT.

As members will perhaps have heard me say before, once the ACT reaches a point of using 100 per cent renewable electricity, we will then be in a situation where around 60 per cent of our greenhouse gas emissions will come from the transport sector and another 20 per cent or so will come from the use of natural gas. This tells us that dealing with those natural gas emissions is going to be a significant challenge.

The proposal from the developers of Ginninderry to build an all-electric suburb is very interesting to the government in this context. It provides a real, live example of what is possible, what today's technology allows and the economics of the scenario.

Clearly, with 100 per cent of our electricity coming from renewable sources, using all electric technology points to emissions-free operation of households if people take up that option. There is a significant opportunity there for people to have an impact on the environment by choosing this option, a very positive impact on the environment.

It is—and this is, I think, the exciting part—not only a win for the environment but also a win for the hip pockets of the households that choose to go down this path. The team at Ginninderry have done the modelling on this and they have identified that Ginninderry residents will also save money, with energy modelling for the pilot finding that households will save over \$14,000 when using all electrical appliances, compared to gas, over the life of the appliances.

This is a not insignificant amount of money. It is, I think, a very attractive scenario. They are very clear in their work, when they are talking to households who want to take up this option, that there are some greater up-front costs but that the overall lifetime savings are significant. For someone buying their home, and we know that most people do not move that often, this is an attractive option where a little extra money up-front has the real potential to make savings.

I am very pleased with this opportunity presented by the Ginninderry team. They put the offer on the table to do this. They sought support from government. I, Minister Gentleman and Minister Berry have been able to work together to ensure that this goes through. I thank Mr Gentleman for bringing this Territory Plan variation to the Assembly today.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (3.15): The joint venture at Ginninderry between the ACT government and Riverview has been quite an innovative development. I have been happy to be involved in the development from the beginning.

It is a change in our community to move from gas to electricity and to more sustainable electricity. Indeed, 20 to 30 years ago people were encouraged to use gas, and now we are encouraging people to use all electric. We know that this will make a huge difference to our environment and also, as Mr Rattenbury has said, to affordability into the future for people living more sustainably. I am keen to continue to work with Ginninderry on the work that Riverview and the ACT government will do to implement a sustainable development out in west Belconnen, a brand-new community that will be based on electric appliances for people who choose to live there.

Question resolved in the affirmative.

Support for seniors

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Ms Cody): Madam Speaker has received letters from Mr Coe, Mrs Kikkert, Ms Le Couteur, Ms Lee, Mr Milligan, Mr Parton and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Coe be submitted to the Assembly, namely:

The importance of supporting seniors in our community.

MR COE (Yerrabi—Leader of the Opposition) (3.17): I am delighted to stand in support of Canberra's senior population. Canberra is blessed to have thousands of people who have served, and continue to serve, our city with distinction. They continue to make an enormous contribution to the life of our city. I think in recent decades there has been a much greater appreciation of the role that seniors contribute to our cultural, business, social and economic pursuits.

Whilst we as a country, and perhaps as a society more broadly, have some way to go to properly honour the role that seniors play, I think there has been tremendous progress made in recent years in how Australians recognise and thank seniors for all that they contribute, which is why what the federal Labor Party is proposing, especially here in Canberra, is going to be so damaging.

Canberra, of course, has a large number of self-funded retirees, as well as pensioners, that have modest share investments. These families have their modest investments, often in high yield, high dividend blue chip stocks. A lot of them are Australian brands that we all know and depend upon. These stocks provide an income stream on which these families depend. So when this franking credit is provided, it gives a little bit of relief to those that are not in a tax bracket that pays more than 15c in the dollar. Those who are often below the tax-free threshold receive a return of the tax paid by the company on their behalf. That is what the franking credit is.

We think it is just that that 15 per cent franking credit is given back to the taxpayer as a refund in lieu of the tax paid on their behalf by the company. Labor's policy actually rewards people in higher tax brackets who can offset that franking credit against taxable income or tax paid. But thousands of Canberrans—the thousands of Canberrans that Andrew Leigh struggled to name, the thousands of Canberrans that Andrew Leigh could not identify—will be much worse off as a result of what Labor is proposing. Andrew Leigh did not know that 15,000 retirees will lose on average \$1,800 a year as a result of what Labor is proposing.

Across Australia the tax will impact about one million Australians. One million Australians will be worse off. Again, it is important to stress that these are one million Australians that are receiving such a low income that they are not even in a tax bracket that pays tax at more than 15c in the dollar. This is significant. This retiree tax that Labor seems so determined to put in place, should they win this election on Saturday, will be compounded further by the many risks that they pose to the property sector, be you a home owner or a renter.

These issues combine to make the Labor Party a very high-risk prospect for Canberra's families, particularly Canberra's seniors. Under Labor's retiree tax, high income earners will get the full benefit of franking credits. But it is those on the lower incomes that will be worse off. If the ACT Labor Party are serious, if they are fair dinkum about standing up for Canberra's seniors, they will stand up for the 15,000 Canberrans that are going to be hit hard by federal Labor's change to franking credits. I very much hope that the ACT minister for seniors has taken up this case with his federal Labor colleagues. Or is he just going to sit back and allow 15,000 Canberrans on low incomes to lose on average \$1,800 per year?

When you put that on top of increases in rates, taxes, fees and charges, that has a real impact on the quality of living here in the ACT. What that does is dishonour seniors in our community. It says that our local government and a federal Labor government, if elected, do not appreciate, do not honour, do not thank you for decades of service to the country.

I am delighted that we are able to discuss this in the matter of public importance, because it is so important that everybody in the ACT knows exactly what the cost of federal Labor would be, should they be elected on Saturday. I very much hope that our own minister for seniors has the courage to stand up to federal Labor and to do whatever he can to get a reversal of this position.

MS LE COUTEUR (Murrumbidgee) (3.25): Seniors are wise and experienced. I believe we have just appointed one of them as our Integrity Commissioner. They absolutely do deserve our support. They come with history and life learnings from which we could all benefit if we took the time to listen. All too often we dismiss the view of seniors, casting them off as out of date, with old-fashioned ideas. But there is a lot to be learned by hearing what they—I should say “we”—have to say and by hearing about what is important to them.

Since many of them—if not all of them, certainly most of them—are retired, they have the time to live their passions, to get involved with their community, to get involved with their kids and their grandkids, to focus on and to promote the ideas and ideals that are central to the future of the community that they want, for the world that they want for their children, their grandchildren and the whole community of the future.

They often become the most altruistic part of our community. For example, look at how people in India feel they should live their lives: first off, you are a child; then you become a householder with a house and kids; then, when that is finished, you become a sage. That is what our seniors are. They are a resource that we really do not use enough.

But some seniors in our society are taking on that role. There are a few groups that I would like to highlight. The Grey Power Climate Protectors’ mission is to use their power to protect the climate now and for future generations. They are working to inspire and train older people to be bold and creative in non-violent action to help change the policies of climate change for good.

They are political but nonpartisan. They are targeting political parties with the worst climate change policies the most but also pushing other parties to do better. They are encouraging grey nomads to become green nomads, because they can see that our future is under threat. They can see the need to protect our environment and mitigate against climate change before it is too late. They describe themselves as older, bolder and unstoppable.

Of course, the Knitting Nannas have been around for quite a while. You may have seen them at the pre-poll over at CMAG. They were formed in response to a growing awareness of the exploitation of unconventionally mined gas in our prime agricultural lands. They are drawing on a broad history of knitting used as a tool for non-violent political activism. They view their knitting skills as less important than the act of bearing witness while they knit.

They usually knit in yellow and black to identify with the lock-the-gate triangles that are mounted at the entrances to many properties. Their knitting choices range from functional items for sale, such as beanies, cosies and toys, to more symbolic objects. These include triangles in many sizes that echo the lock-the-gate versions; long lengths of knitting which are thrown across gates and roads in imminent danger of invasion by drill rigs; cushions for protestors who may be uncomfortably immobilised for long periods of time when locked on; and chain sleeves to prevent lock-on blisters.

I must admit that I did not know until recently that that was a thing. It is good that we have the nannas here in Canberra and very close to us at CMAG.

Equally close to home, we have quite a lot of active grandparent groups supporting their children and grandchildren. In particular, I note the Aboriginal ACT Nannies Group. This is an active, determined group of grandmothers fighting for a better world for their grandchildren in our local community. They come together once a week and share stories while providing emotional and spiritual support to each other in a peer setting. Marymead has another support group of grandparents, generally grandmothers, who are looking after their grandkids. These seniors are a really important part of our community.

Another important role that seniors often play in our community is volunteering. Our city is blessed with having a large number of articulate, highly skilled, highly educated people. As another generation moves on from the workforce, we are seeing baby boomers retiring from the APS. Many of them have come from demanding management roles. After living a life in service to the public, they are keen to spend their retirement providing indispensable support to community organisations by being on their boards and management committees. Volunteer boards are a classic example of the unsexy, hidden volunteering that thousands of Australians, many of whom are seniors, dedicate their time to.

I want to look at little more at support. I was really surprised that Mr Coe spent his entire time talking about franking credits. Whatever you may feel about the ACT government's taxation policies, they have nothing whatsoever to do with franking credits. That is 100 per cent a federal issue. I know we have an election on Saturday, but I think we are supposed to try to talk at least a little about the things that the ACT government has something to do with, which, no matter what you think of Mr Barr's taxes, are not franking credits.

There are lots of other things that the ACT government can do, and in some cases is doing, to support seniors better in our community. If we do not support them, they cannot contribute. One of the important ones is better transport options. As we get older and frailer, we are less likely to be able to walk to catch a bus. I note that there was a question earlier today in question time about how long it would take a senior to walk to their local bus stop. That was the sort of thing that I thought the Liberal Party might want to discuss in this MPI, rather than franking credits.

If they had brought that up as an issue, I actually would have said "Yes, the Greens agree with you. This is an issue that we really need to look at in terms of supporting seniors." Quite a few seniors are not so good at walking. The Greens were the big advocates of the age-friendly city program, which has led to the continual expansion and construction of age-friendly improvements in our suburbs, in particular footpaths and shared paths. They need to be well maintained, well connected and linked to local communities. They need to be designed to accommodate wheelchairs, prams and mobility scooters so that we can all get around our suburbs.

These improvements will include low kerbs, raised non-slip pedestrian crossings and slower traffic speeds in high volume traffic areas. These are the things that we need to

be supporting for our seniors. We also need to support better options for those people who, even with the existing or improved footpaths currently available to them, cannot get to our public transport system.

Particularly as people get older, many of them may choose or be forced to give up driving. In a city like Canberra, that can make life very hard. This is why the expanding flexible bus service to the inner north was one of our 2016 election commitments. I am glad that it has been implemented, but we need to see more flexible bus services of some sort—ridesharing or on demand transport for people who really just cannot use our current public transport system because of their own frailty.

I turn to another issue that, again, it was clear from question time the Liberal Party is aware of. I refer to the age deferral of rates. I am very pleased to see the age deferral scheme extended to cover most over 65s. It used to be only for people with expensive properties. I think it is possibly because I drew attention to the unfair distribution of this deferral scheme that it has been expanded and promoted. I think that is good. It is a practical way that we can support our seniors, who are often on fixed incomes and not always in a position to pay increasing rates.

One of the other things that is really important to support our seniors on is how they interact with the government. Not every senior is happy with using computers and the internet. Of course, I appreciate the cost efficiencies and the much greater amount of information that can be supplied to the public by the use of the internet, but the hard fact remains that there are some people who cannot use the internet.

For some of them, it is because they are older and they never learnt at a time when it would have been easy for them. Some of them have issues in terms of it costing money to have an internet connection. Not everybody feels that they have the financial resources to do it. It costs money to have a computer or a smartphone. But while people of all ages may have problems with the internet, seniors are more likely to. It is important that the ACT government pay a bit more attention to—*(Time expired.)*

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (3.35): I am very pleased to speak on the importance of supporting seniors in our community. Some 12.5 per cent of Canberrans, or around 50,000 people, are aged 65 years and over, and this number will continue to grow. We recognise the increasing number and proportion of older Canberrans as an asset to the city through their work, their volunteering, their caring, and their senior advisory roles. Senior Canberrans have the highest rates of volunteering and caring nationally and they are the most educated in the country. They bring significant resources to the social, community and economic life of our city.

The ACT government recognises our responsibility to ensure that our city services, culture and infrastructure support and value older people. Through our membership since 2011 of the World Health Organisation's global network of age-friendly cities

we demonstrate our ongoing commitment to further improving our approaches to social inclusion, transport, infrastructure, health, justice and human rights for older Canberrans.

I was pleased recently to launch the age-friendly city vision for our city. It identifies 12 principles that will underpin the whole-of-government work across all areas of concern to older Canberrans. Through a long consultation period we heard that older Canberrans want good access to information, services and opportunities to foster their independence and active involvement in city life. This includes access to suitable housing, transport and health services.

They value recognition of their contributions to society and they want to ensure that community attitudes afford dignity and respect towards older people. They seek to ensure that their voices are heard in policy development and that city services meet their needs. They are particularly concerned with addressing ageism, barriers to participation and the abuse of vulnerable older people.

On this particularly serious matter I remind the Assembly that last July, the Older Persons ACT Legal Service, or OPALS, commenced operations to provide a specialist legal service for older Canberrans. I take a moment to thank the members of my ministerial advisory council on ageing, especially the outgoing chair, Fiona May, for their work towards preparing this vision, as well as everyone who participated in consultations. The work of MACA has been integral to setting the direction for Canberra's future.

Part of being an age-friendly city is having age-friendly suburbs. The ACT government has recently announced the next suburbs to receive footpath and pedestrian crossing upgrades to improve accessibility and connectivity in residential areas with higher concentrations of older people. These improvements are intended to ensure that older people who may no longer be able to drive or those who choose not to drive and instead get out and about on foot have safe ways to get around. The latest suburbs to receive age-friendly upgrades are Narrabundah, Isabella Plains, Stirling, Campbell, Aranda and Holt.

For older Canberrans who prefer to get around on public transport, holders of an ACT seniors card receive transport concessions. Those up to 70 years of age pay only the concessional fare at all times and pay nothing during off-peak hours, weekends, and public holidays. Those aged 70 and over receive completely free public transport. The ACT government also funds the flexible bus service that provides specialised transport to those in the community who are at risk of social isolation and is specifically intended to meet the needs of the elderly and those with a disability. The service particularly benefits those people living in aged-care homes or retirement villages and people impacted by a permanent or temporary disability that affects their mobility.

In the ACT the Council on the Ageing, or COTA, manages the seniors card program. In addition to public transport concessions, these cards entitle the holder to a range of discounts on retail goods and services, as well as a 10 per cent discount on car registration or hire for gas or electric vehicles. The seniors card recognises older

people's contributions to society and the economy as they enter later life, as well as being a form of support for people on fixed incomes.

COTA is also funded by the ACT government to run Seniors Week, including the seniors expo. They foster active, connected ageing and celebrate the positive contributions older people can continue to make to our community as workers, volunteers, neighbours, friends, parents and grandparents, many of whom also impart their wisdom on boards and committees for the ongoing governance of our community.

Along with the expo, Seniors Week encompasses a wildly popular concert series and the positive ageing awards. In the lead-up to Seniors Week we have the Chief Minister's gold awards, which acknowledge the people and the organisations that have served the ACT for 50 years or more. I place on record my thanks and deep appreciation to COTA for their work their leadership under Jenny Mobbs.

The ACT government also has a suite of measures to ensure we are looking after the most vulnerable in our community, including seniors on fixed incomes. Our concessions program targets support to those Canberrans who are most at need. Since July 2017 we have combined the energy and the utility concession and the water and sewerage rebate into a single utilities concession. This gives extra relief to eligible renters who previously were not able to access the water and sewerage rebate.

In July 2018 we increased the utilities concession by \$50 to assist with cost of living pressures, including for eligible long-term residents of caravan parks and retirement villages. From 1 July this year we will again increase the utilities concession to a maximum of \$700 per year.

The ACT government has expanded the general rates age deferral scheme by removing the income and unimproved land value thresholds. All property owners aged 65 and older with at least 75 per cent equity in their home can now access the deferral scheme. The scheme allows eligible property owners to defer their annual general rates payments until such time as their property is sold.

The ACT government has a number of grants programs that provide funding for projects that support Canberra seniors. The seniors participation grants in the past 12 months have gone to organisations including Woden Seniors, COTA, Seniors Centre, Bangladeshi Seniors Club, the Chinese Women's Cultural Association, ADACAS, Legal Aid, the Woodcraft Guild, Tuggeranong Arts Centre, the sanctuary Pacific Islands heritage group and the Tjillari Justice Aboriginal Corporation for activities including community gardens, multicultural social groups, intergenerational relationship building, social singing and dancing, creative arts and preventing elder abuse and dementia.

In addition to the seniors grants, a large number of other grant programs benefit Canberra seniors. These include, for example, veterans participation grants, health promotion grants, TCCS grants and the mature workers grants program. The ACT government also supports a wide range of seniors groups through the provision of access to government-owned community buildings. These include Tuggeranong

55 Plus Club; community hub spaces used by the 5,000 ACT members of the University of the Third Age in Cook, Hughes and Flynn; the men's sheds at Weston Creek and Hall, and the new men's shed being built in Hughes, just to name a few.

Older people bring experience, wisdom and personal and economic resources to our city. Everyone benefits when the intrinsic worth of older people in their active involvement in the community and as decision-makers is valued and fostered. The ACT government is completely committed to ensuring the continued development of Canberra as an inclusive city that values the contributions and involvement of older Canberrans. We are indeed a strong community when everyone belongs, when everyone is valued and when everyone has the opportunity to participate. As minister for seniors I will continue to proudly work to make sure our older Canberrans enjoy just that.

MS LAWDER (Brindabella) (3.44): It is my pleasure to speak on this topic today, and I thank Mr Coe for bringing forward this matter of public importance. It is an issue we talk about frequently in this place, and I think we all acknowledge the importance of recognising, valuing and supporting our seniors. Some recognise that perhaps more than others. It is a pity that, according to some research late last year by the COTA federation, 46 per cent of older Australians surveyed feel less valued by society than when they were younger. I hear this from older Canberrans, especially older women, who say they feel invisible; they do not feel valued.

When you look at other evidence, that does not make sense, because grandparents provide almost a third of informal child care for children aged zero to 12 years with working parents. That is a huge contribution to our society. Of the 75 per cent of Australians who volunteer, 31 per cent of them are over the age of 65 years. We really need to unpack those reasons why older people feel less valued, because they are working so hard in our community in so many ways and have behind them a lifetime of experience and contribution to our society.

The study by the COTA federation, of which our own Council on the Ageing is a member, also found 49 per cent of older people have one or more vulnerability indicators; 29 per cent of them work and do not think they can ever retire; and 33 per cent of them have experienced age discrimination. The good news is that 80 per cent of them felt younger than their age and at least half of them felt more than 10 years younger than they are. In the ACT, according to recent data, 12.5 per cent of Canberrans are aged over 65, and they are an important and growing group in our community. Treasury projections indicate that by 2058 17.4 per cent of the ACT population will be aged 65 and older.

We have the healthiest, highest income, most educated and longest living population in Australia. Notwithstanding that, seniors in the ACT feel increasingly socially and physically isolated. One of the issues they face is loneliness. When you become isolated in your own home and do not have as much contact with other people, loneliness becomes a huge issue. There are many things we can, should and must do to help older Canberrans address that. For example, many but not all older Canberrans are IT savvy, especially amongst the very oldest cohort. We must ensure we provide

information and resources in formats other than a solely IT-focused way. This is something I hear over and over again.

According to some recent data, 21.8 per cent of people aged 65 and over in the ACT had not had face-to-face contact with a family member or friend not living the same household in the last week. We must look at how we can make contact with other people easier. That includes items like suburban infrastructure improvements, making it easier for them to get around their own suburbs. That can be avoiding trip hazards, having wider paths and making sure there are bus stops near where they live, including outside retirement villages.

Another issue we will talk about in another debate here in this place this week is the closure of the hydrotherapy pool. Indeed, as Ms Le Couteur has pointed out, there is a standard in the ACT for how close a bus stop is. People living in Lanyon, Gordon, Banks or Conder—it does not really matter—with severe arthritis that requires them to use the hydrotherapy pool face, as we heard today in question time, a three-hour round trip just for the bus component.

They must also get to the bus stop with arthritis so severe that it requires hydrotherapy and then from the bus stop to the hydrotherapy pool. Not only that but they must then get to the far end of the pool, where the change rooms are, and then back to the other end to access the pool itself and then do all of that in reverse to get home. This is a complex issue that impacts the everyday lives of older Canberrans. If we have not looked at the impact of closing the pool, why have we not? I know Mrs Dunne is going to prosecute this tomorrow, so I will stop there.

Another issue raised with me over and over again when I am talking to people is that more than half of people aged 50 years and older feel that the rising cost of living is leaving them behind. That comes from the report of the COTA federation; that is not me saying it. I talk with seniors all the time. There was Seniors Week recently, including the seniors expo. Seniors clubs, retirement villages, groups and individuals, RSLs, COTA ACT, National Seniors ACT, University of the Third Age, the Canberra Multicultural Community Forum, Winnunga Nimmityjah, the Retirement Village Residents Association, Carers ACT, Volunteering and Contact ACT are all groups working hard in our community to support older Canberrans to enable them to feel more connected in their community. I commend the work they are doing and thank them for what they are doing.

Many other smaller and less formal groups exist as well. Near where I live, a number of Heart Foundation walking groups provide a very real point of contact for older people to get together every week. For example, in Bonython they walk around the suburb and then go to a local cafe for coffee and—I am probably not meant to mention it—a cake. This is not only a health benefit but a social benefit to those people.

In 2018 ACT water and sewerage prices increased by 8.3 per cent for the year, which was above the national average. This feeds into the discussion I have with many of these groups about the rising cost of living. The most significant rise in utilities costs in 2018 was gas and other household fuels, which rose by 17.8 per cent. That means

for many people, whether they are on a pension or whether they are a self-funded retiree, that cost of living concerns are the number one top-of-mind issue for them, along with health.

They fear losing the income they have saved for over the course of their working life, the holidays they might have done without so that they could put money towards their retirement. That is why there is deep concern over proposed changes to share dividend refunds, a so-called retiree tax that will especially impact those on lower incomes.

They fear for their quality of life—what they have scrimped and saved for their entire working life. It is a cruel blow to those people who have gone without so that they can plan for their retirement. They say to me, “I could have spent some of that money and gone on a holiday every year, but I chose to put it aside.” Now the very real possibility is that those rules will be changed and that will dramatically impact on their lifestyle. They are afraid about not just that impact on their lifestyle but the uncertainty of what might happen next to erode the lifestyle they have worked all their lives towards.

Discussion concluded.

Motor Accident Injuries Bill 2019

Debate resumed.

Clause 106.

MR COE (Yerrabi—Leader of the Opposition) (3.55): I move amendment No 17 circulated in my name [*see schedule 1 at page 1635*]. This amendment to clause 106 seeks to remove the offence provisions in relation to failure to notify an insurer of a change in circumstances and extends the prescribed period to 20 working days. An injured person commits an offence under the current bill if the person has a change in circumstances and does not notify the insurer within the prescribed period, being 10 business days. I think this offence is overly harsh and the prescribed period is too short.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.56): The government will not be supporting the amendment because it removes the onus on an injured person to tell an insurer as soon as possible when they return to work. By removing the offence, an injured person may be encouraged to double dip from their employer and the scheme. The government’s view is that the offence, as drafted, has appropriate safeguards and the insurer is obliged to tell the person to notify of a change in circumstances. The New South Wales compulsory third-party scheme has a similar offence.

MS LE COUTEUR (Murrumbidgee) (3.56): The Greens will also not be supporting this amendment. I must admit, coming from a party that instituted robodebt, it is hard to see how they would feel this was relevant.

Amendment negatived.

Clause 106 agreed to.

Clause 107 agreed to.

Clause 108.

MR COE (Yerrabi—Leader of the Opposition) (3.57): I will be opposing this clause. This amendment removes the clause that restricts individuals from receiving income payments in a lump sum. Removal of the capacity to commute income replacement benefits is a significant change from the current scheme. In some circumstances commuting the payment enables claims to be resolved in a timely and cost-effective manner and in a way which is satisfactory to both the insurer and the injured person. It can bring closure for a person who so desires it right away, as opposed to having to take an extended fortnightly payment, which can prolong the whole experience.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.58): The government will be supporting the clause. It is well recognised that the coordination of services is a key principle in injury management, and this means a structured approach, with active facilitation and liaison. Allowing for lump sum payments would undermine the purpose of the scheme to provide injured people with the treatment, care and income replacement benefits they need to recover after an accident. Instead, if Mr Coe was successful here, the focus would be on negotiating the lump sum, and that is not the basis of the reforms that we are attempting to introduce here, which are all about treatment and care. We will support the clause and will not be voting against it.

MS LE COUTEUR (Murrumbidgee) (3.59): The Greens will also support this clause. I think it is quite an interesting philosophical question: whether or not you should argue that, just because a person may want to get a lump sum, it is their choice and they should. But, as Mr Barr said, there actually are some good reasons for this scheme to not allow an injured person to receive all their benefits as a lump sum. The reasoning behind this is that the scheme is focused on helping injured people to recover, and it requires the development of a recovery plan which entails active support for rehabilitation.

The problem is that the lump sum can bypass the active recovery focus. Because a lump sum is estimated up-front, it may not provide the required amount of care and treatment, and that would not be good. Because the lump sum is a big pot of gold, potentially you could end up with a situation where people use lawyers in pursuit of a lump sum and then they have their lump sum reduced by those legal fees. We are concerned that bringing back lump sums here could reintroduce some of the problems of the current CTP system, where there is a very adversarial environment. Obviously, that is not what we would like to see happen.

Clause 108 agreed to.

Clause 109 agreed to.

Clause 110.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.01): I move amendment No 6 circulated in my name [*see schedule 2 at page 1644*]. This amendment absolutely clarifies that mental health treatment is included in medical treatment for the purposes of the definition of “treatment and care”. It was always intended to be. I think it is now made abundantly clear through this amendment that it is, and it removes any doubt about this entitlement.

MR COE (Yerrabi—Leader of the Opposition) (4.02): There certainly was doubt, and the doubt was perhaps well founded. We are pleased to see this amendment.

MS LE COUTEUR (Murrumbidgee) (4.02): The Greens support the amendment.

Amendment agreed to.

Clause 110, as amended, agreed to.

Clauses 111 and 112, by leave, taken together and agreed to.

Clause 113.

MR COE (Yerrabi—Leader of the Opposition) (4.03): I move amendment No 19 circulated in my name [*see schedule 1 at page 1636*]. The amendment to clause 113(b)(iii) allows for gratuitous care to be claimed. Treatment and care expenses under the bill unfairly exclude gratuitous care provided to the injured person by partners or family members, especially when you have a spouse, parent or son or daughter looking after an injured person. I think it is reasonable that we seek to compensate them for this care. The reality is that many families would rather provide the care themselves than go to an agency, and in those circumstances I think it is appropriate that we seek to compensate them for this care. Therefore, this amendment would allow for a financial value to be attributed to such arrangements.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.04): The government will not be supporting this amendment. The provision is to apply to any payment that an injured person is not liable to pay, including payments for treatment and care that are paid for by a third party. The provision prevents double dipping for amounts that may have been paid by another scheme—for example, by Medicare—but the injured person produces the same account to the insurer.

Paid care by a trained professional is available under the scheme, where that care is reasonable and necessary. There will of course be circumstances where care or domestic services might be provided by a family member, but this is not proposed to

be able to be claimed and, I think, draws an important distinction between professional service and where family is supporting another family member.

MS LE COUTEUR (Murrumbidgee) (4.05): The Greens will not be supporting Mr Coe's amendment. The clause is designed to prevent double dipping for amounts which have been paid for by another scheme, such as Medicare, through bulk-billing. The scheme requires that care is provided through an appropriately qualified professional or bona fide service provider, meaning that basically benefits are not payable if services are provided on an unpaid basis. There will be some edge cases, clearly, but in general this is absolutely correct.

MR COE (Yerrabi—Leader of the Opposition) (4.06): I said earlier that the Greens are putting their relationship with Labor before supporting the Canberra population at large, and now what we have is the Greens cosying up to the insurance companies more than they are supporting the family carers in our community. There are many instances where care will need to be delivered by a family member, especially when there are mental health issues or there has been psychological damage caused as a result of the accident. It really is a heartless display by Labor and the Greens to not allow this to go through.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 10		Noes 13	
Miss C Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms Berry	Mr Pettersson
Mrs Dunne	Mr Wall	Ms J Burch	Mr Ramsay
Mr Hanson		Ms Cheyne	Mr Rattenbury
Mrs Jones		Ms Cody	Mr Steel
Mrs Kikkert		Mr Gentleman	Ms Stephen-Smith
Ms Lawder		Ms Le Couteur	

Amendment negatived.

Clause 113 agreed to.

Clause 114.

MR COE (Yerrabi—Leader of the Opposition) (4.12): I move amendment No 20 circulated in my name [*see schedule 1 at page 1636*]. Similar to amendment No 19, this amendment allows for gratuitous care to be claimed. Domestic service expenses under this bill unfairly exclude gratuitous care provided to the injured person by partners or family members. As I have already mentioned, there are many instances where it is going to be essential for family members to provide such care. We should be thanking them for that, not saying that they should be disadvantaged for doing so.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 10		Noes 13	
Miss C Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms Berry	Mr Pettersson
Mrs Dunne	Mr Wall	Ms J Burch	Mr Ramsay
Mr Hanson		Ms Cheyne	Mr Rattenbury
Mrs Jones		Ms Cody	Mr Steel
Mrs Kikkert		Mr Gentleman	Ms Stephen-Smith
Ms Lawder		Ms Le Couteur	

Amendment negatived.

Clause 114 agreed to.

Clauses 115 to 120, by leave, taken together and agreed to.

Clause 121.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.16): I move amendment No 7 circulated in my name [*see schedule 2 at page 1644*]. This amendment is intended to ensure parity between the suspension of payments for treatment and care and income replacement. The provisions in relation to the suspension of treatment and care payments for an injured person that fails to attend an assessment were contained in the draft MAI guidelines. It is recognised that these should be contained in the bill, and that is why this amendment is before us today.

MR COE (Yerrabi—Leader of the Opposition) (4.17): We will be supporting this, but I would like to note that we do think that two weeks, as stipulated, may be a little short.

MS LE COUTEUR (Murrumbidgee) (4.17): The Greens will also support the amendment.

Amendment agreed to.

Clause 121, as amended, agreed to.

Clause 122 agreed to.

Clause 123.

MR COE (Yerrabi—Leader of the Opposition) (4.18): I move amendment No 21 circulated in my name [*see schedule 1 at page 1636*]. This amendment compels the relevant insurer to incorporate in the final version of the recovery plan any comments received from the injured person's doctor. As the bill is currently drafted, the insurer is not obliged to take into account any comments made by the injured person and the injured person's doctor when finalising the draft recovery plan. Again, it seems we are giving disproportionate influence and disproportionate power and responsibility to the insurance companies and we are writing out the opinion of medical experts and the victim.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.19): The issue here is an example where a treating doctor recommends treatment that is not supported by current medical literature as best practice. So there could be many examples where it would be prudent not to pursue the recommended treatment. For that reason, the government believes the current wording is appropriate. We will not be supporting an amendment to that wording.

MR COE (Yerrabi—Leader of the Opposition) (4.19): What we are talking about is whether we include in the recovery plan advice from the injured person's doctor. There is a fair chance that the insurance company is going to have a vested interest in not including the advice from the injured person's doctor. Yet, for some reason, Labor and the Greens seem quite willing to give the insurance companies this power.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.20): The important point here is that the opposition's amendment, as drafted, may have the effect of an injured person's nominated treating doctor overriding the decision. It is not a question of taking into account; it is a question of overriding, so it is a bridge too far.

MR COE (Yerrabi—Leader of the Opposition) (4.20), by leave: Just to make it clear exactly what is being included here, we are seeking to incorporate in the final version of the recovery plan changes that give effect to the comments of the injured person's doctor. We are making it very clear that we think the medical opinion of their doctor should be included in the recovery plan that is stipulated by the insurance company. We think that is quite reasonable.

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.21): I move amendment No 8 circulated in my name [*see schedule 2 at page 1644*]. The government amendment proposes to ensure that the relevant insurer may incorporate in the final version of the recovery plan the recommendations of the injured person's doctor for treatment and care that is reasonable and necessary. Any disputes about treatment and care that is not reasonable or necessary are subject

to both internal and external review. I believe that this amendment provides the appropriate balance in relation to the issue Mr Coe raised with his earlier amendment.

MR COE (Yerrabi—Leader of the Opposition) (4.22): In the absence of our amendment getting up, this will have to do. However, what does it mean? It means pretty much that the insurance company may include the advice received by the injured person's doctor. You are just giving a rubber stamp to the insurance companies to be able to set the standard for that plan, and you are putting the onus on the victim to then challenge it. It is quite unreasonable.

MS LE COUTEUR (Murrumbidgee) (4.23): The Greens will be supporting Mr Barr's amendment. We felt, on balance, that the government amendment was probably more suitable than the Liberal amendment, and I understand also that these are reviewable decisions.

MR COE (Yerrabi—Leader of the Opposition) (4.23): That is interesting. As I speak, I seem to be getting a lot of head nods from Ms Le Couteur, implying that she is in agreement with what I am saying. I wonder whether they have fully grasped all these amendments and whether they really realised what they were signing up to when they gave this blank cheque to the Labor Party.

Amendment agreed to.

Clause 123, as amended, agreed to.

Clauses 124 to 126, by leave, taken together and agreed to.

Clause 127.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.24): I move amendment No 9 circulated in my name [*see schedule 2 at page 1645*]. The government amendment will provide that if a relevant insurer amends the recovery plan after review or on request of the injured person, the insurer must allow the injured person and the injured person's doctor a reasonable opportunity to consider the proposed amendments, and the relevant insurer may incorporate those recommendations by the injured person's doctor for treatment and care that is reasonable and necessary.

MS LE COUTEUR (Murrumbidgee) (4.25): The Greens will support the government amendment. It clarifies that if a relevant insurer amends the recovery plan after review or on request of the injured person, the relevant insurer must allow the injured person and the injured person's doctor a reasonable opportunity to consider the proposed amendments, and the relevant insurer may incorporate these recommendations by injured person's doctor for treatment and care that is reasonable and necessary. That seems reasonable and necessary.

I am aware that the Liberal Party has proposed a similar amendment, but the Greens think in this instance, again, that the Labor amendment is better. The Liberal

amendment is phrased in a way that may have the effect of the injured person's nominated treating doctor overriding the decision of an insurer regarding treatment and care that is not reasonable and necessary.

MR COE (Yerrabi—Leader of the Opposition) (4.26): It is good to get Ms Le Couteur on the record saying that she is categorically in favour of the insurance company over the treating doctor. That is exactly what she just said. I will not move amendment No 22, because it is clear that Mr Barr's amendment is going to get up. In the absence of mine being supported, then Mr Barr's will have to do.

Amendment agreed to.

Clause 127, as amended, agreed to.

Clauses 128 to 132, by leave, taken together and agreed to.

Clause 133.

MR COE (Yerrabi—Leader of the Opposition) (4.27), by leave: I move amendments Nos 23 and No 24 circulated in my name together [*see schedule 1 at page 1636*]. Amendment No 23 is consequential to changing the WPI threshold to five per cent, which has not been supported.

Amendment No 24 alters the exception to be based on the injured person's treating doctor's certification that the injured person will require treatment and care beyond the four year and six month period or the injured person is a participant in the care scheme in relation to their injury. We believe this is going to create a far more equitable system that will give assurances of being able to access common-law remedies.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.28): Amendment No 23 is indeed the WPI matter that we have dealt with previously. Our position remains unchanged on that question. On amendment No 24, the government opposes this amendment because a doctor would be able to certify that the injured person requires treatment and care more than four years and six months after the accident and any time after the accident leading up to four years and six months. For example, they could certify after only one year past the accident.

This would mean that a doctor could certify this before the outcomes of the provider-defined benefit and care treatments are known, and the amount of medical involvement a child may experience over this time period. The government's amendments address the concern raised by the legal profession that an insurer could deny treatment and care before four years and six months to avoid a motor accident claim being advanced by a child under this clause. The government's amendments specify that an internal or external review decision will take effect on the day of the original decision. I believe that this adequately covers the concerns that have been raised on this point.

MS LE COUTEUR (Murrumbidgee) (4.30): Amendment No 23 we have already dealt with. We do not support the move from 10 to five. On amendment No 24, for the reasons that Mr Barr has already explained, we do not support that change. It was an important addition, compared to the exposure draft, that we have the possibility for people who are still not stabilised at the end of the 4½ or five years to work out what would happen for these people, and for children in particular. We think the government's amendment describes how this should work better.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 10		Noes 13	
Miss C Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms Berry	Mr Pettersson
Mrs Dunne	Mr Wall	Ms J Burch	Mr Ramsay
Mr Hanson		Ms Cheyne	Mr Rattenbury
Mrs Jones		Ms Cody	Mr Steel
Mrs Kikkert		Mr Gentleman	Ms Stephen-Smith
Ms Lawder		Ms Le Couteur	

Amendments negatived.

Clause 133 agreed to.

Clauses 134 and 135, by leave, taken together and agreed to.

Clause 136.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.36): I move amendment No 10 circulated in my name [*see schedule 2 at page 1645*]. This amendment changes “damages for loss of quality of life” to “quality of life damages”. This is a minor and technical clarification. The term “quality of life damages” is a defined term for the bill, and this amendment brings the clause into line with its use elsewhere. I commend this to the Assembly.

Amendment agreed to.

Clause 136, as amended, agreed to.

Clauses 137 and 138, by leave, taken together and agreed to.

Clause 139.

MR COE (Yerrabi—Leader of the Opposition) (4.37): I move amendment No 25 circulated in my name [*see schedule 1 at page 1637*]. The amendment changes the process for the WPI assessment to ensure that the insurer will not refer the person for an assessment unless the person confirms the request and removes the requirement of an excess payment.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.37): The government will not support this amendment. The bill as it stands carefully balances the circumstances as to when a whole person impairment assessment is sought and a person's injuries are stabilised but the insurer does not consider the injuries to be a permanent impairment. It gives the option for the injured person to pursue an assessment despite the insurer's advice.

The existing provisions are balanced, in that the excess is refunded if the injured person's assessment is more than zero, even if the whole person impairment assessment is zero. The scheme is still paying for the majority of the cost of the assessment. The payment of the excess before the assessment occurs ensures that the injured person properly considers whether to proceed with the assessment and hence is an important measure in managing the number of WPI assessments being undertaken, so that seriously injured people are not unduly delayed in obtaining their assessments.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (4.39): I move amendment No 26 circulated in my name [*see schedule 1 at page 1637*]. This amendment to clause 139(3) changes the process for the WPI assessment to omit the general excess payment by the injured person.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (4.39): I move amendment No 27 circulated in my name [*see schedule 1 at page 1637*]. This amendment changes the process for the WPI assessment to the injured person paying an excess if the assessment finds the injured person's WPI is zero per cent.

Amendment negatived.

Clause 139 agreed to.

Clause 140 agreed to.

Clause 141.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry

and Investment) (4.40): I move amendment No 11 circulated in my name [*see schedule 2 at page 1645*]. Both this amendment and amendment No 12 provide further processes around an injured person's estimated whole person impairment at four years and six months, where their injuries have not stabilised. To ensure that an injured person whose injury is not stabilised at this point—and they may have a common-law claim—can proceed with a claim if they are eligible, the bill provides for the estimated whole person impairment assessment.

There have been comments made that this estimate process is an unfair one. It is refined, with these amendments, to provide an injured person an option. If an injured person's estimated whole person impairment is five per cent or more and the injured person is eligible to make a common-law claim—that is, they are not at fault—the injured person may either choose or accept their estimated whole person impairment assessment or make a common-law claim and stay proceedings until their injuries have stabilised and they can have another whole person impairment assessment. This responds to concerns that were raised in relation to the exposure draft.

MS LE COUTEUR (Murrumbidgee) (4.42): The Greens support this amendment and the associated amendments, Nos 12, 13 and 14. This gives the injured person a choice in relation to their estimated WPI when their injuries have not stabilised around the four year and six month mark, and it sets out the process around this. Essentially, this series of amendments means that the injured person can either agree to use their estimated WPI, and that estimate is taken to be their WPI, or lodge a common-law claim and stay proceedings on the basis that their WPI has not stabilised.

There are some requirements governing when the insurer must provide information to the injured person, including the WPI report, and when an injured person must make a decision to accept the estimated WPI or make a common-law claim and stay the proceeding. When a person applies to stay a proceeding on the claim until their injuries stabilise, they must then inform the insurer when their injuries stabilise. At this point another WPI assessment is conducted, which will determine whether the person's WPI is 10 per cent or more and whether they can proceed with a claim. These amendments set out the processes that must be followed under these circumstances, including the requirement of the insurer to offer the injured person the relevant quality of life benefits. Overall this seems like, all things considered, a reasonable process. Thus we support this series of amendments.

MR COE (Yerrabi—Leader of the Opposition) (4.43): The opposition does not support this. We do not think that using an estimated WPI is the best way forward. We of course prefer our amendment.

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.44): I move amendment No 12 circulated in my name [*see schedule 2 at page 1645*].

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (4.44): I move amendment No 28 circulated in my name [*see schedule 1 at page 1637*]. My amendment omits clause 141(4), which specifies if a person refuses a WPI assessment the person's quality of life benefit application is taken to have been finally dealt with. We think that there are many situations where a person may refuse a WPI assessment that should not automatically exclude them from their assessment or application.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.45): The government amendments that I have moved—Nos 11 and 12 and the ones that we will come to shortly—provide an alternative pathway to address the issues here. Given that we have passed Nos 11 and 12, and No 13 is coming, Madam Deputy Speaker, we will continue on that path.

Amendment negatived.

Clause 141, as amended, agreed to.

Proposed new clause 141A.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.46): I move amendment No 13 circulated in my name, which inserts a new clause 141A [*see schedule 2 at page 1646*]. As I mentioned, the previous amendments, Nos 11 and 12, refine the estimated whole person impairment process to provide an injured person with an option. If an injured person's estimated WPI is five per cent or more and the injured person is eligible to make a common-law claim, they may either choose to accept the estimated whole person impairment assessment or make that claim and stay proceedings until their injuries have stabilised. This amendment provides a process for proceeding with a common-law claim once the person's injuries have stabilised.

Amendment agreed to.

Proposed new clause 141A agreed to.

Clauses 142 to 145, by leave, taken together and agreed to.

Clause 146.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.48): I move amendment No 14 circulated in my name [*see schedule 2 at page 1647*]. This amendment provides clarity about how the WPI assessment is to be arranged when an injured person is referred to an authorised independent medical examiner provider for whole person impairment assessment after four years and six months, where the injured person chose to wait for their injuries to stabilise.

Amendment agreed to.

Clause 146, as amended, agreed to.

Clauses 147 and 148, by leave, taken together and agreed to.

Clause 149.

MR COE (Yerrabi—Leader of the Opposition) (4.49): I move amendment No 29 circulated in my name [*see schedule 1 at page 1637*]. I thank Mr Barr for giving way on this occasion. This amendment allows for physical and psychological whole person impairment to be combined. The purpose of quality of life benefits is to compensate an injured person for the loss of quality of life they experience due to the injuries sustained in a motor vehicle accident. Logically, then, any WPI assessment must consider the cumulative impact of all aspects of injuries which impact that individual's quality of life.

It is not unusual for injured persons to suffer both physical and psychological injuries associated with a motor vehicle accident, which both individually and in concert can have a substantive impact on the injured person's quality of life. An injured person should not be required to elect just one of their injuries or one injury path for assessment. This issue is magnified by the current requirement that an injured person must have at least five per cent to be eligible for quality of life benefits. Under the current proposed legislation, an individual with four per cent physical and four per cent psychological WPI will be excluded from quality of life benefits.

Even though the combined WPI would likely meet that threshold of greater than five, in these circumstances it is fundamentally unfair that the injured person be denied compensation. The government's proposed amendment does not enable all injuries to be combined like the current scheme does. Whilst it is an improvement on what was in the bill as presented by the government, many people will still be worse off than they currently are. People should not be worse off as a result of this bill. Whilst it is clear that many will be, it should not be at the expense of having to choose either the physical path or the psychological path. We do have to reasonably combine those two because people who suffer both should be treated with the respect that they need.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.52): Given that my amendments also cover this area, I will both speak to my amendments and respond to Mr Coe's amendment. I guess from the outset it is important to remember that everyone injured in a motor vehicle accident will be entitled to treatment, care and income replacement benefits to support their recovery. This support will be available for up to five years and will be provided for both physical and psychological injuries. That is an improvement on the current arrangements.

Secondly, the amendment I will move shortly will allow an injured person with both a physical injury and a primary psychological injury resulting from the accident to

request two separate whole person impairment assessments so long as the injured person meets the requirements for a primary psychological assessment. The requirements for a primary psychological injury assessment are that the injured person has been receiving mental health treatment for the injury and that a psychiatrist or clinical psychologist certifies a reasonable belief the person has a permanent psychological injury from the accident.

Where an assessment of physical injuries is taking place, the independent medical examiner may consider secondary psychological injuries arising from the physical injury as part of their assessment of that physical injury. For example, if someone experiences depression as a result of having serious physical injuries, this will be included in the assessment of their whole person impairment arising from the physical injuries.

In relation to the opposition's amendment, there is an issue where an injured person has both a primary physical injury and a primary psychological injury. These cannot be combined in assessing a whole person impairment because the nature of the impairment created by each injury would indeed be different.

It is worth noting that this is the case in all schemes across the nation which use the national Safe Work Australia template for assessing impairment. Everyone gets five years: five years of support for both physical and psychological injuries. That is the important point to stress under the government's scheme. That perhaps has not been acknowledged by the Leader of the Opposition, which is an important reform.

Secondly, the path that I have outlined in terms of the government amendments does, I believe, address the issues that Mr Coe has raised. To go down the alternative path that he proposes would be inconsistent with all other schemes using the national Safe Work Australia template for assessing impairment. For that combination of factors, I believe the government amendments that I will be moving are the preferred path to address the issues contained within the broader package of amendments moved by the opposition.

MS LE COUTEUR (Murrumbidgee) (4.55): Like the other two speakers, I will talk about both the government's amendments and the Liberal Party's amendments on this topic together, in the interests of saving some time and reducing confusion. The amendments relate entirely to how physical and psychological injuries are combined and whether or not this can be done for the purpose of obtaining basically a higher WPI percentage, which then potentially allows access to common law or to better quality of life payments.

This is a very complicated area. We have had many discussions about it. In the exposure draft of the legislation, we argued amongst ourselves about which was in and which was not. We had a lot of conversations on this, and I am sure that we are all confused. Certainly I am confused. I should not verbal other people.

This is an area that I find incredibly confusing. It is easy to find some hypothetical examples but it is not easy to know whether these are real things and how they would actually pan out in real life. I am very heartened by Mr Coe's comments that the

government's amendments are an improvement on what was in the exposure draft, because I believe that the number of discussions that we have had about them and our incomprehension is part of the reason for the changes.

I would also have to agree with Mr Barr's comments that, whether you think it is good or bad or just incomprehensible, it appears that all these sorts of schemes do it. I was told by a lawyer that, in fact, it was all different in Victoria, and he was correct. It was different in Victoria but it is kind of just the other way around. It did not, as far as I could see, actually improve the situation. It possibly made it worse.

The way it works in the bill is that a person could combine a physical injury and a psychological injury that relates to the physical injury. They could not, however, combine a physical injury with a separate, discrete psychological injury that was not the result of the physical injury. I spent lots of time thinking about both—about discrete psychological injuries that were not the result of physical injury. I will not bore everyone with my thought experiments because it is incredibly confusing.

There are two proposed amendments: one from the Liberal Party, which purports to allow the combining of physical and psychological injuries in any circumstances. The other set of amendments is from the government. These essentially make some clarifications but keep an approach whereby separate and discrete psychological and physical injuries cannot be combined. However, the government amendments do allow something new—that is, that an injured person can now receive quality of life benefits related to separate psychological and physical injuries.

We think this was a good improvement and we support it. It is a better outcome for injured people than the one proposed in the current bill. We do not support the Liberal Party amendment. We are not in any way sure what it would actually do, because it is very unclear to us, totally unclear to us, what impact that would have on the number of people claiming whatever WPI they might be claiming.

As Mr Barr said, and as I have reiterated, there are not any motor vehicle accident schemes, to my knowledge, in Australia that allow combining two primary psychological and physical injuries, as well as combining the secondary induced. They do one or the other. This is a very vexed area. The important thing, from my point of view, is that there will be a review in three years.

As I said, we have discussed this. We have discussed this at great length with the government—possibly at inordinate length—and I have received the assurance that this issue will be part of the things that are reviewed in that three-year review. That will mean that we will have something of a handle on whether this is a real issue or whether it was just a very bizarre possibility—something that we thought might be an issue but in reality was not something that we should have worried about.

The Greens support the government's amendments. We do not support the Liberal Party's amendments. We look forward to the review of this system in three years to establish what impact this actually does have and the best way to deal with a multitude of injuries. I have to agree that the concept of adding up injuries has issues.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9		Noes 12	
Miss C Burch	Mr Milligan	Mr Barr	Ms Le Couteur
Mr Coe	Mr Parton	Ms Berry	Ms Orr
Mrs Dunne	Mr Wall	Ms J Burch	Mr Pettersson
Mr Hanson		Ms Cheyne	Mr Ramsay
Mrs Jones		Ms Cody	Mr Rattenbury
Ms Lawder		Mr Gentleman	Mr Steel

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.05): I move amendment No 15 circulated in my name [*see schedule 2 at page 1647*]. I have already spoken to this amendment.

Amendment agreed to.

Clause 149, as amended, agreed to.

Clause 150.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.06): I move amendment No 16 circulated in my name [*see schedule 2 at page 1648*]. This amendment clarifies that injuries to multiple physical body systems may be combined for a physical whole person impairment assessment in accordance with the guidelines. A similar provision is included for combining multiple psychological injuries for a psychological whole person impairment assessment.

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.07): I move amendment No 17 circulated in my name [*see schedule 2 at page 1648*], which is consequential to amendments Nos 15 and 16.

Amendment agreed to.

Clause 150, as amended, agreed to.

Clause 151 agreed to.

Proposed new clause 151A.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.07): I move amendment No 18 circulated in my name, which inserts a new clause 151A [*see schedule 2 at page 1648*]. This amendment specifies that where an injured person receives two whole person impairment reports, one physical and one primary psychological, an insurer may take into account both reports to determine the amount of quality of life benefits.

Amendment agreed to.

Proposed new clause 151A agreed to.

Clause 152.

MR COE (Yerrabi—Leader of the Opposition) (5.08): I oppose this clause.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.08), by leave: I move amendments Nos 19 and 20 circulated in my name together [*see schedule 2 at page 1649*]. This is a further consequential amendment to recognise that an injured person might have two whole person impairment reports—again, one physical, one psychological. As there are multiple sections dealing with the procedural steps for whole person impairment reports, the amendment is necessary to clarify which set of procedures is to be followed.

The amendment also recognises that while an injured person's individual whole person impairment reports are less than five per cent, an injured person could be offered a quality of life benefit after taking into account each report. Amendment No 20 places an obligation on the insurer to take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer within the designated time frame. The amendments also include examples of what reasonable steps taken by the insurer may be.

Amendments agreed to.

Clause 152, as amended, agreed to.

Clause 153.

MR COE (Yerrabi—Leader of the Opposition) (5.10): I oppose this clause.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.10), by leave: I move amendments Nos 21 and 22 circulated in my name together [*see schedule 2 at page 1650*]. This is a further consequential amendment that covers the previous issues around two whole person impairment

reports. Amendment No 22 places the obligation on the insurer to take all reasonable steps to notify, which is very similar to amendment 20.

Amendments agreed to.

Clause 153, as amended, agreed to.

Clause 154.

MR COE (Yerrabi—Leader of the Opposition) (5.11): I move amendment No 33 circulated in my name [*see schedule 1 at page 1638*]. This is largely a consequential amendment, based on the earlier decision when we opted not to go with the five per cent threshold. All the same, we feel that is appropriate.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.12): For the same reasons, we are not supporting this. I foreshadow that after this matter I have amendment No 23 to move.

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.12): I move amendment No 23 circulated in my name [*see schedule 2 at page 1651*]. This is a further consequential amendment around the two whole person impairment reports.

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.13): I move amendment No 24 circulated in my name [*see schedule 2 at page 1651*]. This one is consistent with the previous amendments, Nos 21 and 22, and is about reasonable steps for the insurer.

Amendment agreed to.

Clause 154, as amended, agreed to.

Clause 155.

MR COE (Yerrabi—Leader of the Opposition) (5.13): I move amendment No 35 circulated in my name [*see schedule 1 at page 1638*].

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry

and Investment) (5.13): I move amendment No 25 circulated in my name [*see schedule 2 at page 1652*]. This is, again, a consequential amendment around the two whole person impairment reports.

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.14): I move amendment No 26 circulated in my name [*see schedule 2 at page 1653*]. This amendment provides further clarity in the steps the insurer has to take in ensuring that an injured person is aware of the upcoming due date in relation to their quality of life application.

Amendment agreed to.

Clause 155, as amended, agreed to.

Clause 156.

MR COE (Yerrabi—Leader of the Opposition) (5.15): I move amendment No 37 circulated in my name [*see schedule 1 at page 1638*].

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.15): I move amendment No 27 circulated in my name [*see schedule 2 at page 1653*]. This amendment specifies that where an injured person's first whole person impairment report from an independent medical examiner was less than 10 per cent, and a second report sourced by the injured person was at least 10 per cent, and the person makes a common-law claim, the insurer must reimburse the injured person for the second report.

Amendment agreed to.

Clause 156, as amended, agreed to.

Clause 157 agreed to.

Clause 158.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.15): I move amendment No 28 circulated in my name [*see schedule 2 at page 1653*]. This is a further consequential amendment to recognise that an injured person might have two whole person impairment reports.

Amendment agreed to.

Clause 158, as amended, agreed to.

Clause 159.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.17), by leave: I move amendments Nos 29 and 30 circulated in my name together [*see schedule 2 at page 1653*]. The first amendment is again consequential on the two whole person impairment reports, and the second amendment recognises that, whilst an injured person's individual final whole person impairment offer is less than five per cent, an injured person could be offered a quality of life benefit, taking into account each report.

Amendments agreed to.

Clause 159, as amended, agreed to.

Clause 160.

MR COE (Yerrabi—Leader of the Opposition) (5.18): I will be opposing this clause. We particularly have concerns with the automatic acceptance that is included in the provisions. The idea that a person's application for a quality of life benefit is taken to have been finally dealt with if an injured person does not notify the relevant insurer within 28 days, we think, is not the best way forward. We think that puts the onus on the injured person, as opposed to the insurance company. This is yet another example where this is out of balance.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.19): I move amendment No 31 circulated in my name [*see schedule 2 at page 1653*]. This amendment provides further clarity in the steps the insurer has to take in ensuring that the injured person is aware of the upcoming due date in relation to the quality of life application.

Amendment agreed to.

Clause 160, as amended, agreed to.

Clause 161.

MR COE (Yerrabi—Leader of the Opposition) (5.20), by leave: I move amendments Nos 39 and 40 circulated in my name together [*see schedule 1 at page 1638*].

Amendments negated.

MR COE (Yerrabi—Leader of the Opposition) (5.20): I move amendment No 41 circulated in my name [*see schedule 1 at page 1639*]. Once again, I am seeking to omit the automatic acceptance of offer.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.21): This is around the premise that silence is taken to be acceptance, and I have an amendment coming up that addresses this particular question.

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.21): I move amendment No 32 circulated in my name [*see schedule 2 at page 1654*]. This is, again, a further insertion of the requirement for reasonable steps to be undertaken by the insurer to notify the injured person of the due date.

MR COE (Yerrabi—Leader of the Opposition) (5.21): This is an improvement on what was there before, but it still does not address the core issue of a de facto acceptance. It puts a little more obligation on the insurance company to reach out, but there still is that de facto acceptance written into what is being proposed by the government, even with their amendment.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (5.22): I move amendment No 42 circulated in my name [*see schedule 1 at page 1639*]. We are seeking to omit the automatic acceptance of offer.

Amendment negatived.

Clause 161, as amended, agreed to.

Clause 162.

MR COE (Yerrabi—Leader of the Opposition) (5.22), by leave: I move amendments Nos 43 and 44 circulated in my name together [*see schedule 1 at page 1639*].

Amendments negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.23): I move amendment No 45 circulated in my name [*see schedule 1 at page 1639*].

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.23): I move amendment No 33 circulated in my name [*see schedule 2 at page 1654*]. This proposes a further provision in this clause requiring reasonable steps to be undertaken by the insurer to notify the injured person of the due date.

Amendment agreed to.

Clause 162, as amended, agreed to.

Clause 163.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.24): I move amendment No 34 circulated in my name [*see schedule 2 at page 1654*]. This amendment specifies that an insurer will pay for one physical injuries whole person impairment assessment and one psychological assessment, unless an injured person has injuries to multiple body systems. This is a consequential amendment as a result of an injured person being able to request two whole person impairment assessments if they meet the eligibility criteria.

MR COE (Yerrabi—Leader of the Opposition) (5.25): The opposition does not support what the government is proposing.

Amendment agreed to.

Clause 163, as amended, agreed to.

Proposed new clause 163A.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.25): I move amendment No 35 circulated in my name, which inserts new clause 163A [*see schedule 2 at page 1654*]. This new clause provides further clarity on when a notice of claim must be given by an injured person to pursue a motor accident injury claim when they are at four years and six months after the accident. The amendment ensures that an individual is not statutorily barred from proceeding with a common-law claim for the motor vehicle accident.

MR COE (Yerrabi—Leader of the Opposition) (5.26): The opposition supports this amendment.

Amendment agreed to.

Proposed new clause 163A agreed to.

Clause 164.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.26): I move amendment No 36 circulated in my name [*see schedule 2 at page 1655*]. It is another consequential amendment as a result of an injured person being able to request two whole person impairment assessments.

Amendment agreed to.

Clause 164, as amended, agreed to.

Clauses 165 to 179, by leave, taken together and agreed to.

Part 2.9, heading, agreed to.

Clause 180 agreed to.

Proposed new clause 180A.

MR COE (Yerrabi—Leader of the Opposition) (5.27): I move amendment No 47 circulated in my name, which inserts a new clause 180A [*see schedule 1 at page 1639*]. As previously discussed, this amendment provides individuals with the option of selecting their income payments in a lump sum.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.28): We will not be supporting this, for the reasons we outlined earlier around lump sum payments.

Amendment negatived.

Proposed new clause 180A negatived.

Clauses 181 and 182, by leave, taken together and agreed to.

Clause 183.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.28): I move amendment No 37 circulated in my name [*see schedule 2 at page 1655*]. This amendment inserts internally reviewable decisions from the draft regulation. As well as including a schedule specifically for internally reviewable decisions to the bill, the government amendment also inserts a regulation-making power to ensure that any further matters that arise may be included as an internally reviewable decision.

MR COE (Yerrabi—Leader of the Opposition) (5.29): I obviously will not move my amendment 48, given that it is likely that Mr Barr's amendment will get up. We are of the view that the reviewable decisions are those listed under the act, with their schedules consequentially created. Obviously, that is not going to get up; therefore, we support the government's amendment. However, it still does not encompass everything it should.

MS LE COUTEUR (Murrumbidgee) (5.30): The Greens also support the government amendment. We do not have a strong view as to whether the reviewable decisions are listed in the regulation or the primary act. There was an issue with how the Liberals drafted their amendment. I understand it changed certain decisions to be internally reviewable when previously they were not. The government has pointed out

that particular decisions made by an insurer should only be reviewed by an independent body like ACAT, due to the nature or process that has already occurred. Having these decisions externally reviewable only means they can be more quickly decided by ACAT without first having to be subject to an internal review. We agree with that assessment and will support the government's amendment.

Amendment agreed to.

Clause 183, as amended, agreed to.

Clause 184.

MR COE (Yerrabi—Leader of the Opposition) (5.31): I move amendment No 49 circulated in my name [*see schedule 1 at page 1640*]. Through this amendment we are seeking to substitute clause 184(3)(a) with the words “the applicant satisfies the insurer that they have a reasonable excuse for the delay”. This will allow some late applications to be accepted where there is a reasonable explanation.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.31): I will not be supporting this amendment, for the reasons I outlined with regard to amendments Nos 4 and 13. The full and satisfactory explanation is a well-established concept that is supported by case law and used in the New South Wales scheme.

MR COE (Yerrabi—Leader of the Opposition) (5.32): In light of what the Chief Minister has said, why do we not remove all ambiguity and include it in the legislation?

Amendment negatived.

Clause 184 agreed to.

Clauses 185 to 187, by leave, taken together and agreed to.

Clause 188.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.33): I move amendment No 38 circulated in my name [*see schedule 2 at page 1655*]. This amendment will ensure that an injured person is not disadvantaged where the timing of a decision may affect the injured person's eligibility for a common-law claim or a medical treatment payment.

Amendment agreed to.

Clause 188, as amended, agreed to.

Clause 189.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.33): I move amendment No 39 circulated in my name [*see schedule 2 at page 1655*]. The amendment will move the schedule of externally reviewable decisions from the draft regulation to the bill to ensure that any further matters that arise may be included as an ACAT reviewable decision. A power to make regulations is also included.

MR COE (Yerrabi—Leader of the Opposition) (5.34): Given that it is likely that Mr Barr's amendment will get up, I will not move my amendment No 50. My amendment would allow for ACAT to review any internally reviewable decisions of the insurer. That is certainly our preference, but we will have to make do with what Mr Barr is proposing.

Amendment agreed to.

Clause 189, as amended, agreed to.

Clauses 190 to 194, by leave, taken together and agreed to.

Clause 195.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.35): I move amendment No 40 circulated in my name [*see schedule 2 at page 1656*]. The opposition has an amendment on this area as well. Our amendment proposes slightly alternative wording to that proposed by the opposition. Our amendment requires a person to have made an application in good faith and that the ACAT be satisfied that the applicant had an arguable basis for the application. A person who is an applicant in person—that is, without legal representation—will be taken to have had an arguable basis but will still need to have had a good faith reason for the application.

MS LE COUTEUR (Murrumbidgee) (5.36): I note that there are two proposed amendments to this. The Greens are supporting the government amendment to this clause. Clause 195 provides that ACAT may order a party to pay the costs of the other party to an application for external review, and provides for a regulation. The government amendment adds a new requirement that ACAT cannot award costs of or incidental to an application for an external review against an injured person seeking a review of an ACAT reviewable decision where the application for external review is made in good faith and there is an arguable basis for application.

The Liberal amendment takes a different approach. It says that ACAT could not award the costs of an application for an external review against an injured party if they sought review from the ACAT honestly. As the government notes, there is an issue with the Liberal amendment because, even if there is no legitimate purpose for the injured person to be seeking external review but they honestly sought it, costs

could not be awarded against the injured person. Hopefully, all of this will never actually be relevant to ACAT's considerations of costs, but, given this, we support the government's amendment and not the Liberal Party's.

MR COE (Yerrabi—Leader of the Opposition) (5.37): What the government has proposed in the amendment is better than the bill, but it is still not the best possible outcome. We believe our amendment—that is, amendment 51 that will not be moved—would be best because it provides that ACAT must not award the costs of an application for external review against an injured person who is honestly seeking a review in the proceeding. The basis of this is the Court Procedure Rules of 2006, in particular, rule 3968.

Amendment agreed to.

Clause 195, as amended, agreed to.

Clause 196.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.38): I move amendment No 41 circulated in my name [*see schedule 2 at page 1656*]. This amendment clarifies that an ACAT order will take effect on the day that the internally reviewable decision was made unless ACAT orders otherwise, and in any case on the day the externally reviewable decision was made unless ACAT orders otherwise.

Amendment agreed to.

Clause 196, as amended, agreed to.

Clauses 197 to 199, by leave, taken together and agreed to.

Clause 200.

MR COE (Yerrabi—Leader of the Opposition) (5.39): I will be opposing this clause. Our proposed amendment removes clause 200. Legal costs and charge are regulated under the Legal Profession Act 2006 and the Court Procedure Rules 2006. The proposed clause is unnecessary and puts the subordinate legislation above the primary act that deals with this matter.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.40): We will be supporting the clause. The scheme exists to assist injured people with their recovery by promoting and encouraging the early, quick, cost-effective and just resolution of disputes. This clause is intended to regulate costs that apply to applications for defined benefits that are not based on taking a matter to court.

There is currently no regulation for costs because rule 4 of the Court Procedures Rules makes clear that it applies to all proceedings of the Supreme Court and the

Magistrates Court and so would not apply to regulating applications or disputes heard by the ACAT. The Legal Profession Act 2006 deals only with obligations on lawyers to provide cost disclosures; it does not regulate legal costs. Through the proposed regulation-making power the scheme can meet this objective by prescribing appropriate legal costs and fees payable by applicants and insurers. Before the regulation is made, consultation will take place to assist with the development of the regulation.

MS LE COUTEUR (Murrumbidgee) (5.41): The Greens do not agree with the Liberals; we will be supporting the clause. As Mr Barr said, the effect of the Liberals' opposition is to remove the power for a regulation to prescribe legal costs and fees payable by applicants and insurers in relation to applications for defined benefits, including in relation to dispute resolution.

The Greens do not see any major problems with the concept that lawyers' fees can be regulated. The idea of this legislation is to get a good outcome for injured people and ensure that more money goes to injured people. If, as a consequence, less of that goes to lawyers, so be it. The aim of the exercise is to get more money into the pockets of injured people by covering the cost of medical expenses and income replacement.

We do not think injured people should be paying excessive amounts for legal services. I understand the government will do extensive consultation before it develops any regulation along these lines. I certainly think the government should do that, and I am sure the legal profession will hold them to that commitment.

MR COE (Yerrabi—Leader of the Opposition) (5.42): I reiterate that legal costs and charges are already regulated under the Legal Profession Act 2006 and the Court Procedure Rules. This is not a new thing. What is odd is that we are putting subordinate legislation above the primary act.

Question put:

That that clause 200 be agreed to.

Ayes 12

Noes 9

Mr Barr	Ms Le Couteur	Miss C Burch	Mr Milligan
Ms Berry	Ms Orr	Mr Coe	Mr Parton
Ms J Burch	Mr Pettersson	Mrs Dunne	Mr Wall
Ms Cheyne	Mr Ramsay	Mr Hanson	
Ms Cody	Mr Rattenbury	Mrs Jones	
Mr Gentleman	Mr Steel	Ms Lawder	

Question resolved in the affirmative.

Clause 200 agreed to.

Clause 201 agreed to.

Chapter 3, including clauses 202 to 217, by leave, taken together.

MR COE (Yerrabi—Leader of the Opposition) (5.48): I will be opposing the whole of chapter 3. I think it should be omitted because it creates many complexities and there are simpler exceptions set out in other amendments.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.49), by leave: I move amendments Nos 42 and 43 circulated in my name together [*see schedule 2 at page 1656*]. This is a further consequential amendment as a result of the two whole person impairment assessments that we have discussed repeatedly throughout the legislation. That is No 42. No 43 clarifies that the relevant insurer must pay for the significant occupational impact assessment.

Amendments agreed to.

Clauses 202 to 217, as amended, agreed to.

Clause 218 agreed to.

Clause 219.

MR COE (Yerrabi—Leader of the Opposition) (5.50): I move amendment No 54 circulated in my name [*see schedule 1 at page 1640*]. The amendment alters the application for future treatment payments to be based on the injured person's treating doctor certifying that the injured person will require treatment and care beyond the four year and six month time period. This creates more equitable access to relevant remedies.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.50): The government opposes this amendment. We do so because the provision in the bill was drafted to provide those persons not eligible to take a motor accident claim with the ability to have their future medical treatment expenses paid if they have been receiving treatment and care for two years and six months at the four years and six months point after their accident.

It was intended to be objective so that both parties would be able to assess the need for this future medical treatment payment based on whether the injured person was receiving continuous medical treatment over this period. The opposition amendment will make this subjective and less equitable by having a doctor certify that the injured person is likely to need medical treatment in the future. It is also a flawed amendment. The defined term "continuous" that applied to paragraph (b) has been left in, and that will cause confusion in applying the provision. For these reasons, the government will not support the amendment.

MR COE (Yerrabi—Leader of the Opposition) (5.51): Once again, Labor and the Greens are empowering insurers and devaluing the role of GPs. We think this does a disservice to our community, and therefore we encourage those opposite to support amendment No 54.

Amendment negatived.

Clause 219 agreed to.

Clauses 220 to 235, by leave, taken together and agreed to.

Clause 236.

MR COE (Yerrabi—Leader of the Opposition) (5.52): I move amendment No 55 circulated in my name [*see schedule 1 at page 1640*].

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.53): I move amendment No 56 circulated in my name [*see schedule 1 at page 1640*].

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.53): I move amendment No 57 circulated in my name [*see schedule 1 at page 1641*].

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.53): I move amendment No 58 circulated in my name [*see schedule 1 at page 1641*]. This is a very important amendment that the Canberra Liberals feel very strongly about. This amendment introduces a vocation exemption to capture workers who are permanently impacted by an accident. This allows for claims for significant injuries. It enables a broad alternative discretionary power and the use of a narrative-style test to provide access to compensation.

As I have already mentioned, no two cases are the same. What this legislation is seeking to do is to group hundreds or even thousands of cases as being the same. We firmly believe that there does need to be an alternative path, especially for workers who are permanently impacted by an accident. We believe that this discretionary power that will allow for the use of a narrative test will go some way to giving assurances to people who are injured in the workforce some comfort that they will get adequate compensation.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.55): I guess this is the opposition's attempt at our significant occupational impact test. They voted against our significant occupational impact test on several occasions in the course of the debate. We obviously prefer that model, as we have supported it consistently, so we will continue to support that as the preferred way. We will not be supporting the opposition's amendment tonight.

MS LE COUTEUR (Murrumbidgee) (5.55): The Greens do not support the Liberal amendment. We agree with the government's rationale for the provision which is

currently proposed in the bill. The amendment is part of the proposal to replace the significant occupational impact test with a serious injury concept. As Mr Barr has articulated, this does not really take into consideration whether the injured person has been receiving defined benefit income replacement, or the injured person's ability to retrain or undertake appropriate alternative employment.

The new definition provides new broad avenues for pursuing common-law claims. This is in addition to the five per cent threshold. Yes, there will be people who it would be good for, but on the whole we are trying to get a balanced approach and the greatest good for the greatest number of people. This proposal would fundamentally change the scheme and stray away from the principles that have been endorsed by the citizens' jury.

MR COE (Yerrabi—Leader of the Opposition) (5.57): We make no bones about the fact that what we are proposing today is going to be more generous and more supportive of injured workers. The fact that you have the Labor Party and the Greens voting against this shows just how cushy their relationship is with the insurance companies. They have opted to side with the big financiers as opposed to injured workers.

We have to make sure that we have a reasonable but generous system that takes into account people's occupation when determining what compensation is payable. Take, for instance, somebody who is an electrician. If an electrician has a disproportionate impact caused by an accident to their fingers, that is going to have a significant impact on their profession. Therefore, there does need to be a narrative test for these situations.

The fact that the Labor Party are not willing to go with this generous form of compensation does a real disservice to their being part of the labour movement. If the Labor Party and the Greens were serious about supporting workers then they would support this amendment. Ms Le Couteur just said that we have to strike a balance. Well, they have erred on the side of insurance companies, as opposed to injured workers. This is a sad day for workers in the territory.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Miss C Burch	Mr Milligan
Mr Coe	Mr Parton
Mrs Dunne	Mr Wall
Mr Hanson	
Mrs Jones	
Ms Lawder	

Noes 12

Mr Barr	Ms Le Couteur
Ms Berry	Ms Orr
Ms J Burch	Mr Pettersson
Ms Cheyne	Mr Ramsay
Ms Cody	Mr Rattenbury
Mr Gentleman	Mr Steel

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (6.02): Given that 59 through to 68 are all consequential on 58 getting up, there is no need for us to proceed with those 10 amendments.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.03): I move amendment No 44 circulated in my name [*see schedule 2 at page 1656*]. This is a further consequential amendment that specifies that if an injured person has two whole person impairment reports, the higher report will be used for the purpose of assessing whether an injured person meets the whole person impairment threshold for common-law damages.

Amendment agreed to.

Clause 236, as amended, agreed to.

Clause 237 agreed to.

Clause 238 agreed to.

Clause 239.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.05): I move amendment No 45 circulated in my name [*see schedule 2 at page 1657*]. This is a minor and technical issue that was identified with respect to how the bill described non-economic loss and quality of life damages in clause 239. Amendment 44 addresses this. An amendment to clause 240 that is coming up improves the drafting of this section, as required for consistency with the changes to clause 239 that we will have with amendment No 45. I will also have an amendment No 46 to move shortly.

Amendment agreed to.

Clause 239, as amended, agreed to.

Clause 240.

MR COE (Yerrabi—Leader of the Opposition) (6.06): I move amendment No 69 circulated in my name [*see schedule 1 at page 1641*].

This important amendment sets the maximum quality of life payments that can be made with the court determining the quantum awarded. The thresholds and scaling set out in clause 240(1) are not practical and mean that virtually no injured persons will receive meaningful compensation.

The government's amendment does nothing to address the real issue, which is providing adequate compensation for motor accident victims. It still leaves intact the

scale of damages payable, which is grossly inadequate and unfair for individuals. You will effectively need to be dead to get the maximum payout. It is just a free kick to the insurance companies, as I mentioned earlier.

There is this myth that the WPI is zero to 100 but in reality that continuum is much, much narrower. To say that there is this maximum payment based on a WPI of 100 really is quite misleading and I think it really is misleading to all the potential future victims of a motor vehicle accident. Therefore, we strongly support our amendment and oppose what the government is putting forward in amendment 46.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.07): Unsurprisingly the government prefers its own amendment to the opposition's. Amendment 46 includes examples of chronic pain in relation to the additional quality of life damages awarded, up to 20 per cent of the amount calculated according to the scale. The common-law quality of life damages are updated to that effect.

Amendment 46, combined with the previous one, also specifies that an injured person's whole person impairment assessment that is used for the purposes of calculating common-law quality of life damages is the whole person impairment report that they rely on to make their common-law claim. This amendment, combined with my earlier one, provides greater clarity and the government will be supporting amendment 46.

MS LE COUTEUR (Murrumbidgee) (6.09): The Greens will not be supporting the Liberal amendment. We will in fact support the government amendment, once moved. But I will talk about both of them, in the interests of clarity. The Liberal amendment removes the scale for determining WPI and lets the court determine it. The whole point of this scheme is that we are trying to make a scheme which will cover individuals more equitably, and that is why there is this WPI scale. That is really why.

The other thing I think we probably should point out—yes, Mr Coe is correct that the very high numbers are not going to be that relevant to many people; if you are 100 per cent impaired you presumably, I would have to agree with him, are dead—is that people with a lot, lot smaller numbers will be covered by the lifetime care and support scheme for catastrophic injuries. People who are really badly injured will be getting support from that as well, as I understand it.

The government's amendment clarifies what will happen where a court can consider that a claimant's WPI assessment did not take into account a particular injury or a particular effect on the claimant's quality of life and the court can award up to an additional 20 per cent in damages. This would seem to be a more sensible amendment.

MR COE (Yerrabi—Leader of the Opposition) (6.10): Just to put this in perspective, I believe that Comcare has 64 per cent WPI as the level for somebody who cannot stand or cannot walk. Far from getting \$500,000, which is the maximum under this quality of life payment, based on this scale I calculate that 64 per cent will get a payment of \$269,000. I would have thought that somebody who cannot walk ever

again as a result of a car accident would be deserving of an amount at the very top of the scale. They are probably likely to only get half on this scale. This \$500,000 amount is really a bit of a myth and I think there are going to be lots of people who are going to be significantly worse off as a result of what Labor and the Greens are agreeing to.

We have spoken a lot about the other end of the spectrum, the five and 10 per cent. Let us go to the other end, let us go to the top. Even somebody who is a paraplegic perhaps might only be 64 per cent WPI and they are only going to get half of the \$500,000. I wonder: was that fully explained to the jury? Was that information, was that reality passed on to the members? I am sceptical.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 11	
Miss C Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms Berry	Mr Pettersson
Mrs Dunne		Ms J Burch	Mr Ramsay
Mr Hanson		Ms Cheyne	Mr Rattenbury
Mrs Jones		Ms Cody	Mr Steel
Ms Lawder		Ms Le Couteur	

Amendment negatived.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.15): I move amendment No 46 circulated in my name [*see schedule 2 at page 1657*].

I have already spoken to this one.

MR COE (Yerrabi—Leader of the Opposition) (6.15): The opposition does not support this amendment.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (6.16): I move amendment No 70 circulated in my name [*see schedule 1 at page 1641*].

Amendment negatived.

Clause 240, as amended, agreed to.

Clauses 241 and 242, by leave, taken together and agreed to.

Clause 243.

MR COE (Yerrabi—Leader of the Opposition) (6.17): I will be opposing this clause. This amendment removes the restriction on common-law claimants receiving their full loss of earnings for the first year following their accident. This means that claimants can only include in their claim the difference between their full first year loss of earnings and any income replacement payments received as a defined benefits payment during the first year. They can claim from year 2 onwards but not for the first year. Really the only beneficiaries of this provision are the insurance companies who are getting a pretty significant free kick here.

Clause 243 agreed to.

Clause 244.

MR COE (Yerrabi—Leader of the Opposition) (6.18), by leave: I move amendments No 72 and 73 circulated in my name together [*see schedule 1 at page 1641*].

Amendments negatived.

Clause 244 agreed to.

Clause 245 agreed to.

Clause 246.

MR COE (Yerrabi—Leader of the Opposition) (6.17): I oppose this clause, based on our belief that fortuitous care should be claimable.

Clause 246 agreed to.

Clauses 247 to 254, by leave, taken together and agreed to.

Clause 255.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.19): I move amendment No 47 circulated in my name [*see schedule 2 at page 1657*].

This amendment is in recognition of those injured people whose injuries have not stabilised but who need to commence proceedings due to the limitation period on commencing proceedings. Under the bill, before a proceeding may commence a compulsory conference must occur. To allow for proceedings to be lodged, the amendment says that the requirement for the compulsory conference until the injuries have stabilised stays.

Amendment agreed to.

Clause 255, as amended, agreed to.

Clauses 256 to 259, by leave, taken together and agreed to.

Clause 260.

MR COE (Yerrabi—Leader of the Opposition) (6.20): I move amendment No 75 circulated in my name [*see schedule 1 at page 1642*].

Amendment negatived.

Clause 260 agreed to.

Clauses 261 and 262, by leave, taken together and agreed to.

Clause 263.

MR COE (Yerrabi—Leader of the Opposition) (6.21): I move amendment No 76 circulated in my name [*see schedule 1 at page 1642*]. Amendments 76 and 77 ensure consistency and fairness in working out the costs for the mandatory final offers.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.21): The government opposes the amendment because it does not protect the injured person's final awarded damages. Mandatory final offers occur as part of the compulsory conference process. Without the legal cost provision, heavy costs could be imposed as a result of pursuing a claim that results in damages less than \$50,000. High legal costs could leave an injured person with an extremely small amount of damages. Without the provision, an injured person may need to pay legal costs up to \$10,000, based on the default cost provisions of the Civil Law (Wrongs) Act.

MS LE COUTEUR (Murrumbidgee) (6.22): The Greens do not support this amendment and we do not support amendment 77. I will talk to the two together. There are existing provisions in the CTP act which are designed to protect people from having to pay high costs when they receive a small amount of payment for their injury. These apply where common law final offers are minimal. The Liberal amendment proposes to remove these limits, exposing injured people to potentially high cost payments and, through that, limited payments will not actually end up being enough to use to remediate their injuries.

I would like to emphasise that, as with the previous amendments, this amendment will in fact have the major impact of lawyers potentially getting more money at the expense of injured people. And that is not what these amendments are meant to be about. I do not know why the Liberal Party is doing that. You can make assumptions, but I do not know why.

Mrs Jones: But you do not mind the insurance companies getting plenty of money.

MS LE COUTEUR: The suggestion that Mrs Jones has just made that all of this is to make life easier for the insurance companies is certainly, to the best of my knowledge, untrue. We are not trying to make life easier for insurance companies. We are trying to make a fair system and, in a system where the insurance companies are heavily scrutinised by the regulator, the funds going to the regulator will increase tenfold. The aim of this scheme is to make life easier for injured people, not for insurance companies and not for lawyers.

Amendment negatived.

MADAM SPEAKER: Members, can I bring your attention to the time. At some point we will need to adjourn this debate to move to the Assembly adjournment debate.

MR COE (Yerrabi—Leader of the Opposition) (6.24): I move amendment No 77 circulated in my name [*see schedule 1 at page 1642*].

Amendment negatived.

Clause 263 agreed to.

Clause 264 agreed to.

Clause 265 agreed to.

Clauses 266 to 268, by leave, taken together and agreed to.

Proposed new clause 268A.

MR COE (Yerrabi—Leader of the Opposition) (6.26): I move amendment No 79 circulated in my name, which inserts a new clause 268A [*see schedule 1 at page 1642*]. This amendment introduces a new provision based on section 150 of the Road Transport (Third-Party Insurance) Act 2008, which allows for urgent court proceedings. We think that it is a very important additional element or feature of this bill that will allow for fast tracking of some issues.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.26): The government's view is this amendment is not necessary as chapter 5 of the Civil Law (Wrongs) Act 2002 already applies to chapter 5 of this bill. There is no need to double up on the same provision when it will already apply. I advise the Assembly that a note is being included with government amendments to clause 255 to alert the reader that section 79 of the Civil Law (Wrongs) Act 2002 has application to the bill.

Amendment negatived.

Proposed new clause 268A negatived.

Clauses 269 to 272, by leave, taken together and agreed to.

Clause 273.

MR COE (Yerrabi—Leader of the Opposition) (6.27): I move amendment No 80 circulated in my name [*see schedule 1 at page 1642*]. This amendment provides for costs for awards of damages over \$50,000.

Amendment negatived.

Clause 273 agreed to.

Clauses 274 to 278, by leave, taken together and agreed to.

Clause 279.

Debate (on motion by **Mr Barr**) adjourned to the next sitting.

Adjournment

Motion (by **Mr Barr**) proposed:

That the Assembly do now adjourn.

Dr Enrico Taglietti—tribute Yerrabi electorate

MS ORR (Yerrabi) (6.29): This evening I offer my condolences to the family of Enrico Taglietti. Enrico was a talented and experienced architect when he came to Canberra to design the Italian Embassy. He fell in love with our city and went on to design several iconic buildings, including Giralang Primary School. I had the pleasure of meeting Enrico at the Giralang Primary School's 40th birthday. When I was introduced to Enrico it was noted that I was an urban planner. Enrico took a deep breath and then in a spirited way leaned over and said to me, "I can teach you a thing or two about planning in this city". Of course, I sat there and eagerly listened to every word he had to say.

I also take the opportunity this evening to update the Assembly on some of the things that have been happening in Yerrabi since our last sitting. I have been in contact with the developer of the Giralang shops to receive an update on where things are up to. The developer has provided me with the following update:

Whilst construction may not have physically started on site there has been a considerable amount of work on the negotiations with commercial tenants, residential sales and building approval for the project.

We have submitted for building approval with a projected milestone to receive BA in the coming months being made.

We have received expressions of interest for sale and lease for the following retailers to date including Medical, Chemist, Restaurant, Café/Coffee Shop and Gym (space depending).

The negotiations with a national supermarket continue to progress, however not at the speed the community and ourselves would have hoped for.

Whilst we are in the que to be assessed from initial investigations the operator is confident the population and demographics can sustain an operation of this size—

being 100 square metres—

in the current grocery market.

We want to be open and transparent with the public and reinsure the project will continue to progress. Our sales forecast for the residential while positive in the current market are slightly behind which is affecting us to commence construction without the anchor tenant of the supermarket confirmed and on agreement for lease.

To commence construction without the pre-sale commitment achieved the stakeholders will need to inject further equity into the development which we are committed to do so.

I will continue to stay in contact with the developer so I can provide the Giralang community with the latest information on the progress of their local shops.

I am also happy to report there has been a strong response from the Yerrabi community following a motion I moved in this place for a new dedicated community centre in Gungahlin. I have met and been in contact with interested community members and groups so that the Gungahlin community centre will accurately reflect the community's needs and serve the community well. I am looking forward to working with our local groups and organisations to shape the design and delivery of the community centre once the feasibility study gets underway.

We have hit some pretty big milestones in Yerrabi with the start of light rail to the city and the official opening of Margaret Hendry School in Taylor. Both projects have been warmly embraced by the Gungahlin community.

I congratulate the Gungahlin Jets for holding their first game of the year, winning their first game of the season and playing in the pink ribbon round against Eastlake, which raised funds for breast cancer research. The Jets have also had a very successful trivia night on Saturday and, while my trivia team did not win, it was great to get out and support the club. It is an honour to be their number one ticket holder for the 2019 season, and I am looking forward to cheering all the teams on this year.

On the topic of reducing single-use plastic I have been pleased to have had even more cafes and restaurants in my electorate sign up to the straws suck program. It is fantastic to see more and more Yerrabi businesses becoming environmentally conscious, and I am keen to see this continue with the introduction of a new initiative that I will talk about more during tomorrow's sitting.

The people of Yerrabi continue to inspire me with their commitment to our local community. I love representing them in this place, and I look forward to heading back out into the community after this week's sitting.

Canberra International Music Festival

MRS DUNNE (Ginninderra) (6.33): I want to pay tribute to and mark the successful conclusion of the 25th Canberra International Music Festival, which concluded on Sunday. For a couple of events that I was able to attend, I was really struck by the fantastic houses. It became clear to me that houses were up everywhere across the 11 days of the Canberra International Music Festival.

There are a number of interstate patrons who are coming on board with the Canberra International Music Festival, which is, as I have said, in its 25th year. It has really been able to prosper because of the great philanthropy of the late Barbara Blackman, and, in addition, the assistance of the Australia Council, artsACT and EventsACT.

I pay tribute to the organisers and principally to the chair of the Canberra International Music Festival, Ms Bev Clarke, and her great board. It is a great testament to community spirit when you consider the number of people who volunteer their services and open their homes to visiting artists and the like. It is a great testament to community spirit.

I had an opportunity to hear renowned New York jazz pianist Dan Tepfer in his rendition of the *Goldberg Variations* along with a fantastic *Brexit Blues* concert, which included some beautiful Elgar by the Brodsky Quartet, and a range of music by Cesar Franck, by Quatuor Voce and the Russian pianist Vyacheslav Gryaznov.

In addition, there were teams of concerts across the 11 days. I particularly pay tribute to outstanding local artists, including Luminescence Chamber Singers, the guitarist Callum Henshaw, the legendary cellist David Pereira, the legendary singer Tobias Cole, the Canberra Youth Orchestra, and Canberra young performers Anna Khan and Michael Cherepinskiy, who impressed audiences with a version of the opera by Helen Garner, *The Children's Bach*.

The theme of this year's Canberra International Music Festival was Re/Discover Bach. If you had never known Bach, this was your opportunity, and if you had left Bach behind, this was also your opportunity. The Canberra International Music Festival is a great testament to community spirit and community participation. It has been a fantastic opportunity to see growth and this event prospering over time.

I want to commend the artistic director, Roland Peelman, for his visionary program. The capacity for us to attract the legion of internationally renowned artists is testament to the strength of the Canberra International Music Festival. I look forward to the 26th International Music Festival next May.

Scullin community group

MRS KIKKERT (Ginninderra) (6.37): I rise to congratulate the Scullin community group on the very successful launch of their community enterprise hub, Scullin Traders. They are a great example of what can happen when committed residents unite in a common cause.

The group started only in October last year with a goal to build community and transform the struggling local shops. In the past seven months, they have set up street libraries, which my children love; introduced Tuesday night social soccer; and designed and installed a community notice board, amongst other things. Now they have launched their very own pop-up store by leasing the front half of the wholesale bakery in the local shopping centre.

Scullin Traders is no ordinary shop however. It is, as the group proudly proclaims, an experiment of community creativity and local transparency. Kitted out by volunteers for under \$3,000, the shop sells bread, milk and basics; provides comfy lounges for locals to sit on and enjoy a coffee; and sublets space to a variety of micro traders selling fresh flowers, jewellery, soaps and ceramics. Florey's popular Cafe Bolivar, home of my favourite empanadas, has opened a second coffee van outside the Scullin Traders and has co-working desk slots available for hire inside.

The Scullin community group is already busy planning future workshops to be held in this space. They are entertaining the idea of evening programs with live music. One of the objectives behind launching Scullin Traders was to revitalise the local shops and hopefully draw other businesses back into the suburb.

What a fantastic example of community initiative. Canberra Traders is also exceptional in that it is being run entirely by volunteers. Those who put their hands up are asked to commit to one or two shifts per week, with each shift to being four to eight hours. Many of the current volunteers are local Scullin residents, but the enterprise has also attracted interested Canberrans from elsewhere across the territory.

Trading hours are dependent on the availability of volunteers. I personally thank my generous and community-minded neighbours who are making this happen. On a recent visit to Canberra Traders, the volunteer running the shop was a young mother of four. She was able to provide the service by bringing her small baby with her, a fantastic reminder that people in all kinds of life stages are able to engage in volunteerism, which lifts both the giver and the community. This mum's children will no doubt grow up with a firsthand understanding of how important it is to give of themselves in ways that build and strengthen their community.

Small businesses and the people who own and run them are integral to the health and wellbeing of our community work. I wish great success to all the entrepreneurs involved in any way with Scullin Traders. I strongly encourage the residents of my electorate of Ginninderra to stop by, have a look, and support this inspiring community effort and maybe even sign up for a shift or two.

Canberra—heritage festival

MS LAWDER (Brindabella) (6.41): I rise today to speak about the 37th annual heritage festival, which concluded on 5 May. It was a month or so of wonderful activities, a chance to reflect on our history as a city and, indeed, as a whole region.

It is good for us to learn from our history. It is something we should value: to think about where we have come from, what we have seen and what we have done, and how that affects us in the current time and into the future. To quote the poet Robert Penn Warren:

History cannot give us a program for the future, but it can give us a fuller understanding of ourselves, and of our common humanity, so that we can better face the future.

There were many great events during this period. I will talk today about one of the ones I attended, a tour of the Tuggeranong Schoolhouse Museum. I would like to thank Elizabeth Burness.

I know that you, Madam Speaker, have visited the schoolhouse on occasion. It sits on an acre of land on Simpsons Hill in Chisolm, where it was built in 1880. It was an active schoolhouse, teaching kids from the area for 59 years until 1939, when the school closed. It then became a private residence. It was opened to the public as a museum and it has been run by Elizabeth since 2011. It is in beautiful condition.

Elizabeth welcomes many school groups there and takes them through what it was like to be a schoolchild, and life in general, in the late 19th and early 20th centuries. The museum is all about interacting. The kids can dress up in period costume, the teachers can dress up in period costume, they simulate what happened in the classes and they enjoy being shown all around the property. Efforts by people like Elizabeth Burness are what make heritage in our city great. It makes it accessible for everyone, for children and adults. It helps to understand.

I was a little disturbed by the number of things that were familiar to me, partly from my grandmother's house. I recall playing *vigoro* as a primary school student at a New South Wales public primary school in the 1970s, because apparently at that time girls were not able to play cricket. We were not capable of playing cricket and we played *vigoro* instead.

All of history can be a beautiful story, and Elizabeth was a fantastic storyteller. It is obvious that she loves what she does, and she is able to impart that love of those historical objects and what happened in the schoolhouse to other people. Look at her

website—google “history with a difference”—or, if you can, get along and visit the Tuggeranong schoolhouse by appointment with Elizabeth or if it is open again during further events.

I would like to put on record my thanks to Elizabeth Burness for all that she does. I encourage people to continue to explore our past and how it has made us the city and the community we are today.

Question resolved in the affirmative.

The Assembly adjourned at 6.45 pm.

Schedules of amendments

Schedule 1

Motor Accident Injuries Bill 2019

Amendments moved by the Leader of the Opposition

1

Clause 14, definition of *independent medical examiner*

Page 8, line 9—

omit the definition, substitute

independent medical examiner (or *IME*) means a doctor who, under an arrangement with an authorised IME provider, conducts medical examinations for WPI assessments.

2

Clause 15 (2) (a)

Page 8, line 18—

omit clause 15 (2) (a), substitute

(a) has expertise in arranging medical examinations for WPI assessments; and

3

Clause 15 (3) (c)

Page 9, line 4—

omit

and SOI assessments

4

Clause 35

Page 20, line 18—

[oppose the clause]

5

Clause 52 (2) (f)

Page 40, line 2—

omit

10%

substitute

5%

6

Clause 52 (2) (g)

Page 40, line 8—

omit

10%

substitute

5%

7

Clause 52 (2) (g)

Page 40, line 10—

omit

10%

substitute

5%

8

Clause 52 (2) (g)

Page 40, line 11—

omit

10%

substitute

5%

9

Clause 52 (2) (h)

Page 40, line 17—

omit

10

Clause 53

Page 41, line 3—

omit clause 53, substitute

53

Meaning of *information*—pt 2.3

(1) In this part:

information means a required document or relevant application information for an application for defined benefits.

(2) In this section:

relevant application information, for an application for defined benefits, means information about the following things:

- (a) the nature of the personal injury caused by the motor accident and any consequent disabilities;
- (b) any medical treatment and rehabilitation services the applicant has sought or obtained for the personal injury;
- (c) the applicant's medical history, to the extent that it is relevant to the application for defined benefits;
- (d) any claims for damages for personal injury made by the claimant;
- (e) the applicant's claim for past and future economic loss;
- (f) any claim for gratuitous services consequent on the applicant's personal injury.

required document, for an application for defined benefits, means each of the following:

- (a) a report, or other document, about the motor accident to which the application relates;
- (b) a report, or surveillance film, about the applicant's medical condition or prospects of rehabilitation;
- (c) a report, or surveillance film, about the applicant's cognitive, functional or vocational capacity.

11

Clause 54 (1) (b) (E)**Page 41, line 24—***omit*

12

Clause 57 (5), definition of *information disclosure consent*, paragraph (a) (i) (E)**Page 46, line 8—***omit*

13

Clause 59 (2) (b)**Page 48, line 14—***omit clause 59 (2) (b), substitute*

- (b) the relevant insurer is satisfied the applicant has a reasonable excuse for the late application.

15

Clause 76 (b) (i)**Page 62, line 17—***omit*

16

Proposed new clause 105 (1A)**Page 84, line 7—***insert*

- (1A) For subsection (1), a request is not reasonable if it requires the injured person to undergo a medical or other examination more than once every 13 weeks after the person is first paid income replacement benefits.

17

Clause 106**Page 85, line 1—***omit clause 106, substitute***106 Failure to notify changed circumstances**

- (1) This section applies if—
 - (a) an injured person receives income replacement benefits from an insurer; and
 - (b) the insurer tells the person they must notify the insurer about any change in circumstances within the prescribed period after the change happens; and
 - (c) the injured person—
 - (i) has a change in circumstances; and
 - (ii) fails to notify the insurer about the change in circumstances within the prescribed period after the change happens.
- (2) The relevant insurer may recover as a debt from the injured person the amount of any overpayment of income replacement benefits that happens as a result of the change in circumstances.
- (3) A regulation may prescribe how notice under subsection (1) (b) must be given.

(4) In this section:

change in circumstances—a person receiving income replacement benefits has a ***change in circumstances*** if—

- (a) the person returns to or starts paid work; or
- (b) if the person is in paid work—the amount of income the person receives for the work changes.

prescribed period means—

- (a) 20 business days; or
- (b) if a regulation prescribes a longer period—the longer period.

18

Clause 108

Page 87, line 8—

[oppose the clause]

19

Clause 113, definition of *treatment and care expenses*, paragraph (b) (iii) and example

Page 91, line 3—

omit

20

Clause 114 (1), note 2

Page 91, line 20—

omit

21

Proposed new clause 123 (3) (c)

Page 96, line 5—

insert

- (c) incorporate in the final version of the recovery plan changes that give effect to the comments of the injured person's doctor.

23

Clause 133 heading

Page 103, line 1—

omit the heading, substitute

133 WPI taken to be 5% in certain circumstances

24

Clause 133 (1)

Page 103, line 2—

omit clause 133 (1), substitute

(1) A person injured in a motor accident is taken to have a WPI of 5% for this Act if—

- (a) the person was a child on the date of the motor accident; and
- (b) either—
 - (i) the person's doctor certifies, in writing, that the injured person will need treatment and care more than 4 years and 6 months after the date of the motor accident; or
 - (ii) the person is a participant in the LTCS scheme in relation to the person's injury.

Note The MAI guidelines may make provision about the information that may be given to a person mentioned in s (1) about the time limits for making a motor accident claim and seeking legal advice about whether to make a motor accident claim (see s 52 (2) (f)).

25

Clause 139 (2) (c)

Page 106, line 1—

omit clause 139 (2) (c), substitute

(c) that the insurer will not refer the person for a WPI assessment unless the person confirms the request for the assessment.

26

Clause 139 (3)

Page 106, line 6—

omit

and pays the excess payment,

27

Clause 139 (4)

Page 106, line 8—

omit clause 139 (4), substitute

(4) If the injured person's WPI is 0%, the injured person must pay an excess payment to the relevant insurer for the assessment.

28

Clause 141 (4)

Page 108, line 13—

omit

29

Clause 149

Page 112, line 13—

omit clause 149, substitute

149 WPI assessment—both physical and psychological injuries

- (1) If an injured person sustains both a physical injury and a psychological injury resulting from a motor accident, the person is entitled to quality of life benefits for whole person impairment resulting from both injuries.
- (2) The injured person may have a WPI assessment for each kind of injury.
- (3) Each WPI assessment may be carried out by a different independent medical examiner.
- (4) The WPI assessments may be combined in accordance with the WPI assessment guidelines to decide the injured person's WPI.
- (5) The relevant insurer for the motor accident is liable for the costs of each WPI assessment.
- (6) In this section:

psychological injury, resulting from a motor accident, means an injury that is—

 - (a) a psychological or psychiatric disorder, including the physiological effect of a psychological or psychiatric disorder on the nervous system; and
 - (b) diagnosed by a psychiatrist or clinical psychologist.

31

Clause 152

Page 114, line 10—

[oppose the clause]

32

Clause 153

Page 115, line 4—

[oppose the clause]

33

Clause 154 heading

Page 116, line 4—

omit the heading, substitute

154 WPI 5% or more—injured person not entitled to make motor accident claim

35

Clause 155 heading

Page 117, line 7—

omit the heading, substitute

155 WPI 5% or more—injured person entitled to make motor accident claim

37

Clause 156 (1)

Page 118, line 24—

omit

section 152, section 153,

38

Clause 160

Page 121, line 21—

[oppose the clause]

39

Clause 161 heading

Page 123, line 1—

omit the heading, substitute

161 Final offer WPI 5% or more—injured person not entitled to make motor accident claim

40

Clause 161 (1) (a)

Page 123, line 5—

omit

10%

substitute

5%

41

Clause 161 (3)

Page 123, line 26—

omit

42

Clause 161 (4)

Page 124, line 1—

omit

(or is taken to accept)

43

Clause 162 heading

Page 124, line 15—

omit the heading, substitute

162 Final offer WPI 5% or more—injured person entitled to make motor accident claim

44

Clause 162 (1) (a)

Page 124, line 19—

omit

10%

substitute

5%

45

Clause 162 (4)

Page 125, line 23—

omit

47

Proposed new clause 180A

Page 138, line 9—

insert

180A Lump sum agreement for payment of certain defined benefits

- (1) This section applies if an insurer must pay treatment and care benefits or income replacement benefits to a person injured in a motor accident.
- (2) The insurer and the injured person may agree that the insurer pay the defined benefits expected to be payable to the injured person by giving the injured person a lump sum payment to cover the amount of the defined benefits (a ***lump sum agreement***).
- (3) The insurer—
 - (a) must continue to pay the injured person the defined benefits to which the person is entitled until the insurer and injured person have entered into a lump sum agreement; but
 - (b) may agree with the injured person about the frequency (not more than fortnightly) of the payment of the defined benefits.
- (4) If the insurer and injured person enter into a lump sum agreement, the injured person—

- (a) ceases to be entitled to the defined benefits to which the lump sum agreement relates; and
 - (b) if the lump sum agreement includes an amount for treatment and care benefits—is not eligible for compensation in relation to the person’s treatment and care needs under the LTCS Act or the *Workers Compensation Act 1951*.
- (5) If the injured person makes a motor accident claim in relation to the motor accident, the amount of the lump sum under the lump sum agreement must be taken into account when assessing damages for the motor accident claim.
- (6) This section is subject to section 181.

49

Clause 184 (3) (a)

Page 142, line 21—

omit clause 184 (3) (a), substitute

- (a) the applicant satisfies the insurer that they have a reasonable excuse for the delay; and

52

Clause 200

Page 150, line 2—

[oppose the clause]

53

Chapter 3

Page 151, line 1—

omit

54

Clause 219 (1) (b)

Page 161, line 12—

omit clause 219 (1) (b), substitute

- (b) the person’s doctor certifies, in writing, that the person is likely to need medical treatment after the relevant date for the motor accident; and

55

Clause 236 (1) (a)

Page 171, line 7—

omit

10%

substitute

5%

56

Clause 236 (1) (b) (ii)

Page 171, line 13—

omit

10%

substitute

5%

57

Clause 236 (1) (c)

Page 171, line 20—

omit clause 236 (1) (c), substitute

- (c) is taken, under section 133 (WPI taken to be 5% in certain circumstances), to have a WPI of 5% as a result of the accident; or

Note For procedures for a claim for a personal injury suffered by a child, see the *Limitation Act 1985*, s 30A (Special provision for injuries to children).

58

Proposed new clause 236 (1) (ca) and (cb)

Page 171, line 26—

insert

- (ca) is taken to have a WPI of 5% as a result of the motor accident because the person has sustained an injury that, having regard to the person's vocation, is likely to have a permanent impact on the person's capacity to engage in the vocation; or

- (cb) has sustained a serious injury as a result of the motor accident; or

69

Clause 240 (1) and table 240 and note

Page 177, line 4—

omit clause 240 (1) and table 240 and note, substitute

- (1) The maximum amount of quality of life damages that may be awarded to a claimant is \$500 000.

70

Clause 240 (5)

Page 178, line 4—

omit

71

Clause 243

Page 178, line 20—

[oppose the clause]

72

Clause 244 (1), note

Page 179, line 8—

omit

73

Clause 244 (2) (a)

Page 179, line 12—

omit clause 244 (2) (a), substitute

- (a) the amount of any defined benefits received by the claimant; and

74

Clause 246

Page 180, line 8—

[oppose the clause]

75

Clause 260 (3)**Page 190, line 23—***omit*

10%

substitute

5%

76

Clause 263 (2)**Page 191, line 17—***omit*

but for more than \$30 000

77

Clause 263 (3)**Page 191, line 20—***omit*

79

Proposed new clause 268A**Page 195, line 6—***insert***268A Need for urgent proceeding**

- (1) The court, on application by a claimant, may give leave to the claimant to begin a proceeding in the court based on a motor accident claim despite noncompliance with this chapter if satisfied there is an urgent need to begin the proceeding.
- (2) The order giving leave may be made on conditions the court considers appropriate having regard to the circumstances of the case.
- (3) If leave is given, the proceeding started by leave is stayed until the claimant complies with this chapter or the proceeding is discontinued or otherwise ends.
- (4) However, the proceeding is not stayed if—
 - (a) the court is satisfied that—
 - (i) the claimant is suffering from a terminal condition; and
 - (ii) the trial of the proceeding should be expedited; and
 - (b) the court orders the proceeding be given priority in the allocation of a trial date.
- (5) If, under subsection (4), the proceeding is not stayed, the following provisions do not apply to the personal injury:
 - (a) division 5.7.2 (Compulsory conferences before court proceedings);
 - (b) division 5.7.3 (Mandatory final offers);
 - (c) this division (other than this section).

80

Clause 273 (3) and (4)**Page 197, line 19—***omit clause 273 (3) and (4), substitute*

- (3) If the amount of damages is less than a mandatory final offer made by the respondent, the respondent may apply to the court for an order that—

- (a) the respondent pay the claimant's costs on a party and party basis up to the day the offer was made; and
 - (b) the claimant—
 - (i) is not entitled to an order against the respondent for the claimant's costs in relation to the claim after the day the offer was made; and
 - (ii) is not required to pay the respondent's costs in relation to the claim on and from the day the offer was made.
-

Schedule 2

Motor Accident Injuries Bill 2019

Amendments moved by the Treasurer

1

Clause 50 (3), proposed new note

Page 36, line 7—

insert

Note If an injured person who has made a successful application for compensation under a workers compensation scheme in relation to a motor accident does not withdraw that application within 13 weeks after the date of the motor accident, the person will continue to be entitled to compensation in accordance with the scheme.

2

Clause 71 (2)

Page 58, line 6—

before

suspects

insert

reasonably

3

Clause 73 (1), proposed new note

Page 59, line 18—

insert

Note There is no requirement for both an application for defined benefits and an application for workers compensation to be made in relation to a motor accident.

4

Clause 73 (4), proposed new note

Page 60, line 13—

insert

Note If an injured person makes a successful application for compensation under a workers compensation scheme in relation to a motor accident and does not withdraw that application within 13 weeks after the date of the motor accident, the injured person is not required to give notice under s (4).

5

Proposed new clause 105 (5)

Page 84, line 25—

insert

- (5) The MAI guidelines may make provision in relation to the following:
- (a) the conduct of medical and other examinations under this section;
 - (b) the information a health practitioner may ask a person injured in a motor accident for in relation to a medical or other examination of the person by the health practitioner under this section;
 - (c) the information a health practitioner may ask the relevant insurer for a motor accident in relation to a medical or other examination of a person injured in the motor accident by the health practitioner under this section;
 - (d) the circumstances in which the relevant insurer for a motor accident may ask for a medical or other examination of a person injured in the motor accident under this section.

6

Clause 110 (1), definition of *treatment and care*, paragraph (a) (i)

Page 88, line 8—

after

including

insert

mental health treatment and

7

Clause 121 (4)

Page 95, line 1—

omit clause 121 (4), substitute

- (4) If the relevant insurer decides to suspend the injured person's treatment and care benefits and income replacement benefits, the insurer must give the injured person written notice (a ***suspension notice***) stating—
- (a) the reasons for the suspension; and
 - (b) the actions the injured person may take to avoid the benefits being suspended; and
 - (c) the date the suspension takes effect; and
 - (d) that the injured person may seek internal review of the suspension under part 2.10 (Defined benefits—dispute resolution).
- (5) A suspension notice must be given at least 2 weeks before the date the suspension takes effect.
- (6) The MAI guidelines may make provision in relation to the conduct of assessments under this section.

8

Proposed new clause 123 (3A)

Page 96, line 5—

insert

- (3A) The relevant insurer may include in the recovery plan any recommendations by the injured person's doctor for treatment and care that is reasonable and necessary.

9**Proposed new clause 127 (3) and (4)****Page 98, line 12—***insert*

- (3) If the relevant insurer proposes to amend the recovery plan, the relevant insurer must give the injured person and the injured person's doctor a reasonable opportunity to consider the proposed amendments.
- (4) The relevant insurer may include in the amended recovery plan any recommendations by the injured person's doctor for treatment and care that is reasonable and necessary.

10**Clause 136****Page 104, line 9—***omit*

damages for loss of quality of life

substitute

quality of life damages

11**Clause 141 (3) (b)****Page 108, line 9—***omit clause 141 (3) (b), substitute*

- (b) for a person who is not a person mentioned in subsection (3A)—the estimated WPI is taken to be the person's WPI.

12**Proposed new clause 141 (3A) to (3E)****Page 108, line 12—***insert*

- (3A) Subsections (3B) and (3C) apply if—
 - (a) if—
 - (i) separate reports from an independent medical examiner assess an injured person's physical injuries and psychological injuries—the higher estimated WPI is at least 5%; or
 - (ii) only 1 WPI report from an independent medical examiner assesses an injured person's WPI—the estimated WPI is at least 5%; and
 - (b) the injured person is entitled to make a motor accident claim in relation to the motor accident.
- (3B) The relevant insurer for the motor accident must, within 14 days after receiving the WPI report about the injured person, give the injured person a written notice—
 - (a) including a copy of the report; and
 - (b) telling the person that the person must, within 26 weeks after receiving the notice—
 - (i) accept the estimated WPI as the person's WPI; or
 - (ii) make a motor accident claim and apply to stay a proceeding on the claim until the person's injuries have stabilised; and

- (c) telling the person that if the person decides to take the action mentioned in paragraph (b) (ii)—
 - (i) the person must notify the relevant insurer when the person's injuries have stabilised; and
 - (ii) that the relevant insurer will refer the person to an authorised IME provider for a second WPI assessment; and
 - (iii) that the person is liable for the costs of the second WPI assessment; and
 - (iv) that if the WPI report from the second WPI assessment assesses the person's WPI as less than 10%, the person is not entitled to proceed with the motor accident claim and is liable for their own costs in relation to the claim.
- (3C) The injured person must make a decision under subsection (3B) within 26 weeks after the date the person is notified of the person's estimated WPI.

Note If the injured person's estimated WPI is taken to be the person's WPI, div 2.6.3 and ch 3 apply to the person.
- (3D) If the injured person does not notify the insurer within the 26 weeks, the injured person is taken to have accepted the estimated WPI as the person's WPI.
- (3E) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer as stated in the notice under subsection (3B) within the 26 weeks.

Examples—reasonable steps

- 1 including information in the written notice under s (3B) about the consequences of failing to notify the insurer within the 26 weeks
- 2 sending the injured person a reminder notice before the end of the 26 weeks

13

Proposed new clause 141A

Page 108, line 15—

insert

141A WPI assessment—injured person's injuries stabilised

- (1) This section applies if an injured person to whom section 141 (3A) applies—
 - (a) makes a motor accident claim in relation to the motor accident; and
 - (b) applies to stay a proceeding on the claim until the person's injuries have stabilised.
- (2) The injured person must tell the relevant insurer for the motor accident, in writing, that the person's injuries have stabilised.
- (3) The relevant insurer must refer the injured person to an authorised IME provider for a second WPI assessment.
- (4) The injured person is liable for the costs of the second WPI assessment.

Note The IME provider must give the WPI report about the assessment to the relevant insurer (see s 151).
- (5) If the WPI report assesses the injured person's WPI as 10% or more, the injured person is entitled to proceed with the motor accident claim.
- (6) If the WPI report assesses the injured person's WPI as less than 10%, the relevant insurer must, within 14 days after receiving the report, give the injured person a written notice—

- (a) stating that the person—
 - (i) is not entitled to proceed with the motor accident claim; and
 - (ii) is liable for their own costs in relation to the motor accident claim; and
 - (iii) is not entitled to a further WPI assessment; and
 - (iv) is not entitled to an SOI assessment; and
 - (b) offering the person the amount of quality of life benefits payable for their WPI under division 2.6.4 (Quality of life benefits—amount payable); and
 - (c) telling the person that the person must, within 28 days after receiving the notice, notify the insurer, in writing, whether they accept the offer.
- (7) If the injured person does not notify the relevant insurer within the 28 days, the person is taken to have accepted the offer.
- (8) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer as stated in the notice under subsection (6) within the 28 days.

Examples—reasonable steps

- 1 including information in the written notice under s (6) about the consequences of failing to notify the insurer within the 28 days
 - 2 sending the injured person a reminder notice before the end of the 28 days
- (9) If the injured person accepts (or is taken to accept) the offer—
- (a) the person’s application for quality of life benefits is taken to have been finally dealt with; and
 - (b) the relevant insurer must pay to the person the amount of quality of life benefits payable for their WPI under division 2.6.4.

14**Proposed new clause 146 (1) (e)**

Page 110, line 24—

insert

- (e) section 141A (WPI assessment—injured person’s injuries stabilised).

15**Clause 149**

Page 112, line 13—

*omit clause 149, substitute***149 WPI assessment—both physical and psychological injuries**

- (1) This section applies if an injured person sustains both a physical injury and a primary psychological injury resulting from a motor accident.
- (2) The injured person may request separate WPI assessments of—
 - (a) the physical injury; and
 - (b) the primary psychological injury.
- (3) However, the injured person may request a WPI assessment of the primary psychological injury only if the person has received—
 - (a) mental health treatment for the injury; and

- (b) a notice, in writing, from a psychiatrist or clinical psychologist that the psychiatrist or clinical psychologist reasonably believes the person is likely to have a permanent psychological injury resulting from the motor accident.
- (4) To remove any doubt—
 - (a) a WPI assessment of a physical injury may take into account a secondary psychological injury; but
 - (b) a WPI assessment of a primary psychological injury must not take into account a secondary psychological injury.
- (5) The relevant insurer for the motor accident is only liable for the costs of 1 WPI assessment for each kind of injury.
- (6) In this section:
 - primary psychological injury***—
 - (a) means an injury that is—
 - (i) a psychological or psychiatric disorder, including the physiological effect of a psychological or psychiatric disorder on the nervous system, that results directly from a motor accident; and
 - (ii) diagnosed by a psychiatrist or clinical psychologist; but
 - (b) does not include a psychological or psychiatric disorder that results from a physical injury resulting from a motor accident.

Example—psychological injury resulting from a motor accident

post-traumatic stress disorder as a result of witnessing the motor accident

secondary psychological injury means an injury that is—

- (a) a psychological or psychiatric disorder that results from a physical injury resulting from a motor accident; and
- (b) diagnosed by a psychiatrist or clinical psychologist.

Example—psychological injury that results from physical injury

depression and anxiety as a result of ongoing pain from the physical injury

16

Clause 150 (1) (c)

Page 113, line 21—

omit clause 150 (1) (c), substitute

- (c) the WPI assessments of each physical body system may be combined in accordance with the WPI guidelines to decide the injured person's WPI for the person's physical injuries; and
- (d) the WPI assessments of each psychological body system may be combined in accordance with the WPI guidelines to decide the injured person's WPI for the person's psychological injuries.

17

Clause 150 (2)

Page 113, line 23—

omit

18

Proposed new clause 151A

Page 114, line 9—

insert

151A WPI—both physical and psychological injuries

- (1) This section applies if—
 - (a) a WPI assessment of an injured person's physical injuries and psychological injuries has been carried out; and
 - (b) the WPI for each kind of injury is assessed at more than 0%.
- (2) The relevant insurer for the motor accident may take into account the WPI for each kind of injury to determine the amount of quality of life benefits the insurer may offer the injured person.

19**Clause 152 (1)****Page 114, line 11—***omit clause 152 (1), substitute*

- (1) This section applies if—
 - (a) if separate WPI reports from an independent medical examiner assess an injured person's physical injuries and psychological injuries—the higher WPI assessment assesses the person's WPI as less than 5%; or
 - (b) if only 1 WPI report from an independent medical examiner assesses an injured person's WPI—the person's WPI is assessed as less than 5%.
- (1A) The relevant insurer for the motor accident must give the injured person a written notice—
 - (a) including a copy of each report; and
 - (b) if there are separate WPI reports for the person's physical and psychological injuries, and the insurer considers that it is appropriate to make an offer to the person—offering the person the amount of quality of life benefits payable for their WPI under division 2.6.4 (Quality of life benefits—amount payable), taking into account each WPI report; and
 - (c) telling the person that the person must, within 26 weeks after receiving the notice—
 - (i) notify the insurer, in writing, whether they accept or disagree with each report; and
 - (ii) if the person disagrees with a report and wishes to have a second WPI assessment carried out—
 - (A) arrange a second WPI assessment at their own expense; and
 - (B) give the insurer the second WPI report.
- (1B) The relevant insurer for the motor accident must give the notice to the injured person—
 - (a) if there are separate WPI reports for the person's physical and psychological injuries—within 14 days after receiving the later report; or
 - (b) if there is only 1 WPI report—within 14 days after receiving the report.

20**Proposed new clause 152 (2A)****Page 114, line 27—***insert*

- (2A) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer, and failing to give the insurer the second WPI report, as stated in the notice under subsection (1) within the 26 weeks.

Examples—reasonable steps

- 1 including information in the written notice under s (1) about the consequences of failing to notify the insurer, and failing to give the insurer the second WPI report, within the 26 weeks
- 2 sending the injured person a reminder notice before the end of the 26 weeks

21

Clause 153 (1)

Page 115, line 5—

omit clause 153 (1), substitute

- (1) This section applies if—
- (a) if separate WPI reports from an independent medical examiner assess an injured person’s physical injuries and psychological injuries—the higher WPI assessment assesses the person’s WPI as at least 5% but not more than 9%; or
 - (b) if only 1 WPI report from an independent medical examiner assesses an injured person’s WPI—the person’s WPI is assessed as at least 5% but not more than 9%.
- (1A) The relevant insurer for the motor accident must give the injured person a written notice—
- (a) including a copy of each report; and
 - (b) offering the person the amount of quality of life benefits payable for their WPI under division 2.6.4 (Quality of life benefits—amount payable); and
 - (c) telling the person that the person must, within 26 weeks after receiving the notice—
 - (i) notify the insurer, in writing, whether they accept or disagree with each report; and
 - (ii) if the person disagrees with a report and wishes to have a second WPI assessment carried out—
 - (A) arrange a second WPI assessment at their own expense; and
 - (B) give the insurer the second WPI report.
- (1B) The relevant insurer for the motor accident must give the notice to the injured person—
- (a) if there are separate WPI reports for the person’s physical and psychological injuries—within 14 days after receiving the later report; or
 - (b) if there is only 1 WPI report—within 14 days after receiving the report.

22

Proposed new clause 153 (2A)

Page 115, line 24—

insert

- (2A) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer, and failing to give the insurer the second WPI report, as stated in the notice under subsection (1) within the 26 weeks.

Examples—reasonable steps

- 1 including information in the written notice under s (1) about the consequences of failing to notify the insurer, and failing to give the insurer the second WPI report, within the 26 weeks
- 2 sending the injured person a reminder notice before the end of the 26 weeks

23**Clause 154 (1) and (2)****Page 116, line 6—***omit clause 154 (1) and (2), substitute*

- (1) This section applies if—
 - (a) if—
 - (i) separate WPI reports from an independent medical examiner assess an injured person’s physical injuries and psychological injuries—the higher WPI assessment assesses the person’s WPI as at least 10%; or
 - (ii) only 1 WPI report from an independent medical examiner assesses an injured person’s WPI—the person’s WPI is assessed as at least 10%; but
 - (b) the injured person is not entitled to make a motor accident claim in relation to the motor accident.
- (2) The relevant insurer for the motor accident must give the injured person a written notice—
 - (a) including a copy of each report; and
 - (b) offering the person the amount of quality of life benefits payable for their WPI under division 2.6.4 (Quality of life benefits—amount payable); and
 - (c) telling the person that the person must, within 26 weeks after receiving the notice—
 - (i) notify the insurer, in writing, whether they accept or disagree with each report; and
 - (ii) if the person disagrees with a report and wishes to have a second WPI assessment carried out—
 - (A) arrange a second WPI assessment at their own expense; and
 - (B) give the insurer the second WPI report.
- (2A) The relevant insurer for the motor accident must give the notice to the injured person—
 - (a) if there are separate WPI reports for the person’s physical and psychological injuries—within 14 days after receiving the later report; or
 - (b) if there is only 1 WPI report—within 14 days after receiving the report.

24**Proposed new clause 154 (3A)****Page 116, line 28—***insert*

- (3A) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer, and failing to give the insurer the second WPI report, as stated in the notice under subsection (2) within the 26 weeks.

Examples—reasonable steps

- 1 including information in the written notice under s (2) about the consequences of failing to notify the insurer, and failing to give the insurer the second WPI report, within the 26 weeks
- 2 sending the injured person a reminder notice before the end of the 26 weeks

25

Clause 155 (1) and (2)**Page 117, line 9—***omit clause 155 (1) and (2), substitute*

- (1) This section applies if—
 - (a) if—
 - (i) separate WPI reports from an independent medical examiner assess an injured person’s physical injuries and psychological injuries—the higher WPI assessment assesses the person’s WPI as at least 10%; or
 - (ii) only 1 WPI report from an independent medical examiner assesses an injured person’s WPI—the person’s WPI is assessed as at least 10%; and
 - (b) the injured person is entitled to make a motor accident claim in relation to the motor accident.
- (2) The relevant insurer for the motor accident must give the injured person a written notice—
 - (a) including a copy of each report; and
 - (b) offering the person the amount of quality of life benefits payable for their WPI under division 2.6.4 (Quality of life benefits—amount payable); and
 - (c) explaining the consequences of accepting the offer, including—
 - (i) that the person is entitled to make a motor accident claim in relation to the motor accident; and
 - (ii) that if the person accepts the offer and makes a motor accident claim, the person is not entitled to damages for loss of quality of life under chapter 5 (Motor accident injuries—common law damages); and
 - (d) telling the person that the person must, by the due date—
 - (i) notify the insurer, in writing, whether they accept or disagree with each report; and
 - (ii) if the person disagrees with a report and wishes to have a second WPI assessment carried out—
 - (A) arrange a second WPI assessment at their own expense; and
 - (B) give the insurer the second WPI report.
- (2A) The relevant insurer for the motor accident must give the notice to the injured person—
 - (a) if there are separate WPI reports for the person’s physical and psychological injuries—within 14 days after receiving the later report; or
 - (b) if there is only 1 WPI report—within 14 days after receiving the report.

26

Proposed new clause 155 (4A)

Page 118, line 17—

insert

- (4A) The relevant insurer must take all reasonable steps to notify the injured person about the due date and the consequences of failing to notify the insurer as stated in the notice under subsection (2) by the due date.

Examples—reasonable steps

- 1 including information in the written notice under s (2) about the due date and the consequences of failing to notify the insurer by the due date
- 2 sending the injured person a reminder notice before the due date

27

Proposed new clause 156 (5A)

Page 119, line 7—

insert

- (5A) The relevant insurer must reimburse the injured person for the amount of the second WPI assessment if—
- (a) the first WPI report assesses the person's WPI as less than 10%; and
 - (b) the second WPI report assesses the person's WPI as at least 10%; and
 - (c) the person makes a motor accident claim in relation to the motor accident.

28

Clause 158 (3)

Page 120, line 15—

omit clause 158 (3), substitute

- (3) The final offer WPI must be not less than—
- (a) if the insurer has not requested the IME provider to arrange a review of the first WPI report under section 157—the WPI assessed in the first WPI report; or
 - (b) if the insurer has requested the IME provider to arrange a review of the first WPI report under section 157—the affirmed or increased assessment of WPI stated in the notice of affirmation or increase.

29

Clause 159 (1) (b) (ii)

Page 121, line 10—

omit

30

Proposed new clause 159 (1) (c)

Page 121, line 12—

insert

- (c) offering the person the amount of quality of life benefits payable for their final offer WPI under division 2.6.4 (Quality of life benefits—amount payable), if the insurer considers it appropriate to make an offer.

31

Proposed new clause 160 (2A)

Page 122, line 15—

insert

- (2A) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer as stated in the notice under subsection (1) within the 28 days.

Examples—reasonable steps

- 1 including information in the written notice under s (1) about the consequences of failing to notify the insurer within the 28 days
- 2 sending the injured person a reminder notice before the end of the 28 days

32

Proposed new clause 161 (3A)

Page 123, line 27—

insert

- (3A) The relevant insurer must take all reasonable steps to notify the injured person about the consequences of failing to notify the insurer as stated in the notice under subsection (2) within the 28 days.

Examples—reasonable steps

- 1 including information in the written notice under s (2) about the consequences of failing to notify the insurer within the 28 days
- 2 sending the injured person a reminder notice before the 28 days

33

Proposed new clause 162 (4A)

Page 125, line 28—

insert

- (4A) The relevant insurer must take all reasonable steps to notify the injured person about the due date and the consequences of failing to notify the insurer as stated in the notice under subsection (2) by the due date.

Examples—reasonable steps

- 1 including information in the written notice under s (2) about the due date and the consequences of failing to notify the insurer by the due date
- 2 sending the injured person a reminder notice before the due date

34

Clause 163 (2)

Page 126, line 15—

omit clause 163 (2), substitute

- (2) Unless an injured person has injuries to more than 1 body system, the relevant insurer is only liable for the costs of—
- (a) 1 WPI assessment of the person's physical injuries; and
 - (b) if the person may request a WPI assessment of the person's psychological injuries under section 149—1 WPI assessment of the person's psychological injuries.

35

Proposed new clause 163A

Page 126, line 20—

insert

163A Effect of certain WPI assessments on motor accident claim

Despite the *Limitation Act 1985*, section 16AA (Motor accident claims), a person injured in a motor accident who has had a WPI assessment has 3 months from whichever of the following dates applies:

- (a) if the injured person receives a notice under section 141 (3B) (WPI assessment 4 years 6 months after motor accident)—the date that is 26 weeks after the date of the notice;
- (b) if the injured person receives a notice under section 155 (2) (WPI 10% or more—injured person entitled to make motor accident claim) or section 162 (2) (Final offer WPI 10% or more—injured person entitled to make motor accident claim)—the due date for the notice.

36**Clause 164 (1) (a) and (b)**

Page 127, line 6—

omit clause 164 (1) (a) and (b), substitute

- (a) if there are separate WPI reports for the person's physical and psychological injuries—as at the date of the later WPI report; or
- (b) if there is only 1 WPI report—as at the date of the WPI report; or
- (c) if a WPI report is reviewed under section 157 (4) (Second WPI report—original WPI may be affirmed or increased)—
 - (i) if separate WPI reports for the person's physical and psychological injuries are reviewed—as at the date of the notice of affirmation or increase of the later review; or
 - (ii) if only 1 WPI report is reviewed—as at the date of the notice of affirmation or increase.

37**Clause 183, definition of *internally reviewable decision*, except note**

Page 141, line 15—

*omit the definition, substitute****internally reviewable decision*** means a decision of an insurer—

- (a) mentioned in schedule 1A, part 1A.1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision; or
- (b) prescribed by regulation.

38**Proposed new clause 188 (2A)**

Page 144, line 9—

insert

- (2A) A decision by the insurer under subsection (1) takes effect on the day the internally reviewable decision was made.

39**Clause 189, definition of *ACAT reviewable decision*, except note**

Page 144, line 18—

*omit the definition, substitute****ACAT reviewable decision*** means a decision of an insurer—

- (a) mentioned in schedule 1A, part 1A.2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision; or
- (b) prescribed by regulation.

40**Proposed new clause 195 (1A) and (1B)****Page 148, line 4—***insert*

- (1A) However, the ACAT must not award the costs of, or incidental to, an application for external review against an injured person if—
- (a) the injured person made the application in good faith; and
 - (b) the ACAT is satisfied that the applicant has an arguable basis for the application.
- (1B) The ACAT may be satisfied an applicant has an arguable basis for an application for external review if the applicant appears in person.

41**Clause 196 (2) (b)****Page 148, line 26—***omit clause 196 (2) (b), substitute*

- (b) takes effect—
- (i) for an order relating to an application for external review of an internally reviewable decision—on the day the internally reviewable decision was made, unless the ACAT otherwise orders; and
 - (ii) in any other case—on the day the externally reviewable decision was made, unless the ACAT otherwise orders.

42**Clause 206 (1) (b)****Page 154, line 9—***omit clause 206 (1) (b), substitute*

- (b) the person's WPI is—
- (i) if separate WPI reports from an independent medical examiner assess the person's physical injuries and psychological injuries—the higher WPI assessment assesses the person's WPI as less than 10%; or
 - (ii) if only 1 WPI report from an independent medical examiner assesses the person's WPI—the person's WPI is less than 10%; and

43**Proposed new clause 206 (3)****Page 154, line 14—***insert*

- (2) The relevant insurer for a motor accident is liable for the costs of an SOI assessment, unless otherwise provided in this chapter.

44**Proposed new clause 236 (2A)****Page 172, line 10—***insert*

- (2A) For this section, a person has been assessed as having a WPI of at least 10% as a result of the accident if—

- (a) if separate WPI reports from an independent medical examiner assess the person’s physical injuries and psychological injuries—the higher WPI assessment assesses the person’s WPI as at least 10%; or
- (b) if only 1 WPI report from an independent medical examiner assesses the person’s WPI—the person’s WPI is at least 10%.

45

Clause 239 (1)

Page 176, line 16—

omit clause 239 (1), substitute

- (1) A claimant for a motor accident claim who is the injured person to whom the claim relates may be awarded damages for non-economic loss (***quality of life damages***) only in accordance with—
 - (a) if the claimant was a child on the date of the motor accident—section 241; or
 - (b) in any other case—section 240.

46

Clause 240 (1) to (3)

Page 177, line 4—

omit clause 240 (1) to (3), substitute

The amount of quality of life damages that may be awarded to a claimant is—

- (a) the amount stated in table 240 as at the date of the WPI report that the claimant relies on for the motor accident claim; and
- (b) an additional amount that is not more than 20% of the amount awarded under paragraph (a) if the court considers that the WPI report that the claimant relies on for the motor accident claim did not take into account a particular injury, or a particular effect on the claimant’s quality of life.

Example—particular effect on claimant’s quality of life

chronic pain

Table 240 **Amount of quality of life damages payable**

column 1 item	column 2 WPI %	column 3 amount payable
1	10%	\$25 000 AWE indexed
2	11% to 20%	“\$25 000 AWE indexed + [(W-10) x \$3 500 AWE indexed]”
3	21% to 50%	“\$60 000 AWE indexed + [(W-20) x \$4 000 AWE indexed]”
4	51% to 99%	“\$180 000 AWE indexed + [(W-50) x \$6 400 AWE indexed]”
5	100%	\$500 000 AWE indexed

Note **AWE indexed**, for an amount—see s 18.

- (2) However, the court must not award an additional amount under subsection (1) (b) if the claimant is awarded damages for the particular injury or particular effect on the claimant’s quality of life under another head of damages.

47

Proposed new clause 255 (1A)

Page 186, line 20—

insert

- (1A) However, if the claimant brings a proceeding based on the claim, and applies to stay the proceeding, under section 141 (3B) (WPI assessment 4 years 6 months after motor accident), the parties to the claim must have a compulsory conference before the proceeding can proceed.

Note The Civil Law (Wrongs) Act 2002, s 79 (Need for urgent proceeding) applies to a claimant in relation to a motor accident claim.

Schedule 3

Motor Accident Injuries Bill 2019

Amendments moved by Ms Le Couteur

1

Proposed new clause 76 (a) (vii)

Page 62, line 15—

insert

- (vii) if the injured person's pre-injury income AWE adjusted is less than \$800 AWE indexed—any contribution paid or payable on behalf of the person by the person's employer to a superannuation scheme for the benefit of the person; but

2

Clause 76 (b) (i)

Page 62, line 17—

omit clause 76 (b) (i), substitute

- (i) if the injured person's pre-injury income AWE adjusted is \$800 AWE indexed or more—any contribution paid or payable on behalf of the person by the person's employer to a superannuation scheme for the benefit of the person; but

3

Proposed new clause 76 (2)

Page 62, line 27—

insert

- (2) In this section:

AWE adjusted, for an injured person's pre-injury income—see section 94.