



**Legislative Assembly for the
Australian Capital Territory**

Standing Committee on Economics,
Industry and Recreation

Inquiry into insurance costs in the ACT

Legislative Assembly for the Australian Capital Territory
Standing Committee on Economics, Industry and Recreation

Approved for publication

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About the committee

Establishing resolution

The Assembly established the Standing Committee on Economics, Industry and Recreation on 3 December 2024.

The Committee is responsible for the following areas:

- Gaming and racing
- Gaming and Racing Commission
- Arts
- Creative industries
- Screen Canberra
- Tourism
- Skills
- Sport and Recreation
- Building and construction
- Business
- Access Canberra
- ACT Events Fund
- Community events
- Major events
- Night-time economy
- Industrial relations and workplace safety
- Economy
- Economic development and diversification
- Infrastructure Canberra
- Employment

You can read the full establishing resolution on our [website](#).

Committee members

Mr Taimus Werner-Gibbins MLA, Chair

Ms Fiona Carrick MLA, Deputy Chair

Mr Thomas Emerson MLA

Mr Jeremy Hanson MLA (from 12 February 2025 to 26 June 2025)

Ms Elizabeth Lee MLA (to 12 February 2025 and from 26 June 2025)

Ms Deborah Morris MLA (to 26 June 2025)

Mr Shane Rattenbury MLA

Secretariat

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About this inquiry

Under Standing Order 216, standing committees can self-initiate an inquiry into any subject area it is given responsibility for by the establishing resolution. The Standing Committee on Economics, Industry and Recreation resolved to conduct an inquiry into insurance costs in the ACT on 22 January 2025.

The Committee informed the Assembly of its intention to conduct this inquiry on 4 February 2025.

Terms of reference

The Committee will inquire into and report on the cost and availability of insurance in the ACT, including:

- 1) the significantly rising costs of insurance premiums, particularly for local businesses and community organisations;
- 2) the impact of trends in insurance costs and availability on the viability of small and medium-sized businesses;
- 3) trends in public liability claims, litigation behaviour and insurance premiums;
- 4) barriers to accessing insurance for non-governmental organisations and other community initiatives;
- 5) how insurers assess risk and the extent to which public and private sector initiatives to reduce risk are taken into account by insurers;
- 6) causes and effects of jurisdictional differences in insurance costs between the ACT and other states and territories, particularly for workers' compensation insurance;
- 7) insurance requirements pertaining to the use of government venues and facilities, and the consequences of such requirements for community sport, recreation and the creative arts;
- 8) the impact of climate change on insurance costs and availability;
- 9) models for the provision of public sector insurance policies for community organisations, including as may be in operation interstate or internationally; and
- 10) any other related matter.

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Questions on Notice 1

Questions Taken on Notice 1

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Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
ACTCOSS	ACT Council of Social Service Inc
ACTIA	Australian Capital Territory Insurance Authority
ACTTA	Australian Capital Territory Taxi Association
AEN	Apprentice Employment Network
AFCA	Australian Financial Complaints Authority
AHA ACT	Australian Hotels Association ACT
ALA	Australian Lawyers Alliance
APRA	Australian Prudential Regulation Authority
ASIC	Australian Securities and Investments Corporation
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
DIF	Default Insurance Fund
GTO	Group Training Organisation
Insurance Act	<i>Insurance Act 1973 (Cth)</i>
MAI	Motor Accident Injuries
MEA	Master Electricians Australia
MLA	Member of the Legislative Assembly
NECA	National Electrical and Communications Association
NSW	New South Wales
QTON	Question Taken on Notice
Workers' Compensation Act	<i>Workers' Compensation Act 1951</i>
WorkSafe ACT	Office of the Work Health and Safety Commissioner
WPI	Whole Person Impairment

Recommendations

Recommendation 1

The Committee recommends that the ACT Government determine whether introducing caps on personal injury claims is likely to reduce premiums and if so, develop legislation to introduce such caps.

Recommendation 2

The Committee recommends that the ACT Government explore evidence-based policy options for capping insurance premium increases.

Recommendation 3

The Committee recommends the ACT Government determine whether a statutory cap on legal fees is likely to reduce insurance premiums in the ACT. If yes, the Committee recommends the ACT Government develop legislation to introduce such a cap.

Recommendation 4

The Committee recommends that the ACT Government amend the regulations around 'no win no fee' legal service advertising to require a disclosure that claimants are required to pay disbursements and potentially third-party costs, regardless of the outcome of their claim.

Recommendation 5

The Committee recommends that the ACT Government establish an insurance literacy program for small businesses and community organisations.

Recommendation 6

The Committee recommends that the ACT Government explore options for providing an insurance comparator website.

Recommendation 7

The Committee recommends that the ACT Government consider amending the *Civil Law (Wrongs) Act 2002* to allow proportional liability to be applied to both personal injury claims and claims made under the *Workers' Compensation Act 1951*.

Recommendation 8

The Committee recommends that the ACT Government consult with relevant stakeholders to develop legislative reform that addresses contributory negligence in insurance claims.

Recommendation 9

The Committee recommends that the ACT Government require insurers to explain the components of premiums to customers, including how risk mitigation measures have been taken into account.

Recommendation 10

The Committee recommends that the ACT Government provide additional funding to high-risk community organisations to implement mandatory risk mitigations.

Recommendation 11

The Committee recommends that the ACT Government give consideration to aligning the ACT workers' compensation scheme in relation to journey claims with those in other jurisdictions. This should include a requirement that there must be a real and substantial connection between employment and the accident in which the injury arose, and that the incident is not otherwise covered by the Motor Accident Insurance Scheme.

Recommendation 12

The Committee recommends that the ACT Government consider subsidising the workers' compensation premiums for insurance policies that cover apprentices.

Recommendation 13

The Committee recommends that the ACT Government consider introducing alternative dispute resolution mechanisms to help resolve workers' compensation claims.

Recommendation 14

The Committee recommends that the ACT Government review the application of the statute of limitations for workers' compensation claims.

Recommendation 15

The Committee recommends that the ACT Government examine models to facilitate insurance pooling for like organisations.

Recommendation 16

The Committee recommends that the ACT Government examine policy options that enable insurance pooling for organisations using its facilities.

Recommendation 17

The Committee recommends that the ACT Government review the impact of public liability requirements for community groups using government facilities and implement policy responses to reduce the requirements.

Recommendation 18

The Committee recommends that the ACT Government revisit its \$20 million public liability requirement and consider more appropriate levels of cover on a case-by-case basis, with a view to reducing the requirement where applicable.

Recommendation 19

The Committee recommends that the ACT Government takes the high price of public liability insurance into account when allocating funding grants to community organisations.

Recommendation 20

The Committee recommends that the ACT Government introduce an insurance pricing model to equalise the pricing for taxis and rideshare vehicles.

Recommendation 21

The Committee recommends that the ACT Government update its data collection systems for motor vehicle collisions to reflect changes in technology that improve safety.

1. Introduction

About the inquiry

- 1.1. The Committee received 50 submissions to the inquiry, two of which were confidential. The remaining submissions were published on the inquiry webpage and are listed in [Appendix A](#).
- 1.2. The Committee resolved to adopt seven exhibits as part of the inquiry. These exhibits provide further information from submitters about insurance in the ACT. All exhibits are available to view on the [inquiry website](#).
- 1.3. The Committee held public hearings on 16 and 17 April 2025, hearing from a range of stakeholders as well as the Minister for Business, Arts and Creative Industries. A list of witnesses is available at [Appendix B](#). Transcripts and video recordings of the hearings are available on the [Legislative Assembly website](#).
- 1.4. Sixteen questions were taken on notice at the hearings. The answers to these questions are available on the [inquiry webpage](#).
- 1.5. One question on notice was submitted by a Committee member following the hearings. The answer to this question is also available on the [inquiry webpage](#).
- 1.6. Statistics on the gender of witnesses, collected in response to an audit by the Commonwealth Parliamentary Association, are at [Appendix D](#). The information is collected to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

The purpose of insurance

- 1.7. Insurance provides financial security against unexpected losses, helping individuals and businesses manage risks that could otherwise be financially devastating. It can also be described as a 'risk transfer, loss-spreading arrangement'.¹ Its principle is to 'distribute risk through providing a mechanism by which individuals and organisations purchase, by way of a premium, insurance products to mitigate that risk. Risk is then transferred to the insurer which indemnifies them against future events that may cause loss.'²
- 1.8. Insurers evaluate the likelihood and potential cost of risks to determine premiums through the process of underwriting.³ Premiums are paid by policyholders to insurers, which are pooled to create a fund that is used to pay out claims.⁴ The Insurance Council of Australia

¹ Greg Pynt, *Australian Insurance Law: A First Reference*, 2nd edition, LexisNexis Butterworths Australia, 2011, p 4.

² Australian Law Reform Commission, *Insurance in Australia*, <https://www.alrc.gov.au/publication/grey-areas-age-barriers-to-work-in-commonwealth-laws-dp-78/4-insurance/insurance-in-australia/> (accessed 25 June 2025).

³ Insurance Council of Australia, *Australia's insurance industry snapshot*, 2025 https://insurancecouncil.com.au/wp-content/uploads/2025/06/INCA015-Fact-Pack-2025_v3.6.pdf (accessed 8 July 2025).

⁴ Insurance Council of Australia, *Australia's insurance industry snapshot*, 2025 https://insurancecouncil.com.au/wp-content/uploads/2025/06/INCA015-Fact-Pack-2025_v3.6.pdf (accessed 8 July 2025).

explained in their evidence that risk 'is pooled collectively across the economy, and there is the idea that everyone puts in a little bit to then carry the higher risk parts of the country.'⁵

- 1.9. Insurance for insurers, or reinsurance, is purchased on a global market and assists insurers to manage risk and maintain financial stability.⁶ Particularly important in Australia, where at times large-scale extreme weather events may result in many thousands of claims, it protects insurers so that when higher than expected claims happen, insurance companies have the funds to pay the claims.⁷
- 1.10. Insurance provides a foundation to enable businesses and the not-for-profit sector to operate, trade and participate in the economy.⁸ This inquiry is particularly focused on insurance for local businesses, community organisations, and owners corporations as opposed to insurance taken out by individuals.

Insurance regulatory bodies and legislation

- 1.11. Insurance in Australia is regulated by two federal regulatory bodies, the Australian Prudential Regulation Authority (APRA) and the Australian Securities and Investments Commission (ASIC) who also administer key federal legislation:
 - a) APRA 'is responsible for the general administration of the *Insurance Act 1973* (Cth) (Insurance Act) and is the prudential regulator of general insurance business, including reinsurance. The purpose of the Insurance Act is to govern the conduct of insurance business in Australia. They also have a remit to ensure a viable, competitive and innovative insurance industry.'⁹
 - b) ASIC 'is responsible for the general administration of the *Insurance Contracts Act 1984* (Cth). ASIC ensures that insurers operate honestly and fairly. It regulates product disclosure, advertising, and handles complaints through the Australian Financial Complaints Authority (AFCA).'¹⁰
- 1.12. Under this framework, state and territory governments licence general insurers to provide policies and handle claims for privately underwritten insurance schemes such as workers' compensation and motor accident injuries (MAI) schemes.¹¹ These licencing schemes are underpinned by state and territory legislation.¹²
- 1.13. In the ACT, the ACT Government and its statutory agencies have roles regarding insurance:
 - a) The Chief Minister, Treasury and Economic Development Directorate develops 'the legislative and policy framework work for statutory workers' compensation

⁵ Ms Alix Pearce, General Manager, Climate and Social Policy and International Engagement, Insurance Council of Australia, *Committee Hansard*, 17 April 2025, p 157.

⁶ Insurance Council of Australia, *Australia's insurance industry snapshot*, 2025 https://insurancecouncil.com.au/wp-content/uploads/2025/06/INCA015-Fact-Pack-2025_v3.6.pdf (accessed 8 July 2025).

⁷ Insurance Council of Australia, *Australia's insurance industry snapshot*, 2025 https://insurancecouncil.com.au/wp-content/uploads/2025/06/INCA015-Fact-Pack-2025_v3.6.pdf (accessed 8 July 2025).

⁸ ACT Government, *Submission 28*, p 4.

⁹ ACT Government, *Submission 28*, p 4.

¹⁰ ACT Government, *Submission 28*, p 4.

¹¹ ACT Government, *Submission 28*, p 4.

¹² ACT Government, *Submission 28*, p 4.

insurance applying to the ACT private sector that supports injured/ill workers in recovering and returning to work under the *Workers' Compensation Act 1951*.¹³

- b) The Office of the Work Health and Safety Commissioner (WorkSafe ACT) 'is the regulator for administering workers' compensation legislation for the private sector in the ACT and issuing licenses for workers' compensation insurers and self-insurers.'¹⁴
- c) The ACT Insurance Authority (ACTIA) is 'the self-insurer for all ACT Government agencies and has no external (non-ACT Government) clients ... The Default Insurance Fund administered by ACTIA is the safety net mechanism in the ACT to ensure that workers' compensation is available to injured or ill private sector workers with a state of connection to the ACT in circumstances where their employer is uninsured or in the case of an insurer collapse.'¹⁵
- d) The Motor Accident Insurance Commission (MAI Commission) has a 'range of responsibilities to regulate the Motor Accident Injuries scheme that include (but are not limited to) reviewing premiums requested by licensed MAI insurers to ensure they fully fund the present and likely future costs of the scheme but are not excessive, regulating the licensing of insurers under the Motor Accident Injuries scheme, and monitoring insurers compliance with their obligations under the *Motor Accident Injuries Act 2019*.'¹⁶

Types of insurance

- 1.14. There are a range of different types of insurance that are accessed across various sectors of the economy. The types of insurance most often used by businesses are workers' compensation insurance and public liability insurance. Businesses in some sectors may need additional types of insurance, such as building and contents insurance or professional indemnity insurance. Businesses may also consider optional industry specific insurances such as management liability insurance, goods in transit insurance, or technology and cybercrime insurance.¹⁷
- 1.15. For not-for-profit organisations, insurance often range from 'public liability, property (including portable contents), business interruption, protector/association liability, voluntary workers personal accident, motor vehicle, journey cover, cyber liability, directors' insurance, and professional indemnity'.¹⁸
- 1.16. This report will concentrate on some of the most common types of insurance used by businesses and the not-for-profit sector in the ACT. These are also the types of insurance that were most frequently raised with the Committee by submitters and witnesses during the inquiry.

¹³ ACT Government, *Submission 28*, p 5.

¹⁴ ACT Government, *Submission 28*, p 5.

¹⁵ ACT Government, *Submission 28*, p 5.

¹⁶ ACT Government, *Submission 28*, p 5.

¹⁷ ACT Government, *Submission 28*, p 4.

¹⁸ ACT Council of Social Service Inc and Volunteering ACT, *Submission 30*, p 1.

- 1.17. The section below will describe four key types of insurance in more detail, namely:
- a) workers' compensation insurance;
 - b) public liability insurance;
 - c) strata title insurance; and
 - d) motor vehicle insurance.

Workers' compensation insurance

- 1.18. Workers' compensation insurance supports workers who suffer a work-related injury or illness to recover and to return to work.¹⁹ A worker can lodge a claim to replace income, pay medical and rehabilitation expenses and compensate permanent impairment.²⁰ Having workers' compensation insurance coverage also provides protection to employers if their staff are injured or become ill in the course of their work. Protection for employers includes coverage of expenses so the employer does not need to pay out of pocket.²¹
- 1.19. Workers' compensation schemes seek to balance the protection of workers' rights with facilitating a smooth return to work after a work-related injury or illness, while also ensuring sustainability for businesses and employers.²² In doing so, the Committee believes it is important to acknowledge the power imbalance that can exist between employers and employees in the workplace.
- 1.20. The ACT's workers' compensation scheme is a statutory insurance scheme, as set out under the *Workers' Compensation Act 1951* (Workers' Compensation Act). In the ACT, it is compulsory for employers who have workers with a connection to the ACT under the Workers' Compensation Act to have workers' compensation insurance.²³ 'Employees of the ACT Government and the Commonwealth are not covered by the ACT's scheme.'²⁴

Public liability insurance

- 1.21. Public liability insurance provides cover to a business or other organisation if someone dies, is injured, or their property is damaged due to negligence by the business or organisation. It may cover:
- a) injury, illness, or death;
 - b) emotional distress or a recognised psychiatric illness;
 - c) property damage; and

¹⁹ ACT Government, *Submission 28*, p 7.

²⁰ WorkSafe ACT, *Workers' Compensation*, <https://www.worksafe.act.gov.au/workers-compensation> (accessed 26 May 2025).

²¹ icare, *Understanding your workers compensation cover*, <https://www.icare.nsw.gov.au/employers/manage-your-policy/understanding-your-cover> (accessed 15 July 2025)

²² Slater and Gordon Lawyers, *Submission 42*, p 1.

²³ ACT Government, *Submission 28*, p 7.

²⁴ Australian Lawyers' Alliance, *Submission 44*, p 9.

- d) consequential loss, where negligence causes another business to lose expected revenue.²⁵

Motor vehicle insurance

- 1.22. Motor vehicle accident insurance in ACT requires compulsory MAI insurance.²⁶ A MAI insurance premium is paid to an MAI insurer as a part of vehicle registration. MAI replaced the Compulsory Third Party insurance premium.²⁷ A levy to lifetime care and support scheme (which covers anyone catastrophically injured in the ACT on or after 1 July 2014) is also paid as a part of vehicle registration.²⁸
- 1.23. Optional motor vehicle insurance includes personal injury/accident insurance, third party property insurance and comprehensive insurance.²⁹
- 1.24. Local businesses and community groups are required to take out MAI insurance.³⁰

Strata title insurance

- 1.25. Strata title ownership is a type of property ownership where individuals own a portion of a larger property while sharing ownership of common areas. This could be an apartment, unit, townhouse or villa. Commercial properties can also be owned under strata title, for example where each shop in a small shopping centre has a different owner.³¹
- 1.26. The Committee received evidence in both submissions and at the public hearings about strata insurance and thanks submitters and witnesses for their effort in bringing their concerns forward.
- 1.27. The Standing Committee on Legal Affairs ran an inquiry into the management of strata properties concurrently with this inquiry. To avoid any repetition or foreshadowing of that committee's conclusions, the evidence and analysis of strata insurance issues has been forwarded to them for inclusion in their report.

²⁵ Australian Government, *Types of business insurance*, <https://business.gov.au/risk-management/insurance/types-of-business-insurance> (accessed 26 May 2025).

²⁶ ACT Government and Motor Accident Injuries Commission, *Flyer, How does motor vehicle accident insurance work in the ACT?*, https://www.treasury.act.gov.au/data/assets/pdf_file/0006/1946670/Overview-of-Motor-Vehicle-Accident-Insurance-2021.pdf (accessed 16 July 2025).

²⁷ ACT Government and Motor Accident Injuries Commission, *Flyer, How does motor vehicle accident insurance work in the ACT?*, https://www.treasury.act.gov.au/data/assets/pdf_file/0006/1946670/Overview-of-Motor-Vehicle-Accident-Insurance-2021.pdf (accessed 16 July 2025).

²⁸ ACT Government and Motor Accident Injuries Commission, *Flyer, How does motor vehicle accident insurance work in the ACT?*, https://www.treasury.act.gov.au/data/assets/pdf_file/0006/1946670/Overview-of-Motor-Vehicle-Accident-Insurance-2021.pdf (accessed 16 July 2025).

²⁹ ACT Government and Motor Accident Injuries Commission, *Flyer, How does motor vehicle accident insurance work in the ACT?*, https://www.treasury.act.gov.au/data/assets/pdf_file/0006/1946670/Overview-of-Motor-Vehicle-Accident-Insurance-2021.pdf (accessed 16 July 2025).

³⁰ ACT Government, *Submission 28*, p 9.

³¹ ACT Government, *Owning a Unit*, <https://www.act.gov.au/housing-planning-and-property/housing/owning-a-unit> (accessed 11 July 2025).

Insurance issues in ACT

- 1.28. The insurance sector has been described as ‘privately owned, competitive and complex.’³²
- 1.29. ‘General insurance’ is a description used for insurance that is not a State or Commonwealth insurance scheme, private health insurance, or some other specialised type of insurance.³³ State and territory governments do not set insurance premiums for general insurance.³⁴
- 1.30. The size of the ACT insurance market is small.³⁵ This small market is a barrier to entry for new entities and when combined with certain industries, limits the number of competitors in the market. For example, owners corporations often find that ‘the number of competitive choices for strata insurance are limited.’³⁶
- 1.31. The ACT workers’ compensation scheme also operates under a unique framework that differs from other jurisdictions.³⁷ In terms of common law claims and premium regulation, workers’ compensation insurance, without ‘key cost-containment measures, such as a Whole Person Impairment (WPI) threshold and limits on common law damages, has contributed to rising premiums, market instability, and challenges for both insurers and businesses.’³⁸ The ACT workers’ compensation scheme also includes coverage for injuries while travelling to and from work, unlike other jurisdictions that limit or exclude journey claims.³⁹

Committee comment

- 1.32. Balance is important to ensure the viability of all insurance systems. The challenge of regulation in the insurance industry is that it is necessary to protect the financial system and consumers, but often its complexity can increase the cost of premiums, increase costs for customers and disproportionately impact smaller jurisdictions.⁴⁰
- 1.33. Regulation of the insurance industry balances the rights of consumers with the larger community. The rights of consumers are especially important to health and wellbeing relating to workers’ compensation matters. Swift insurance claim processes enable workers to know outcomes quickly.
- 1.34. With the complexity of insurance regulation and legislation in Australia and considering the unique features of the ACT jurisdiction, the Committee acknowledges that quick, reactive actions could have unintended consequences.

³² ACT Government, *Submission 28*, p 4.

³³ ACT Government, *Submission 28*, p 4.

³⁴ ACT Government, *Submission 28*, p 5.

³⁵ Mr Greg Harford, Chief Executive, Canberra Business Chamber, *Committee Hansard*, 17 April 2025, p 144.

³⁶ Owners Corporation Network (ACT), *Submission 8*, p 4.

³⁷ National Insurance Brokers Association, *Submission 39*, p 2.

³⁸ National Insurance Brokers Association, *Submission 39*, pp 2–3.

³⁹ National Insurance Brokers Association, *Submission 39*, p 4.

⁴⁰ Insurance Council of Australia, *Right Size Regulation*, <https://insurancecouncil.com.au/campaigns/reduce-the-cost-of-insurance/right-size-regulation/> (accessed 10 June 2025).

2. Cross-cutting issues

High costs

- 2.1. The most common issue with insurance that was raised by submitters was its cost. They reported that the cost of premiums is increasing disproportionately to inflation, to the point that sometimes it is threatening the viability of their organisations.⁴¹
- 2.2. The Insurance Council of Australia submitted that both the affordability and availability of insurance products has significantly decreased in the past five years.⁴² They provided a breakdown of the reasons for this in their submission, which were as follows:
- **general inflation** for goods and services;
 - **climate change** driven weather events;
 - **global reinsurance costs** for Australian insurance companies to buy their own insurance;
 - nationally, more claims in the **personal injury space** and high medical and legal costs from those claims;
 - increased acceptance of **psychosocial injuries**;
 - large insurance amounts required by **government contracts**; and
 - **urban expansion**.⁴³

⁴¹ See, for example, Australian Multicultural Action Network, *Submission 1*, p 1; Master Electricians Australia, *Submission 6*, p 3; and Jump Cut Group, *Submission 21*, p 1.

⁴² Insurance Council of Australia, *Submission 33*, p 2.

⁴³ Insurance Council of Australia, *Submission 33*, pp 2–6.

Graph 2: The cost of extreme weather

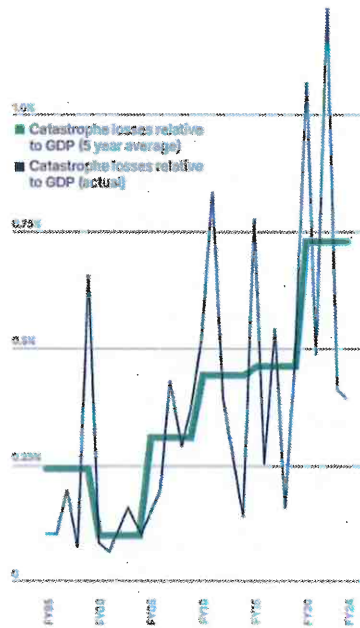


Figure 1: The cost of extreme weather [Source: Insurance Council of Australia, Submission 33, p 4].

Caps on claims

- 2.3. Some submitters spoke about the effect of uncapped common law claims in the ACT, saying that payouts should be restricted to set amounts.⁴⁴ Many more called for a government-backed insurance scheme for workers or community organisations.⁴⁵
- 2.4. Although it is difficult to make a direct comparison, evidence from New South Wales (NSW) suggests that these methods may not result in lower insurance costs. Alternative arrangements for workers' compensation, underpinned by government owned entities, are employed in other jurisdictions. However, this framework has not resulted in ongoing caps or a lowering in prices. In NSW, significant changes were made to the insurance sector, when icare was established as the Nominal Insurer in NSW in September 2015.⁴⁶ icare is owned by the NSW Government and provides injury insurance and care services to residents of NSW.⁴⁷ A \$175 minimum premium charge for a policy was capped and, therefore, remained unchanged from 2015 until the NSW Government raised this cap in 2024.⁴⁸ icare recently raised premiums by 8 percent for the 2024-2025 financial year, with

⁴⁴ See, for example, Precast Projects Pty Ltd, *Submission 2*, p 2; Jump Cut Group, *Submission 21* p 2; and Australian Hotels Association ACT, *Submission 36*, p 4.

⁴⁵ See, for example, Australian Multicultural Action Network, *Submission 1*, p 2; The Scout Association of Australia ACT Branch, *Submission 4*, p 3; Canberra Services Club, *Submission 10*, p 9; Jump Cut Group, *Submission 21*, p 2; Domestic Violence Crisis Service, *Submission 22*, p 3; Peter Byron, *Submission 24*, p 1; Australian Hotels Association ACT, *Submission 36*, p 4; Canberra Region Tourism Leaders Forum, *Submission 38*, p 2; Australian Small Business and Family Enterprise Ombudsman, *Submission 41*, pp 3-4; and Care, *Submission 45*, pp 2 and 8.

⁴⁶ Australian Lawyers Alliance, *Submission 44*, p 16.

⁴⁷ Icare, *Who are we?* <https://careers.icare.nsw.gov.au/> (accessed 14 July 2025)

⁴⁸ Australian Lawyers Alliance, *Submission 44*, p 16.

further raises of up to 8 percent available to be implemented in the 2025–2026 financial year.⁴⁹

Committee comment

- 2.5. The Committee acknowledges that every other jurisdiction has caps on personal injury claims and/or minimum threshold requirements for making common-law claims. Rather than introducing minimum threshold requirements, the Committee makes the following recommendation.

Recommendation 1

The Committee recommends that the ACT Government determine whether introducing caps on personal injury claims is likely to reduce premiums and if so, develop legislation to introduce such caps.

Premium increases

- 2.6. Premium increases are causing significant financial strain to commercial and not-for-profit organisations alike.

- 2.7. The Australian Multicultural Action Network said:

Local businesses and community organizations are struggling with the rising cost of insurance premiums. These increases are particularly burdensome for small and medium-sized businesses that already operate on tight budgets. For community organizations, the financial strain threatens the sustainability of their essential services.⁵⁰

- 2.8. These sentiments were echoed by many other businesses and community organisations throughout the course of the inquiry.⁵¹ Mr Luis Santos, Group Safety Manager at Pacific Formwork & Precast Projects, told the Committee:

Our premiums have gone up massively over the past few years. We thought we were already paying too much and then every year it has gone up and up. Where we started it was probably \$800,000, about four or five years ago, and now it is close to 1.6 million, just on workers' comp.⁵²

- 2.9. The Domestic Violence Crisis Service reported a 42 percent increase in workers' compensation premiums.⁵³ Ms Brooke McKail, their Deputy Chief Executive Officer, said at the hearing:

⁴⁹ Australian Lawyers Alliance, *Submission 44*, p 16.

⁵⁰ *Submission 1*, p 1.

⁵¹ See, for example, Australian Multicultural Action Network *Submission 1*, p 1; Master Electricians Australia, *Submission 6*, p 3; and Jump Cut Group, *Submission 21*, p 1.

⁵² *Committee Hansard*, 16 April 2025, p 1.

⁵³ *Committee Hansard*, 16 April 2025, p 34.

In 2018-19, we were paying less than \$100,000 and we are now paying more than half a million dollars in workers compensation insurance.⁵⁴

- 2.10. She explained that these insurance costs have contributed to budget deficiencies which have led them to reduce their staff numbers.⁵⁵ This unfortunately also places extra pressure on the remaining staff, creating a higher risk working environment, which pushes up premiums again. Ms McKail agreed that it created a 'vicious cycle'.⁵⁶
- 2.11. Ultimately, the rising costs of insurance directly affects the ability of community organisations to serve the ACT population.⁵⁷
- 2.12. Several submitters with cross-jurisdictional experience noted how they found insurance premiums to be higher in the ACT than elsewhere, especially for workers' compensation. Master Electricians Australia said in their submission:
- ...the ACT's workers' compensation insurance premiums in the electrical industry are substantially higher than those in other jurisdictions within the sample.
- The electricity, gas, water, and waste services industries in the ACT recorded significantly higher standardised premium rates than any other jurisdiction, with a 20% increase in the ACT's premium rates. Similarly, the ACT's construction industry reported the highest premium rates by a considerable margin.⁵⁸
- 2.13. The Canberra Business Chamber (CBC) also found after a 2024 survey that nearly half of the respondent businesses had seen 20 percent increases on their insurance premiums in the past two years.⁵⁹
- 2.14. These premium increases are a significant challenge to small businesses, as told by the Australian Small Business and Family Enterprise Ombudsman, who said that many businesses are unable to purchase appropriate, affordable insurance, and some are resorting to having no insurance or so little insurance that it is unlikely that they would be able to make a claim.⁶⁰

Committee comment

- 2.15. The Committee is concerned that insurance premiums have risen to the extent that they are threatening the viability of businesses and community organisations.
- 2.16. Private insurance companies set their own premium rates based on their commercial underwriting process. They are usually broken down by industry or activity to group together similar profiles. Workers' compensation premiums, for example, are broken down

⁵⁴ *Committee Hansard*, 16 April 2025, p 34.

⁵⁵ *Committee Hansard*, 16 April 2025, p 34.

⁵⁶ *Committee Hansard*, 16 April 2025, p 38.

⁵⁷ Ms McKail, Domestic Violence Crisis Service, *Committee Hansard*, 16 April 2025, p 38.

⁵⁸ *Submission 6*, p 1.

⁵⁹ *Submission 40*, p 3.

⁶⁰ *Submission 41*, p 1.

by activity type and then expressed as a percentage of payroll. Premiums also differ across jurisdictions because of differences in legislation.⁶¹

- 2.17. All this makes it difficult to perform an exact comparison between providers and jurisdictions. However, it is clear that the premium increases have become onerous for small and medium enterprises and for not-for-profit organisations. The majority of witnesses said that they are substantially out of step with inflation and indexation.⁶² While being wary of unintended consequences such as those seen in NSW, the Committee considers that it would be worthwhile for the ACT Government to explore evidence-based policy options around introducing caps on premium increases, noting there are similar caps already in place on rental prices increases, and Commonwealth Government caps on private health insurance costs.⁶³

Recommendation 2

The Committee recommends that the ACT Government explore evidence-based policy options for capping insurance premium increases.

Legal fees

- 2.18. Another area of concern was the cost of legal fees for pursuing insurance claims through the judicial system. Unlike in other Australian jurisdictions, in the ACT, there is no statutory limit on the amount lawyers can charge for conducting liability claims.⁶⁴
- 2.19. Representatives from the legal profession who gave evidence at the hearing told the Committee that they can ‘only charge for the work which they do’, in timed increments. They are unable to charge a percentage of payouts.⁶⁵ In regard to their costs for prosecuting a claim, Ms Amy Burr, ACT Committee Member of the Australian Lawyers Alliance; explained at the hearing:

Proportionality has to be applied. Fees cannot outweigh the settlement itself and the client must recover the bulk of the pool of funds. And we have to provide a costs disclosure upfront and our signed costs agreement, which a client can

⁶¹ Safe Work Australia, *Comparison of Workers' Compensation Arrangements in Australia and New Zealand*, 29th Edition, 2023, p 347.

⁶² See, for example, National Electrical and Communications Association, *Submission 11*, p 2; Phillip Business Community, *Submission 13*, p 2; Domestic Violence Crisis Service, *Submission 22*, p 2; Australian Hotels Association ACT, *Submission 36*, p 6; National Insurance Brokers Association, *Submission 39*, p 6; Canberra Business Chamber, *Submission 40*, pp 3–4; Care, *Submission 45*, p 3, 4, and 6.

⁶³ Roxanne Libatique, *Government caps health insurance premiums to bolster affordability amid rising costs*, Insurance Business, 6 March 2024, <https://www.insurancebusinessmag.com/au/news/life-insurance/government-caps-health-insurance-premiums-to-bolster-affordability-amid-rising-costs-479869.aspx> (accessed 11 June 2025).

⁶⁴ Insurance Council of Australia, *Submission 33*, p 10.

⁶⁵ Mr Martin Carrick, Senior Practice Leader, Slater and Gordon Lawyers, *Committee Hansard*, 17 April 2025, p 128. The Committee notes that Mr Carrick is Ms Fiona Carrick’s brother, and that Ms Carrick declared this relationship prior to the hearing.

accept or not accept at the start of a matter. They can shop around if they want to.⁶⁶

- 2.20. Others, however, stated that the possibility exists for legal fees to be equal to or higher than the amount paid to a claimant.⁶⁷ Ms Alexandra Hordern, General Manager of the Regulatory and Consumer Policy division of the Insurance Council of Australia, also pointed out the uncapped nature of legal fees also contributes to it being difficult for actuaries to calculate the potential costs of defending against a claim:

That lack of certainty for insurers does result in them being less able accurately to price the risk, so they will often need to increase premiums to take account of what they are perceiving as a potentially uncapped risk...When you add in escalating legal costs that are often as large as the payout themselves, that adds costs into the system, which they then have to price for or recoup in future years.⁶⁸

- 2.21. Some of the small business owners at the public hearing gave evidence that in their experience, their insurers preferred to settle on claims rather than defend them because even if they were successful, the legal fees would be onerously high.⁶⁹

- 2.22. In their submission to the inquiry, the Insurance Council of Australia stated:

The unique features of the ACT workers' compensation scheme such as uncapped and unlimited access to common law, availability of journey claims, and unregulated legal fees are set out in the governing legislation, the *Workers' Compensation Act 1951*. Insurers must pay entitlements and legal costs in accordance with the legislation, and these higher costs, compared to those in other jurisdictions, result in higher premiums.⁷⁰

- 2.23. They went on to say:

There are no statutory limits on plaintiff legal fees in the ACT workers' compensation scheme. The ACT is an outlier in this regard with other jurisdictions regulating and capping the availability of legal fees...⁷¹

- 2.24. In evidence presented to the hearing on 16 April 2025, Mr Joshua Dotta from Jump Cut Group told the committee that:

There is no negligence on their behalf. We do so much, and it is still your word against them. Again, with the legal system, the lawyers know that, if you fight it,

⁶⁶ *Committee Hansard*, 17 April 2025, p 128.

⁶⁷ Ms Alexandra Hordern, General Manager, Regulatory and Consumer Policy, Insurance Council of Australia, *Committee Hansard*, 17 April 2025, p 167.

⁶⁸ *Committee Hansard*, 17 April 2025, p 160.

⁶⁹ Mr Joshua Dotta, Director, Jump Cut Group and Mr Luis Santos, Group Safety Manager, Pacific Formwork & Precast Projects, *Committee Hansard*, 16 April 2025, p 2.

⁷⁰ Insurance Council of Australia, *Submission 33*, p 11.

⁷¹ Insurance Council of Australia, *Submission 33*, p 10.

they are going to pay it out, because they do not want to pay ridiculous amounts of legal fees.⁷²

2.25. Mr Luis Santos, of Pacific Framework and Precast Projects, stated in the same hearing that:

We do full investigations on incidents. We prove to our insurers that this injury was not sustained at work and there is medical evidence that the injury was not sustained at work—it could have been aggravated at work but it was not sustained at work—and the easiest route is a payout.

Because if we keep proceeding for...yes, to fight it...The legal costs are higher than the payout.⁷³

Committee comment

2.26. The Committee notes that other jurisdictions, like Queensland, have statutory caps on liability claims. Arguments for these caps include simplifying the calculation of economic risks—which may help lead to lower premiums over the long term.

2.27. The Queensland ‘50/50 rule’ sets out a maximum amount which a law practice can charge for ‘speculative personal injury claims’.⁷⁴ It legislates that ‘claim-related costs, as worked out under the costs agreement with the client or under the *Legal Profession Act 2007* (LPA), must not be more than 50 percent of the client’s entitlement under a judgement or settlement (including entitlement to costs under the judgement or settlement) net of statutory refunds and disbursements.’⁷⁵

Recommendation 3

The Committee recommends the ACT Government determine whether a statutory cap on legal fees is likely to reduce insurance premiums in the ACT. If yes, the Committee recommends the ACT Government develop legislation to introduce such a cap.

No win no fee

2.28. The Committee heard from legal professionals who agreed that the ‘vast majority’ of ACT workers’ compensation claims are raised under a ‘no win no fee’ agreement.⁷⁶ However, they also pointed out that this payment model empowers injured workers to access compensation while minimising their financial suffering:

⁷² Mr. Dotta, Jump Cut Group, *Committee Hansard*, 16 April 2025, p 10.

⁷³ Mr Santos, Pacific Formwork & Precast Projects, *Committee Hansard*, 16 April 2025, p 2.

⁷⁴ *Legal Profession Act 2007* (QLD), s 347.

⁷⁵ Queensland Law Society, *Costs FAQs*, <https://www.qls.com.au/Content-Collections/FAQs/Costs-FAQs> (accessed 18 June 2025).

⁷⁶ Ms Amber Wang, Director, Australian Lawyers Alliance and Mr Martin Carrick, Senior Practice Leader, Slater and Gordon Lawyers, *Committee Hansard*, 17 April 2025, p 135.

“No win, no fee” is there to enable injured workers to deal with their claims, and that is exactly as it should be, due to that power imbalance between injured workers, their employer and insurers.⁷⁷

- 2.29. Ms Carmel Franklin, Chief Executive Officer of Care, an organisation which provides free financial counselling, also raised the issue of access to justice when asked about the ‘no win no fee’ method, as well as pointing out that if a claim is successful, the legal fees can be ‘astronomical.’⁷⁸
- 2.30. Many submitters were of the view that the practice of advertising legal services on a ‘no win no fee’ basis encourages the filing of ‘spurious’ legal claims, which is encouraging litigation, which in turn is putting upwards pressure on insurance premiums.⁷⁹
- 2.31. Mr Kent Johns, Head of Government Relations and Regulatory Affairs for the National Electrical and Communications Association, told the Committee that he believes that the ‘no win no fee’ model is leading people to raise claims even when they are not genuine, saying ‘It is becoming a sport in the ACT, rather than genuine litigation.’⁸⁰
- 2.32. A representative of the Australian Hotels Association ACT, General Manager Mr Christopher Gatfield, also raised concerns about ‘claims farming’ and how it may potentially lead to increased litigation as well. ‘Claims farming’ is a practice whereby a third party convinces an individual to engage a legal firm to make a claim and then receives a payment from the legal firm.⁸¹ Mr Gatfield said:
- With respect to how that relates to “no win, no fee”, in the absence of specific regulation in terms of “no win, no fee”, and in the absence of regulation around the marketing of legal services, again, in a highly litigious regulatory framework, it does encourage people to encourage claimants to make claims.⁸²
- 2.33. Although he said that he was not sure if claim farming was occurring in the ACT, Mr Gatfield noted that it was prevalent enough in NSW to have recently been banned.⁸³
- 2.34. Local business owners who spoke to the Committee at the public hearing said that banning ‘no win no fee’ contracts would ‘massively’ reduce the amount of claims. They said that the ‘spurious’ claims which they have dealt with were largely started under that model, and they believed that many of those claimants would have been unlikely to raise their claims without it.⁸⁴

⁷⁷ Ms Wang, Australian Lawyers Alliance, *Committee Hansard*, 17 April 2025, p 134.

⁷⁸ *Committee Hansard*, 16 April 2025, p 90.

⁷⁹ See Supabarn Supermarkets Pty Ltd, *Submission 16*, p 3; Jump Cut Group, *Submission 21*, p 3; Australian Hotels Association ACT, *Submission 36*, p 9; Tony Chase and Associates, *Submission 37*, pp 9 and 17; and Canberra Business Chamber, *Submission 40*, p 6.

⁸⁰ *Committee Hansard*, 16 April 2025, p 43.

⁸¹ *Committee Hansard*, 16 April 2025, pp 61–62.

⁸² *Committee Hansard*, 16 April 2025, p 62.

⁸³ Mr Christopher Gatfield, Australian Hotels Association ACT, *Committee Hansard*, 16 April 2025, p 62. See also; *Claim Farming Practices Prohibition Act 2025 No 19* (NSW).

⁸⁴ Mr Dotta, Jump Cut Group, Mr Anthony Friend, Pacific Formwork & Precast Projects, Mr Maurisio Rao, Advisor, Alto Scaffolding, and Mr Santos, Pacific Formwork & Precast Projects, *Committee Transcript*, 16 April 2025, p 8.

Committee comment

- 2.35. It appears that there is a prevalent expectation that 'no win no fee' contracts enable a litigant to lodge a claim and incur no financial responsibility should it not succeed. However, claimants are still required to pay disbursements, and potentially third-party costs as well.⁸⁵
- 2.36. The Committee does agree that balance is required to discourage less definite claims and is concerned by potentially misleading 'no win no fee' advertising. However, the Committee heard that banning the 'no win no fee' model risks being an inappropriate imposition on the rights of workers to access the legal system. As stated at the hearing by the Senior Practice Leader at Slater and Gordon Lawyers, Mr Martin Carrick:
- ...many people would not be able to access the workers comp system without that system.⁸⁶
- 2.37. In Queensland, the use of the phrase 'no win no fee' is banned in personal injury advertising because it is considered misleading or deceptive,⁸⁷ which would be in breach of rule 36 of the Australian Solicitors Conduct Rules.⁸⁸
- 2.38. The Committee agrees that use of the phrase can be misleading or deceptive, and that adding a disclaimer could improve clarity for clients.

Recommendation 4

The Committee recommends that the ACT Government amend the regulations around 'no win no fee' legal service advertising to require a disclosure that claimants are required to pay disbursements and potentially third-party costs, regardless of the outcome of their claim.

Insurance literacy

- 2.39. Several of the submissions to the inquiry described confusion around different types of insurance, access to insurance, and insurance availability. These concerns were raised by ACT businesses, the community sector, and owners' corporations alike.
- 2.40. In their submission, Care recommended the ACT Government 'ensure adequate funding of ACT community sector partner organisations to facilitate access to...independent insurance information, advice and support.'⁸⁹

⁸⁵ Queensland Law Society, *Can I advertise 'no win no fee'?*, <https://www.qls.com.au/Practising-law-in-Qld/Ethics-Centre/Rules-Resources/Can-I-advertise-no-win-no-fee> (accessed 11 June 2025).

⁸⁶ Mr Carrick, Slater and Gordon Lawyers, *Committee Transcript*, 17 April 2025, p 134.

⁸⁷ Queensland Law Society, *Can I advertise 'no win no fee'?*, <https://www.qls.com.au/Practising-law-in-Qld/Ethics-Centre/Rules-Resources/Can-I-advertise-no-win-no-fee> (accessed 11 June 2025).

⁸⁸ Queensland Law Society, *Legal Profession (Australian Solicitors Conduct Rules) Notice 2012, Australian Solicitors Conduct Rules*, 1 June 2012, p 23.

⁸⁹ Care, *Submission 45*, p 2.

- 2.41. An owners' corporation for a residential building in the ACT emphasised that it can be challenging for owners who volunteer to be on the executive committees of their owners' corporations to navigate the complexities of strata title insurance and their rights and responsibilities in relation to such insurance.⁹⁰
- 2.42. The CBC stated that '[d]ifferent regulatory regimes across states and territories create real complexity for businesses' that operate across jurisdictions.⁹¹ The CBC added that understanding insurance, and particularly the requirements of employers under the ACT's workers' compensation scheme, could be especially challenging for new businesses and small businesses.⁹²
- 2.43. Master Electricians Australia (MEA) called for the ACT Government to support small and medium enterprises with insurance compliance, including investing in training.⁹³ The National Electrical and Communications Association (NECA) noted that '[i]nsurance premium calculations remain opaque, making it difficult for small businesses to understand cost increases or take action to lower their risk profile.'⁹⁴ NECA suggested that a government-backed tool be developed to assist small businesses to compare insurance costs and breakdowns across providers.⁹⁵

Committee comment

- 2.44. The Committee recognises the difficulties faced by businesses—particularly new and small businesses—community organisations and owners' corporations in navigating the complexities of different kinds of insurance and their legal obligations relating to insurance.
- 2.45. While the Committee notes that some general information to assist organisations with insurance literacy is available online, such as the information provided by the Insurance Council of Australia (ICA) on its website,⁹⁶ the provision of ACT-specific information would be beneficial. The insurance information for consumers on the Australian Government's Moneysmart website could be one possible model to consider.⁹⁷ The ACT Government may also wish to consider creating a government-backed insurance comparator website similar to the Australian Government's private health insurance comparator website.⁹⁸

Recommendation 5

The Committee recommends that the ACT Government establish an insurance literacy program for small businesses and community organisations.

⁹⁰ Name withheld, *Submission 5*, p 4.

⁹¹ *Submission 40*, p 8.

⁹² *Submission 40*, p 9.

⁹³ *Submission 6*, p 4.

⁹⁴ *Submission 11*, p 5.

⁹⁵ *Submission 11*, p 5.

⁹⁶ Insurance Council of Australia, <https://insurancecouncil.com.au/consumers/insurance-explained/> (accessed 4 June 2025).

⁹⁷ Australian Government, <https://moneysmart.gov.au/> (accessed 4 June 2025).

⁹⁸ Australian Government, <https://privatehealth.gov.au/dynamic/search/start> (accessed 4 June 2025).

Recommendation 6

The Committee recommends that the ACT Government explore options for providing an insurance comparator website.

Proportional liability

- 2.46. While insurance seeks to pool risk and insulate policy holders against negative outcomes, the policy settings may not always apportion responsibility effectively. The Property Council of Australia raised with the Committee that the ACT does not have proportionate liability, which would allocate the responsibility for a successful claim according to the parties who in practice caused the initiating event. In the case of a claim involving a building defect, the property developer could be held solely responsible even though the defect was the fault of a contractor.⁹⁹
- 2.47. Ms Ashlee Berry, ACT & Capital Region Executive Director of the Property Council of Australia explained:
- ...if you have three people that you are making a claim against, then each one of those is essentially liable for 100 per cent. So they need to insure against that, and we see that approach come through in our building licensing and in our proposed property developer licensing where a builder or a developer is liable for everything 100 per cent.¹⁰⁰
- 2.48. She further explained that as parties are likely to settle early on in the claims process, it is often 'the last one left standing' who is allocated 100 percent liability. This means that businesses are required to take out larger policies than they might otherwise, to cover themselves for things which they may not actually be responsible for.¹⁰¹

Committee comment

- 2.49. While proportionate liability does apply in the ACT to claims made for economic loss or damage to property,¹⁰² the Committee understands that this is not the case for other types of claims.

Recommendation 7

The Committee recommends that the ACT Government consider amending the *Civil Law (Wrongs) Act 2002* to allow proportional liability to be applied to both personal injury claims and claims made under the *Workers' Compensation Act 1951*.

⁹⁹ Ms Ashlee Berry, ACT & Capital Region Executive Director, Property Council of Australia, *Proof Committee Hansard*, 17 April 2025, p 107.

¹⁰⁰ *Committee Hansard*, 17 April 2025, pp 105–106.

¹⁰¹ Ms Berry, Property Council of Australia, *Committee Hansard*, 17 April 2025, p 106.

¹⁰² *Civil Law (Wrongs) Act 2002*, s 7A.

Contributory negligence

- 2.50. Related to the issue of proportionate liability is the issue of contributory negligence. This topic came up most in relation to workers' compensation, but also has implications for public liability.
- 2.51. It was a common feeling among several local business owners that the current system does not allow for proper assessment of a claimant's own contribution to the insurable event. The Committee heard during the hearing that workers or customers who had harmed themselves when they ignored safety warnings or were intoxicated, could still receive large payouts.¹⁰³ In one example, a construction worker entered an unsafe area on a construction site that was marked as an exclusion zone. They tripped and hurt themselves and received a \$150,000 payout, and it affected all three businesses who were present at the site:
- The builder is pulled in on the claim, the subcontractor is pulled in on the claim, the roof trusses company is pulled in on the claim and our company is pulled in on the claim. Everyone is pulled in on the claim. The scaffolder himself has done an injustice to himself by [...] going across the exclusion zone. We all paid an excess.¹⁰⁴
- 2.52. Ms Lisa Quilty, Vice-President of the ACT Law Society, agreed that this can cause upwards pressure on the cost of defending claims, saying:

If claims are brought in negligence, generally, there will be a breach of stat duty tacked on, which means that, if that is successful, there cannot be a "contrib neg" argument raised. These are the sort of things that are then factored into advice that is provided to insurers, and in putting a value on a claim.¹⁰⁵

Committee comment

- 2.53. The Committee understands the concerns of businesses and organisations in this area and believes it would be sensible for contributory negligence to be made a consideration when assessing insurance claims, so that if the injured party contributed to the injury, their claim should be reduced proportionally.

Recommendation 8

The Committee recommends that the ACT Government consult with relevant stakeholders to develop legislative reform that addresses contributory negligence in insurance claims.

¹⁰³ Mr Dotta, Jump Cut Group, *Committee Hansard*, 16 April 2025, pp 9–10.

¹⁰⁴ Mr Maurizio Rao, Advisor, Alto Scaffolding, *Committee Hansard*, 16 April 2025, p 21.

¹⁰⁵ *Committee Hansard*, 17 April 2025, pp 136–137.

Risk mitigation

2.54. Insurance policy holders can take risk mitigation measures to lower the frequency and severity of adverse events. This can take many forms, such as training employees in safe workplace practices, or strengthening buildings to withstand severe weather events.

2.55. Scouts ACT laid out some of proactive ways in which they approach risk management:

Our risk management efforts include comprehensive safety protocols, regular training for leaders, and stringent supervision during activities.

...

[W]e have developed detailed safety protocols, conducted regular training for staff and volunteers, and completed thorough risk assessments to minimise risk during adventurous activities. We also use specialised equipment designed to ensure participant safety.¹⁰⁶

2.56. Insurance companies may offer discounted premiums for clients who implement certain risk management measures. In some jurisdictions, they acknowledge governments programs which encourage risk mitigation on a larger scale, such as raising houses in flood-prone areas.¹⁰⁷

2.57. The Committee heard that the use of risk management techniques should have a direct impact on how insurance companies assess the risk of their customers. As Dr James Cameron from Australian Construction Industry Forum told the Committee, 'there should be more differentiation for businesses if they have good safety practices in place.'¹⁰⁸

2.58. However, some reported that this does not appear to happen in practice. Dr Devin Bowles from the ACT Council of Social Service (ACTCOSS) said that their members found that there appeared to be no relationship between their risk management activities and their insurance costs.¹⁰⁹ Scouts ACT also said that 'insurers often fail to recognise or fully account for the safety initiative we have put in place.'¹¹⁰

2.59. Instead, some submitters felt that they were being pushed to implement impractical safety measures without appearing to gain any benefit from it. Mr Hunt-Sharman, President of the Canberra Services Club, told that Committee that a risk assessor told him that 'I suggest that you tell people they are not allowed to stand with a drink in their hand.'¹¹¹

2.60. Some organisations have seen their activities curtailed because their insurers considered them to be too unsafe. The Senior Manager of Policy and Advocacy at Volunteering ACT, Ms Heather Fitt, said:

¹⁰⁶ The Scout Association of Australia ACT Branch Inc. (Scouts ACT), *Submission 4*, pp 5 and 7.

¹⁰⁷ Insurance Council of Australia, *Submission 33*, p 12.

¹⁰⁸ Dr James Cameron, Executive Director, Australian Construction Industry Forum, *Committee Hansard*, 16 April 2025, p 41.

¹⁰⁹ Dr Devin Bowles, Chief Executive Officer, ACT Council of Social Services, *Committee Hansard*, 16 April 2025, p 83.

¹¹⁰ The Scout Association of Australia ACT Branch Inc. (Scouts ACT), *Submission 4*, p 7.

¹¹¹ Mr Jonathan Kirkness Hunt-Sharman, President, Canberra Services Club, *Committee Hansard*, 16 April 2025, pp 20 and 21.

In our consultation, other activities that we heard from one of our members was water play with children or trampolines with children—that, for playgroups, they are considered risky activities, even if they have been held in the past and there are risk mitigation strategies around them. Organisations have decided that they will not run those sorts of activities for their playgroups, because they are not insured.¹¹²

- 2.61. Representatives from the Insurance Council of Australia explained that accounting for risk mitigations is not always straight forward from an actuarial point of view:

Potential impacts on premiums through these initiatives will depend on factors such as consideration of risk across a broader pool and approaches to premium settings by individual insurers. [...] However, risk management and mitigation, particularly in relation to personal injury risk reduction, can take some time to be reflected and manifest in lower insurance premiums. This is because the effect of mitigation strategies on insurance premiums may not occur until the effectiveness of the steps taken can be evaluated (i.e., insurers need to observe claims and risk experience).¹¹³

- 2.62. Dr Bowles from ACTCOSS proposed that regulation could be introduced which requires insurance companies to take risk mitigations into account in a more detailed way than currently occurs.¹¹⁴ According to Ms Hordern, this is an area where communication through brokers is important,¹¹⁵ and at least one organisation gave evidence that this doesn't occur:

We do not provide that information to the insurance provider. That is not part of the negotiation with them and it does not seem to come into consideration when matters proceed with regard to workers' compensation or other things.¹¹⁶

Committee comment

- 2.63. It was clear from the evidence in this inquiry that the submitters understand that if they show themselves to be more 'risky' to insurance, i.e. place more claims or conduct higher risk activities, their premiums will go up. However, there is an equal expectation that if they put in place these risk mitigation practices, their level of risk naturally reduces and therefore their premiums should go down.
- 2.64. It is the view of the Committee that increased communication between insurance companies and their clients in regard to risk mitigation would be helpful.

¹¹² *Committee Hansard*, 16 April 2025, p 84.

¹¹³ Insurance Council of Australia, *Submission 33*, p 12.

¹¹⁴ Dr Bowles, ACT Council of Social Services, *Committee Hansard*, 16 April 2025, p 77.

¹¹⁵ Ms Hordern, Insurance Council of Australia, *Proof Committee Hansard*, 17 April 2025, p 161.

¹¹⁶ Ms McKail, Domestic Violence Crisis Service, *Committee Hansard*, 16 April 2025, p 30.

Recommendation 9

The Committee recommends that the ACT Government require insurers to explain the components of premiums to customers, including how risk mitigation measures have been taken into account.

- 2.65. Many community organisations felt they were being unfairly penalised when they invested in risk mitigations which weren't acknowledged by their insurers.¹¹⁷
- 2.66. Ms Brooke McKail from the Domestic Violence Crisis Service believed it effectively disincentivised organisations to implement these risk mitigation techniques.¹¹⁸ Care noted that their insurance premiums had increased by 25 percent in the last 12 months, but the indexation on their funding was only five percent.¹¹⁹
- 2.67. The Insurance Council of Australia also saw a need for extra funding in this area, and recommended that the government fund risk management training for community organisations experiencing higher than average personal liability claims.¹²⁰

Committee comment

- 2.68. The Committee believes that community organisations should be funded to apply risk mitigation strategies, especially for those organisations that deal with trauma, such as domestic violence support organisations.

Recommendation 10

The Committee recommends that the ACT Government provide additional funding to high-risk community organisations to implement mandatory risk mitigations.

¹¹⁷ The Scout Association of Australia ACT Branch Inc. (Scouts ACT), *Submission 4*, p 7.

¹¹⁸ Ms McKail, Domestic Violence Crisis Service, *Committee Hansard*, 16 April 2025, p 37.

¹¹⁹ Ms Carmel Franklin, Chief Executive Officer, Care, *Committee Hansard*, 16 April 2025, pp 82–83

¹²⁰ Insurance Council of Australia, *Submission 33*, p 7.

3. Workers' compensation

- 3.1. The private sector workers' compensation scheme in the ACT is commercially operated.¹²¹ Insurers providing workers' compensation insurance to businesses in the ACT are required to be licenced under the *Workers' Compensation Act 1951* (Workers' Compensation Act).
- 3.2. Due to its small market, only five licenced workers' compensation insurers operate in the ACT.¹²² These are Allianz Insurance, Guild Insurance, QBE Insurance, CGU Workers Compensation, and GIO Workers Compensation.¹²³
- 3.3. Workers' compensation premiums are determined by those insurers, following their underwriting process,¹²⁴ however WorkSafe ACT also publishes independently determined 'suggested reasonable premiums rates' on an annual basis.¹²⁵
- 3.4. The Chief Minister, Treasury and Economic Development Directorate is responsible for the administration of the Workers' Compensation Act.
- 3.5. In addition, the Default Insurance Fund (DIF) is a body established under the Workers' Compensation Act to cover compensation claims in cases where the responsible employer is uninsured, bankrupt or insolvent.¹²⁶ The DIF is funded by a levy on premiums, or notional premiums in the case of those who are self-insured.¹²⁷
- 3.6. Under the statutory workers' compensation scheme, injured workers may be entitled to:
 - a) medical and rehabilitation benefits
 - b) impairment lump sums
 - c) redemption of statutory entitlements
 - d) legal costs.¹²⁸
- 3.7. If a worker is killed in a workplace accident, dependants are entitled to receive death benefits under the scheme, which may include lump sum compensation, weekly payments and payment of funeral expenses.¹²⁹

¹²¹ ACT Government, *Submission 28*, p 7.

¹²² ACT Government, *Submission 28*, p 7.

¹²³ WorkSafe ACT, Compensation, <https://www.worksafe.act.gov.au/workers-compensation/approved-insurers> (accessed 20 June 2025).

¹²⁴ ACT Government, *Submission 28*, p 7.

¹²⁵ ACT Government, ACT Workers' Compensation Scheme Suggested Reasonable Premium Rates, <https://www.act.gov.au/open/act-workers-compensation-scheme-suggested-reasonable-premium-rates> (accessed 20 June 2025).

¹²⁶ Finity Consulting Pty Limited, *ACT Workers' Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, p 56.

¹²⁷ Finity Consulting Pty Limited, *ACT Workers' Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, p 56.

¹²⁸ Finity Consulting Pty Limited, *ACT Workers' Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, pp 57–58.

¹²⁹ Finity Consulting Pty Limited, *ACT Workers' Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, p 57.

- 3.8. An injured worker may seek further compensation under common law where the injury was ‘caused or contributed to by the negligence of a third party.’¹³⁰ Access to these separate common law benefits is based on ‘the common law principle that person injured by the negligence of someone else – in this case an employer – is entitled to be restored to the position they were in before the employer’s injurious action or inaction.’¹³¹ Common law damages are those resulting from decisions made by courts, as opposed to damages paid under the ACT’s workers’ compensation scheme, which is a statutory scheme, that is, one provided for under legislation.
- 3.9. The ACT’s market is relatively small in comparison to workers’ compensation schemes in other Australian jurisdictions.¹³² This is due in part to the Territory’s population and in part to the fact that many workers are covered by either the Commonwealth public sector scheme or the ACT public sector scheme. In 2023–24 the ACT’s private sector scheme covered approximately 127,757 workers.¹³³
- 3.10. Some of the key features of the ACT’s scheme include:
- a) Uncapped and unrestricted access to common law damages. These amounts vary from year to year but have the overall effect of increasing legal costs in the ACT scheme compared to other schemes with more limited access to common law damages.¹³⁴
 - b) Coverage of injuries sustained while travelling between home and work (known as ‘journey cover’), allowing greater access to workers’ compensation in the ACT than in other schemes.¹³⁵
- 3.11. In regards to premium trends, in their submission the ACT Government noted that:
- While the ACT has the highest average all-industries suggested reasonable premium rate for workers’ compensation, the ACT average has continued to decrease. However, other jurisdictions, such as Victoria and NSW, are conversely experiencing increases in premium rates largely attributable to a deterioration in public sector claims experience. As the ACT scheme covers private sector workers’ compensation only, it is less sensitive to what appears to be a national trend affecting public sector claim costs.¹³⁶
- 3.12. The viability of the NSW scheme, the additional funding required to support it, and an independent report revealing underpayment of injured workers, were compared to the ACT’s current arrangements under a privately insured scheme.¹³⁷ An ACT Government commissioned independent recent analysis documented that the ‘ACT market has reached

¹³⁰ Finity Consulting Pty Limited, *ACT Workers’ Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, Appendix B, p 58.

¹³¹ Australian Lawyers Alliance, *Submission 44*, p 22.

¹³² ACT Government, *Submission 28*, p 8.

¹³³ Finity Consulting Pty Limited, *ACT Workers’ Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, Table G.1 p 73.

¹³⁴ ACT Government, *Submission 28*, p 8.

¹³⁵ ACT Government, *Submission 28*, p 8.

¹³⁶ *Submission 28*, p 9.

¹³⁷ Australian Lawyers Alliance, *Submission 44*, p 16.

a relatively stable position, in terms of claim costs and premiums charged, reflecting a fully funded position for 2024–25.¹³⁸ Premiums charged also tended to be lower, with shortfalls being absorbed by insurer profit margins.¹³⁹

- 3.13. In the consideration of limiting payouts for workers' compensation claims, The Committee considers that it is possible this would push the financial responsibility for injured workers' medical care onto the not-for-profit health and community sectors.

Fraudulent claims

- 3.14. The Committee heard the significant concerns about fraudulent claims from businesses and industry representatives during this inquiry.

- 3.15. During the hearing on 16 April, a panel of business owners gave evidence of workers' compensation claims made against them which they believed to be fraudulent.¹⁴⁰ Some businesses saw their premiums increase after dealing with spurious claims even if these claims were rejected by the courts.¹⁴¹

- 3.16. The Committee also heard evidence that a 'small sector of the employing community' also attempt to 'manipulate' the workers' compensation scheme in order to avoid their responsibilities to their workers.¹⁴² At the hearing on 16 April, during a discussion with a panel of business owners, Mr Thomas Adam, President of the Phillip Business Community, said that he personally knew of businesses who eschew paying for WorkCover all together. He said:

They just do not go through the process because you can just ignore it, and if you do not have a broker that reminds you every year, no-one is out there doing compliance.¹⁴³

- 3.17. Another member of the panel, Mr Joshua Dotta, Director of Jump Cut Group, explained that his business sometimes offers to pay people a settlement directly to encourage them to not make a claim. He explained:

Commercially, for us, if you give them money upfront instead of them going through the process, it is more beneficial for us. Even if it is like a nothing thing, we know that, if someone emails in with some sort of claim, we have to quickly

¹³⁸ ACT Government, *Submission 28*, p 8.

¹³⁹ ACT Government, *Submission 28*, p 8.

¹⁴⁰ Mr Adam Thomas, President, Phillip Business Community, Mr Joshua Dotta, Director, Jump Cut Group, Mr Anthony Friend, Pacific Formwork & Precast Projects, Ms Danielle Houston, Financial Controller, Supabarn Supermarkets, Mr Maurizio Rao, Advisor, Alto Scaffolding, Mr Luis Santos, Group Safety Manager, Pacific Formwork & Precast Projects, *Committee Hansard*, 16 April 2025, pp 1–28.

¹⁴¹ Mr Kent Johns, Head, Government Relations and Regulatory Affairs, National Electrical and Communications Association, *Committee Hansard*, 16 April 2025, p 43.

¹⁴² Mr Andrew Ross Muller SC, Representative, Shop Distributive and Allied Employees Association, *Committee Hansard*, 17 April 2025, p 185.

¹⁴³ *Committee Hansard*, 16 April 2025, p 3.

see if we can offer them our own settlement, because I know that it is going to cost me a thousand per cent more through the actual jurisdiction.¹⁴⁴

- 3.18. Mr Dotta and another business owner, Mr Maurizio Rao of Alto Scaffolding, told the Committee that they contract a person to negotiate private settlements with injured parties before they make an insurance claim.¹⁴⁵
- 3.19. Penalties exist under the Workers' Compensation Act for people who are found to be dishonest during the claiming process. Outside of that specific legislation, usual rules about perjury in court also apply.¹⁴⁶

Committee comment

- 3.20. The Committee acknowledges the difficulties that fraud brings to employers and employees alike. Such instances would bring significant mental stress to people on top of the financial pressure they can cause. The Committee is wary of any practices or recommendations which might impede genuine claimants from accessing rightful compensation.
- 3.21. Ultimately, the Committee believes that potentially fraudulent claims are best dealt with through the existing justice system.
- 3.22. The Committee also believes that mandating consideration of contributory negligence, as recommended in [Chapter 2](#), would aid in the management of 'fraudulent' or 'spurious' workers' compensation claims.

Journey claims

- 3.23. The ACT's workers' compensation scheme provides blanket journey insurance coverage to workers.¹⁴⁷ Journey insurance applies to injuries sustained by a worker while travelling to or from work. Under the ACT's scheme, workers are covered for injuries arising out of journeys to and from work and journeys undertaken for work purposes.¹⁴⁸ Mr Michael Young of the Office of Industrial Relations and Workplace Strategy, estimated that between five and 10 percent of ACT workers' compensation claims were journey claims.¹⁴⁹
- 3.24. In Victoria and Western Australia workers have no access to journey claims at all, while in other jurisdictions such claims are generally subject to restrictions or limitations.¹⁵⁰ In NSW, for example, journey claims are accepted for most emergency services personnel, but not

¹⁴⁴ *Committee Hansard*, 16 April 2025, p 18.

¹⁴⁵ Mr Maurizio Rao, Advisor, Alto Scaffolding and Mr Joshua Dotta, Director, Jump Cut Group, *Committee Hansard*, 16 April 2025, p 18.

¹⁴⁶ Mr Andrew Ross Muller SC, Representative, Shop Distributive and Allied Employees Association, *Committee Hansard*, 17 April 2025, p 180.

¹⁴⁷ United Workers Union, *Submission 27*, p 3. See also Safe Work Australia, *Comparison of Workers' Compensation Arrangements in Australia and New Zealand*, 29th Edition, 2023, Table 4.7, p 136.

¹⁴⁸ Finity Consulting Pty Limited, *ACT Workers' Compensation Review of Scheme Performance to 30 June 2024*, Chief Minister, Treasury and Economic Development Directorate, p 58.

¹⁴⁹ Mr Michael Young, Executive Group Manager, Work Safety Group, Office of Industrial Relations and Workplace Strategy, Chief Minister, Treasury and Economic Development Directorate, *Committee Hansard*, 17 April 2025, p 192.

¹⁵⁰ United Workers Union, *Submission 27*, p 3.

for other workers unless there is a 'real and substantial connection to employment' and the accident or incident that caused the injury.¹⁵¹

3.25. The Australian Lawyers Alliance (ALA) noted that some critics of the ACT's workers' compensation scheme argue that journey claims are partly responsible for rising premiums.¹⁵² The ALA argued that injuries incurred while travelling to or from work, or while being on a break from work, are incurred in the course of a worker's employment, and that it is therefore reasonable that such injuries be covered by workers' compensation.¹⁵³

3.26. Mr Sean Marshall of the Australian Manufacturing Workers' Union NSW/ACT told the Committee that:

In my view, not having journey claims goes to the issue of fatigue at work and fatigue on the way home from work. It is something that the employer has some control over. At the moment, they are off the hook. If they work their workers until they are fatigued and they have a crash on the way home because of that fatigue, then they are not covered for workers' compensation...¹⁵⁴

3.27. In their submission to the inquiry the United Workers Union, which represents workers across a range of industries in the ACT—including early childhood education and care, cleaning, security, hospitality, logistics, and food and beverage manufacturing—recommended that the 'ACT should not seek to restrict or minimise' the entitlement to journey coverage as other jurisdictions have done.¹⁵⁵

3.28. Evidence was also presented to the inquiry that the ACT scheme, by including unrestricted journey claims, does result in higher insurance premiums for businesses.

3.29. In their submission to the Inquiry, the Canberra Business Chamber (CBC) stated that:

ACT business owners are likely paying more for insurance than in other states and territories because our scheme includes open ended cover for 'journey claims'.¹⁵⁶

3.30. They go on to say:

This travel is undertaken totally outside of the control of the employer and employers have little or no ability to ensure a worker's safety during these trips. This issue was raised with us time and again with members as we consulted during the preparation of this submission.¹⁵⁷

3.31. In evidence given at the hearing on 17 April 2025, the Insurance Council of Australia stated:

¹⁵¹ United Workers Union, *Submission 27*, p 3.

¹⁵² *Submission 44*, p 23.

¹⁵³ *Submission 44*, p 24.

¹⁵⁴ Mr Sean Marshall, Work Health and Safety Officer, Australian Manufacturing Workers' Union, NSW/ACT Branch, *Committee Hansard*, 17 April 2025, p 181.

¹⁵⁵ *Submission 27*, p 3.

¹⁵⁶ *Submission 40*, p 7.

¹⁵⁷ *Submission 40*, pp 7–8.

Features of the workers compensation scheme in the ACT include unlimited and uncapped access to common law damages, uncapped legal costs and the availability of journey claims. These factors are behind the higher insurance premiums in the ACT when compared to other jurisdictions.¹⁵⁸

- 3.32. In evidence given at the public hearing, Mr Michael Young, Executive Group Manager, Work Safety Group, Office of Industrial Relations and Workplace Strategy, Chief Minister, Treasury and Economic Development Directorate, stated:

The ACT scheme covers people who are injured in the course of travelling between home and work, which most other schemes do not. Queensland has some limited cover in that respect, but the majority do not. That is an additional sort of cohort of claims that are covered by the ACT scheme and trigger costs, of course.¹⁵⁹

Committee comment

- 3.33. Evidence presented to the inquiry shows that having an unrestricted journey claim scheme could be contributing to the high insurance premiums paid by businesses in the ACT. While recognising the importance of retaining journey claims, the committee considers that the ACT Government should consider aligning the ACT scheme, as it relates to journey claims, to those in other jurisdictions.

Recommendation 11

The Committee recommends that the ACT Government give consideration to aligning the ACT workers' compensation scheme in relation to journey claims with those in other jurisdictions. This should include a requirement that there must be a real and substantial connection between employment and the accident in which the injury arose, and that the incident is not otherwise covered by the Motor Accident Insurance Scheme.

Workers' compensation for apprentices

- 3.34. The Apprentice Employment Network (AEN) NSW & ACT, which represents Group Training Organisations (GTOs) in the ACT, told the Inquiry that the rising cost of workers' compensation insurance affects 'the ability of GTOs to operate within the ACT, limiting their capacity to support apprentices, trainees, and host employers across key sectors.'¹⁶⁰ The AEN advised that this situation could 'lead to a decline in apprenticeship and training opportunities' in the Territory, making it harder to address skills shortages.¹⁶¹

¹⁵⁸ Ms Alexandra Horden, General Manager, Regulatory and Consumer Policy, Insurance Council of Australia, *Committee Hansard*, 17 April 2025, p 155.

¹⁵⁹ *Committee Hansard*, 17 April 2025, p 189.

¹⁶⁰ *Submission 3*, p 1.

¹⁶¹ *Submission 3*, pp 3–4.

3.35. The National Electrical and Communications Association (NECA), the peak body for Australia’s electrical and communications sector, recommended that the Committee consider premium rebates and incentives for employers who hire apprentices.¹⁶²

3.36. Mr Kent Johns of NECA told the Committee:

We find that the ACT is the most expensive jurisdiction for apprentices to get workers’ compensation, and that is proving to be a real disincentive.¹⁶³

3.37. Mr Johns added that he was aware of at least one Group Training Organisation that closed due to the cost of workers’ compensation insurance in the ACT.¹⁶⁴

3.38. Mr Tom Emeleus of AEN NSW & ACT advised the Committee that:

Our main concern with workers’ compensation insurance is the relative cost in the ACT compared to other states, and we are doing exactly the same service. By way of example, our apprentices in Victoria essentially are free. So they completely subsidise the cost to encourage apprentices. For my business in New South Wales, it is also effectively zero. In Queensland, we are paying about 40c per \$100 of wages and in the ACT it is \$3.76. Compared to New South Wales, where I have the majority of my apprentices, it is thousands of times more expensive per apprentice. That then translates into an often prohibitive cost for employers—or, in our case, host employers—to take on an apprentice for exactly the same role in Queanbeyan. Here, we have to charge a dollar an hour more just for the workers comp premium.¹⁶⁵

3.39. Data from the National Centre for Vocational Educational Research showed a decline in training commencements in the ACT between 2022 and 2024, while figures in other jurisdictions have improved over the same period.¹⁶⁶ Fewer people commencing training in the ACT means fewer people completing their training and going on to work in particular industries, increasing skills shortages and workforce shortages in the Territory.¹⁶⁷

Committee comment

3.40. The Committee understands that the ACT is suffering from a skills shortage in the building and construction industry. The ACT Government has implemented some strategies to address this, such as fee-free TAFE, funded by a national partnership agreement with the Commonwealth, and programs to encourage women and gender diverse people to enter the construction industry.¹⁶⁸ The Committee is of the view that ACT Government subsidies

¹⁶² National Electrical and Communications Association, *Submission 11*, p 5.

¹⁶³ Mr Kent Johns, Head of Government Relations and Regulatory Affairs, National Electrical and Communications Association, *Committee Hansard*, 16 April 2025, p 44.

¹⁶⁴ Mr Johns, NECA, *Committee Hansard*, 16 April 2025, p 48.

¹⁶⁵ Mr Tom Emeleus, Chairperson, Apprentice Employment Network NSW & ACT, *Committee Hansard*, 17 April 2025, p 111.

¹⁶⁶ Standing Committee on Economics, Industry and Recreation, *Report 1: Inquiry into Annual and Financial Reports 2023–24*, p 4.

¹⁶⁷ Standing Committee on Economics, Industry and Recreation, *Report 1: Inquiry into Annual and Financial Reports 2023–24*, p 4.

¹⁶⁸ Standing Committee on Economics, Industry and Recreation, *Report 1: Inquiry into Annual and Financial Reports 2023–24*, pp 3–4 and p 7.

of workers' compensation premiums for apprentices would be another useful way of encouraging more workers to enter the industry.

Recommendation 12

The Committee recommends that the ACT Government consider subsidising the workers' compensation premiums for insurance policies that cover apprentices.

Alternative dispute resolution

- 3.41. Several submitters advocated for an alternative dispute resolution service for workers' compensation in the ACT, which would act as an intermediary before a claim goes to court. Mr Andrew Ross Muller SC, who appeared on behalf of the Shop Distributive and Allied Employees Association, explained that such systems are already used successfully in some insurance areas, with many claims being resolved through mediation.¹⁶⁹
- 3.42. Mr Gatfield from the Australian Hotels Association (AHA) ACT said that he believed that the current workers' compensation system is too litigious, leading to high legal costs, more drawn out processes, and increased premiums.¹⁷⁰ The AHA ACT pointed to the 'more proscribed' conciliation processes in other jurisdictions.¹⁷¹ NT (Northern Territory) WorkSafe offers a mediation service to assist parties in resolving workers' compensation disputes.¹⁷² The service is offered at no cost to the injured worker, and aims to be fast and informal.¹⁷³ It is mandatory for mediation to take place before a matter can be taken to the Work Health Court.¹⁷⁴ Similarly, in Victoria, parties must go through a conciliation process before the claim is taken to court.¹⁷⁵

Committee comment

- 3.43. The Committee believes that introducing a workers' compensation mediation or other alternative dispute resolution mechanism similar to that operating in other jurisdictions would be beneficial in the ACT. Such a scheme might enable workers' compensation disputes in the ACT to be resolved faster and more cost effectively.

¹⁶⁹ *Committee Hansard*, 17 April 2025, p 183.

¹⁷⁰ Mr Christopher Gatfield, General Manager, Australian Hotels Association ACT, *Committee Hansard*, 16 April 2025, p 60.

¹⁷¹ Mr Gatfield, Australian Hotels Association ACT, *answer to QTON 8: Dispute Resolution Mechanisms – Different Jurisdictions*, 7 May 2025, (received 7 May 2025).

¹⁷² NT WorkSafe, *Dispute Resolution*, <http://www.worksafe.nt.gov.au/workers-compensation/dispute-resolution> (accessed 6 June 2025).

¹⁷³ NT WorkSafe, *Dispute Resolution*, <http://www.worksafe.nt.gov.au/workers-compensation/dispute-resolution> (accessed 6 June 2025).

¹⁷⁴ NT WorkSafe, *Dispute Resolution*, <http://www.worksafe.nt.gov.au/workers-compensation/dispute-resolution> (accessed 6 June 2025).

¹⁷⁵ United Workers Union, *Submission 27*, p 3. See also Safe Work Australia, *Comparison of Workers' Compensation Arrangements in Australia and New Zealand*, 29th Edition, 2023, Table 3.7, p 106.

Recommendation 13

The Committee recommends that the ACT Government consider introducing alternative dispute resolution mechanisms to help resolve workers' compensation claims.

Caps on timeframes

- 3.44. Section 120 of the Workers' Compensation Act places a three-year time limit on compensation claims. However, section 120A allows for the Magistrates Court to allow late claims to proceed under certain circumstances.¹⁷⁶
- 3.45. The Shop, Distributive and Allied Employees' Association noted that the Court only extends the relevant period for bringing a work injury claim 'in circumstances where particular conditions are met, including an absence of actual prejudice to the defending party.'¹⁷⁷
- 3.46. The Insurance Council of Australia stated that the application of the limitation period is 'very liberal' in the ACT compared to other jurisdictions.¹⁷⁸ Mr Harford from the CBC said at the hearing:

There is effectively no time limit for lodging claims here. While there is a three-year window set out in statute, that is not a hard deadline. We are aware of claims being lodged and settled for events that happened up to 15 years previously. So it is kind of ancient history by the time claims are being lodged. That drives cost and, again, compares to a much more rigorous regimes in other states. We have six or 12 months to lodge a claim typically.¹⁷⁹

Committee comment

- 3.47. The Committee is of the view that it would be appropriate to review the application of the statute of limitations for starting workers' compensation claims in the ACT justice system.

Recommendation 14

The Committee recommends that the ACT Government review the application of the statute of limitations for workers' compensation claims.

¹⁷⁶ *Workers Compensation Act 1951*, s 120 and s 120A.

¹⁷⁷ *Exhibit 6*, p 14.

¹⁷⁸ Insurance Council of Australia, *Submission 33*, p 7.

¹⁷⁹ Mr Craig Harford, Chief Executive, Canberra Business Chamber, *Committee Hansard*, 17 April 2025, p 144.

4. Public liability for use of public facilities

- 4.1. Organisations or individuals who hire or rent ACT Government venues and properties are required to obtain appropriate public liability insurance in accordance with the ACT Government's Government Procurement Rules.¹⁸⁰
- 4.2. In their submission to the inquiry, the ACT Government stated that '\$20 million in public liability has been the "standard" for many years, both in the ACT and in other jurisdictions.'¹⁸¹
- 4.3. These requirements affect, for example, amateur sporting clubs and community groups wishing to use government-owned venues for sport, recreation, creative arts, and community purposes.¹⁸²
- 4.4. A common theme in the submissions to this inquiry was how public liability insurance is becoming unaffordable.
- 4.5. It was highlighted as a problem for businesses, for example by the Australian Hotels Association (AHA) ACT, who said that the hospitality industry has been hit particularly hard, with some live music venues facing premium increases of up to 1,000 percent.¹⁸³ The Australian Small Business and Family Enterprise Ombudsman stated that in similar leisure and recreational industries, public liability insurance has become either unaffordable or unavailable.¹⁸⁴
- 4.6. Public liability insurance is also causing financial stress for not-for-profit and community organisations. According to the Canberra Region Tourism Forum, some are even cancelling events or being threatened with closure.¹⁸⁵ The Australian Sports Foundation surveyed community sport organisation and reported in 2023 that the majority of them were facing significant increases in running costs, of which insurance premiums have been a major contributor.¹⁸⁶ Mr Greg Harford from the Canberra Business Chamber also told the Committee that public liability requirements were threatening the operability of community groups in the area.¹⁸⁷
- 4.7. The Insurance Council of Australia confirmed that public liability premiums have increased by an average of 40 percent since 2015, due to reduced profitability in the market. They said:

¹⁸⁰ ACT Government, *Submission 28*, p 11.

¹⁸¹ *Submission 28*, p 11.

¹⁸² ACT Government, *Submission 28*, p 11.

¹⁸² ACT Government, *Submission 28*, p 11.

¹⁸³ Australian Hotels Association ACT, *Submission 36*, p 13.

¹⁸⁴ *Submission 41*, p 2.

¹⁸⁵ Canberra Region Tourism Leaders Forum, *Submission 38*, p 6.

¹⁸⁶ Australian Sports Foundation, *Your Sport Your Say: Clubs under pressure*, May 2023, pp 34 and 36.

¹⁸⁷ Mr Greg Harford, Chief Executive, Canberra Business Chamber, *Committee Hansard*, 17 April 2025, p 145.

A key factor behind these market trends has been the increasing claims costs driven by expanding heads of damages, social inflation and psychological injuries.¹⁸⁸

Insurance for use of public facilities

- 4.8. A submission from members of the former ACTSPORTS, a now-closed peak body for community sports, suggested insurance pooling as an option to reduce costs for community groups.¹⁸⁹ This is a method whereby a group establishes a shared monetary fund which acts as the insurance fund for all members of the group. Members pay into the fund and can make claims to an administrator for reimbursement. The fund can be used to buy insurance policies from a third party provider or can act as a form of self-insurance. Either way, the group pools their financial resources and risk exposure, with the aim of achieving lower costs and increased access to insurance.¹⁹⁰
- 4.9. The Australian Small Business and Family Enterprise Ombudsman also suggested the use of discretionary mutual funds for the same purpose, however it did note that this would require a change in regulatory settings.¹⁹¹
- 4.10. The AHA ACT had a similar recommendation, which was that industry groups should form collectives to buy collective insurance policies, reducing premiums through bulk purchasing power.¹⁹²

Committee comment

- 4.11. The Committee believes that that changing regulations to allow for insurance pooling could be especially beneficial for community groups.

Recommendation 15

The Committee recommends that the ACT Government examine models to facilitate insurance pooling for like organisations.

Recommendation 16

The Committee recommends that the ACT Government examine policy options that enable insurance pooling for organisations using its facilities.

- 4.12. For some community organisations, the \$20 million public liability insurance requirement can prove to be too onerous for them to conduct their activities at government facilities. Woden Valley Community Council stated that there have been instances where they have covered the public liability insurance for smaller organisations who cannot take out a policy

¹⁸⁸ *Submission 33*, p 6.

¹⁸⁹ *Submission 20*, p 2.

¹⁹⁰ ACTSPORT, *Submission 20*, Attachment 2.

¹⁹¹ *Submission 41*, p 4.

¹⁹² Australian Hotels Association ACT, *Submission 36*, p 4.

themselves.¹⁹³ Mr Lachlan Johnson, Acting Chief Executive Officer from Arts Capital Limited, agreed. He told the Committee that smaller organisations can find the requirement to be an insurmountable burden:

It has been a turnoff. They have gone to doing things at homes and in people's backyards rather than using community facilities, which is a real shame to see.¹⁹⁴

4.13. Community organisations can also end up incurring unreasonable liability insurance because of Government policies in more indirect ways. The Committee heard about a case in which a claim was lodged against the Ainslie Arts Centre after an incident in their car park. There were hedges which were impeding visibility of pedestrians which they had not been allowed to trim because they were part of the precinct's heritage listing. The Ainslie Arts Centre said that these sorts of claims are affecting their risk profile with the insurer.¹⁹⁵

4.14. At the hearing on 17 April 2025, Ms Penny Shields, General Manager of the ACT Insurance Authority (ACTIA), explained that the \$20 million public liability insurance requirement was not mandated, but was set in consultation with Procurement ACT. She further said:

What should be happening on a case-by-case basis is a risk assessment to determine what appropriate level of cover is required of the organisation.¹⁹⁶

4.15. The ACT Government acknowledged this in their submission, saying that the ACTIA 'encourages directorates, when considering insurance requirements for organisations, to undertake a risk assessment to ensure organisations are not required to obtain liability limits that are excessive and not representative of the risk.'¹⁹⁷

Committee comment

4.16. The Committee believes that the government should take a more flexible approach in its insurance requirements for use of its facilities. Instead of having a standard expectation of \$20 million worth of public liability insurance, the government should be evaluating the activities of each user on a case-by-case basis so that low-risk activities can be covered with correspondingly smaller insurance policies.

4.17. There is also precedent for the ACT Government to carry some of the risk on behalf of community groups. The Insurance Council of Australia noted in their submission that state and territory governments sometimes provide insurance to community organisations in cases where commercial insurers cannot. The example which they provide is of out-of-home or foster care, an area where 'risks cannot be adequately insured through the private market.'¹⁹⁸ Although they argue that this should be used only in more extreme cases, the Committee thinks that this is an option which should be explored to protect the important services which local community groups provide to the people of the ACT.

¹⁹³ *Submission 19*, p 2.

¹⁹⁴ *Committee Hansard*, 16 April 2025, p 52.

¹⁹⁵ Mr Lachlan Johnson, Acting Chief Executive Officer, Arts Capital Limited, *Committee Hansard*, 16 April 2025, pp 51–52.

¹⁹⁶ *Committee Hansard*, 17 April 2025, p 195.

¹⁹⁷ ACT Government, *Submission 28*, p 11.

¹⁹⁸ Insurance Council of Australia, *Submission 33*, p 14.

Recommendation 17

The Committee recommends that the ACT Government review the impact of public liability requirements for community groups using government facilities and implement policy responses to reduce the requirements.

Recommendation 18

The Committee recommends that the ACT Government revisit its \$20 million public liability requirement and consider more appropriate levels of cover on a case-by-case basis, with a view to reducing the requirement where applicable.

Funding

- 4.18. A direct way for government to support community organisations with their insurance costs is to take the rise in premiums into account when calculating funding. It was acknowledged by the Minister for Business, Arts and Creative Industries that there can be a gap between the funding increases, which usually follow two to five percent indexation, and the increases in insurance premiums, which can jump up by 20 or 30 percent:

That can be challenging for any organisation when they have bills that come in, particularly compulsory bills, that far exceed their budget. That is a real pressure.¹⁹⁹

- 4.19. Representatives from arts organisations expressed gratitude for recent funding increases which they had received. Ms Elizabeth Rogers, Chief Executive Officer at the Canberra Glassworks, noted especially that long-term funding contracts helped to bring surety to their operations and clients:

[A five-year funding contract] enabled us to put a five-year strategic plan in place, which we obviously had to do for our funding. It also gave us security for five years, which allows us to do a lot more long-term planning, because some of the artists that we bring out for residencies and exhibitions are working two years in advance. So for us to be able to have that surety is important.²⁰⁰

- 4.20. However, she also noted that in the past five years costs have risen unpredictably.²⁰¹ Ultimately, if these arts organisations are unable to secure the required public liability insurance, they would be forced to close their centres.²⁰²

- 4.21. Another limitation was raised by Ms McKail from the Domestic Violence Crisis Service, who told the Committee that they are limited to spending only 15 percent of their funding on administration and overheads. Their organisation has had to cut back on expenses by not

¹⁹⁹ Mr Michael Pettersson MLA, Minister for Business, Arts and Creative Industries, *Committee Hansard*, 17 April 2025, p 194.

²⁰⁰ *Committee Hansard*, 16 April 2025, p 57.

²⁰¹ Ms Rogers, Canberra Glassworks, *Committee Hansard*, 16 April 2025, p 57.

²⁰² Mr Johnson, Domestic Violence Crisis Service, *Committee Hansard*, 16 April 2025, p 58.

insuring their workers mobiles and laptops and making judicious choices on claims for staff vehicle damage.²⁰³

Committee comment

- 4.22. The Committee appreciates that that the rising cost of insurance premiums which are affecting community organisations cannot all be passed on to government. However, the Committee hopes that the costs can be reflected in the amount of funding provided, along with other policy measures to mitigate these economic pressures.

Recommendation 19

The Committee recommends that the ACT Government takes the high price of public liability insurance into account when allocating funding grants to community organisations.

²⁰³ Ms Brooke McKail, Deputy Chief Executive Officer, Domestic Violence Crisis Service, *Committee Hansard*, 16 April 2025, pp 29–30 and 39.

5. Motor Vehicle Insurance

- 5.1. ACT businesses and community organisations that own vehicles are required to have personal injuries insurance at the time they register their vehicles.²⁰⁴ This insurance, known as Motor Accident Injuries (MAI) insurance, is privately underwritten in the ACT.²⁰⁵
- 5.2. The ACT MAI Scheme is a hybrid defined benefit/common law scheme. This means that defined benefits are available to everyone injured in a motor vehicle accident for up to five years after the accident.²⁰⁶ These benefits can include treatment and care expenses and income support for those who miss paid work.²⁰⁷ Benefits are provided regardless of who is at fault in the accident.²⁰⁸ Those who are more seriously injured as a result of another person's negligence also retain access to common law rights.²⁰⁹
- 5.3. Premiums for MAI insurance are based on the class of the vehicle being insured.²¹⁰ The ACT scheme is what is known as a 'community rated' scheme, with premiums only varying between vehicle classes and reflecting the risk profile associated with that vehicle class.²¹¹ Premiums are subject to ACT Government regulation.²¹²
- 5.4. The ACT Taxi Association (ACTTA) raised concerns that the MAI Commission has not established a distinct insurance class for rideshare vehicles, resulting in rideshare premiums being more closely aligned with private passenger vehicles. This has implications for market competitiveness between taxis and rideshares in the ACT. Additionally, ACTTA noted that personal injury insurance premiums for both taxis and rideshare vehicles in the ACT are significantly higher than in other Australian jurisdictions. There was also a strong call for improved data collection on accidents and driver training to better assess the effectiveness of new safety initiatives.²¹³

Premium differences in point-to-point transport

- 5.5. The ACTTA noted that the MAI premiums for rideshare vehicles are significantly lower, on average, than for taxis. The MAI Commission has not created a specific insurance class for rideshare vehicles, so their insurance premiums are closer to those of private passenger vehicles, 'with an average premium of \$1,200 per year compared to \$9,500 for taxis', which affects the competitiveness of taxis in the ACT.²¹⁴ Taxi industry advocates see the \$150 per week insurance premium gap between taxis and rideshare vehicles as the key factor affecting competition between the two.²¹⁵

²⁰⁴ ACT Government, *Submission 28*, p 9.

²⁰⁵ ACT Government, *Submission 28*, p 9.

²⁰⁶ ACT Government, *Submission 28*, p 9.

²⁰⁷ ACT Government, *Submission 28*, p 10.

²⁰⁸ ACT Government, *Submission 28*, p 10.

²⁰⁹ ACT Government, *Submission 28*, p 9.

²¹⁰ ACT Government, *Submission 28*, p 9.

²¹¹ ACT Government, *Submission 28*, p 10.

²¹² ACT Government, *Submission 28*, p 9.

²¹³ ACT Taxi Association *Submission 32*, pp 1–9.

²¹⁴ ACT Taxi Association, *Submission 32*, p 2.

²¹⁵ ACT Taxi Association, *Submission 32*, p 2.

Per-kilometre pricing model

- 5.6. ACCTA advised the Committee that in NSW the MAI premiums for taxis and rideshare vehicles are based on the kilometres the vehicle travels, 'creating a uniform pricing mechanism across all point-to-point transport providers.'²¹⁶ This scheme seeks to bridge the gap between taxi services and rideshare models, ensuring that neither group is disproportionately advantaged, and therefore promoting healthy competition between both sectors.
- 5.7. During the hearing, the Committee turned to the differing risk profiles between the taxi and rideshare service types to identify why a similar model to NSW has not been adopted in the ACT.²¹⁷ ACCTA President Adrian Baker noted that in the ACT, both taxis and rideshare industries provide the same level of service to the public, which logically translates to a comparable level of risk.²¹⁸ The key distinction lies in operation, as taxis typically operate full-time, while rideshare drivers may work full-time, part-time, or intermittently. The primary variable that may affect risk in this context is driver fatigue. However, Mr Baker stated that there is in place extensive work on fatigue management strategies, including monitoring shift duration, diet, and exercise for operators. He believed that given these measures coupled with the similarity in service delivery, a per-kilometre premium model like NSW would provide a 'more level playing field.'²¹⁹

Committee comment

- 5.8. The Committee acknowledges the existing differences in how insurance premiums are applied across point-to-point transport services and supports further consideration of an equalised pricing model.

Recommendation 20

The Committee recommends that the ACT Government introduce an insurance pricing model to equalise the pricing for taxis and rideshare vehicles.

Improvements to data collection

- 5.9. Unlike in the ACT, other Australian jurisdictions have developed more sophisticated data systems that capture trends in mileage and safety performance across different transport sectors.²²⁰
- 5.10. In their submission, ACTTA identified the lack of available data on safety advancements as a major insurance challenge. Insurers typically estimate future passenger injury premiums and claims based on past accident data, injury rates, claim payouts, driver experience, and

²¹⁶ *Submission 32*, p 6.

²¹⁷ Mr Taimus Werner-Gibbings, Chair, Standing Committee on Economics, Industry and Recreation, *Committee Hansard*, 16 April 2025, p 69.

²¹⁸ *Committee Hansard*, 16 April 2025 p 69.

²¹⁹ Mr Adrian Baker, President, ACT Taxi Association, *Committee Hansard*, 16 April 2025 p 69.

²²⁰ ACT Taxi Association, *Submission 32*, pp 5–6.

the presence of safety features. While there are both public and private efforts to improve safety, such as the adoption of new vehicle technologies and enhanced driver training programs, these improvements are not always reflected in the available data. As a result, insurers may be unable to accurately assess the reduced risk, leading to premiums that do not adjust as quickly or significantly as the actual level of risk decreases.²²¹

- 5.11. ACTTA noted in both their submission and during the hearing that they had raised concerns with the MAI Commission about the high cost of taxi insurance premiums in the ACT. However, the information provided in response was limited and focused primarily on other jurisdictions, such as NSW.²²²

Committee comment

- 5.12. The Committee acknowledges the need to improve the collection and analysis of detailed motor vehicle accident data for risk calculation to better demonstrate the impact of new safety initiatives. This, in turn, could support the introduction of more flexible insurance options and pricing models based on actual vehicle usage and mileage.

Recommendation 21

The Committee recommends that the ACT Government update its data collection systems for motor vehicle collisions to reflect changes in technology that improve safety.

²²¹ ACT Taxi Association, *Submission 32*, p 5.

²²² Mr Baker, ACT Taxi Association, *Committee Hansard*, 16 April 2025 p 67.

6. Conclusion

- 6.1. The Committee would like to thank the many community members, business and organisation representatives, and government officials who gave evidence in this inquiry.
- 6.2. The Committee makes 21 recommendations.



Mr Taimus Werner-Gibbings MLA

Chair, Standing Committee on Economics, Industry and Recreation

25 September 2025

Appendix A: Submissions

No.	Submission by	Received	Published
1	Australian Multicultural Action Network (AMAN)	25/01/25	29/01/25
2	Precast Projects Pty Ltd	30/01/25	17/03/25
3	Apprentice Employment Network NSW & ACT	05/03/25	13/03/25
4	The Scout Association of Australia ACT Branch Inc. (Scouts ACT)	05/03/25	17/03/25
5	Name withheld	07/03/25	26/03/25
6	Master Electricians Australia	11/03/25	13/03/25
7	Name withheld	27/02/25	17/03/25
8	Owners Corporation Network (ACT)	12/03/25	26/03/25
9	Owners Corporation XXX	12/03/25	26/03/25
10	Canberra Services Club	12/03/25	26/03/25
11	National Electrical and Communication	13/03/25	26/03/25
12	Confidential	13/03/25	Withheld
13	Phillip Business Community	13/03/25	26/03/25
14	Shop Distributive and Allied Employees' Association	13/03/25	26/03/25
15	Field Naturalists Association of the ACT	13/03/25	26/03/25
16	Supabarn Supermarkets Pty Ltd	13/03/25	26/03/25
17	XXX Owners Corporation Executive Committee	13/03/25	26/03/25
18	ACT Arts Centres Group	13/03/25	26/03/25
19	Woden Valley Community Council	13/03/25	26/03/25
20	ACTSPORT	13/03/25	26/03/25
21	Jump Cut Group	13/03/25	26/03/25
22	Domestic Violence Crisis Service	14/03/25	26/03/25
23	North Canberra Community Council	14/03/25	26/03/25
24	Peter Byron	14/03/25	26/03/25
25	Alto Scaffolding	14/03/25	26/03/25
26	Australian Manufacturing Workers' Union	14/03/25	26/03/25
27	United Workers Union	14/03/25	26/03/25
28	ACT Government	18/03/25	26/03/25
29	The Owners of Units Plan XXX	14/03/25	26/03/25
30	ACT Council of Social Service Inc and VolunteeringACT	14/03/25	26/03/25
31	ACT Law Society	14/03/25	26/03/25

No.	Submission by	Received	Published
32	Australian Capital Territory Taxi Association	14/03/25	26/03/25
33	Insurance Council of Australia	14/03/25	26/03/25
34	Confidential	14/03/25	Withheld
35	Property Council of Australia	15/03/25	26/03/25
36	Australian Hotels Association ACT	18/03/25	26/03/25
37	Tony Chase & Associates	21/03/25	26/03/25
38	Canberra Region Tourism Leaders Forum	21/03/25	26/03/25
39	National Insurance Brokers Association	21/03/25	26/03/25
40	Canberra Business Chamber	27/03/25	03/04/25
41	Australian Small Business and Family Enterprise Ombudsman	28/03/25	03/04/25
42	Slater and Gordon Lawyers	28/03/25	03/04/25
43	Housing Industry Association (HIA)	28/03/25	03/04/25
44	Australian Lawyers Alliance	28/03/25	03/04/25
45	Care	31/03/25	03/04/25
46	Confidential	02/05/25	Withheld
47	ClubsACT	04/04/25	24/09/20
48	Hiltive Pty Ltd	16/05/25	23/05/25
49	United Legal	24/05/2025	21/05/25
50	Name withheld	06/06/25	19/06/25

Appendix B: Witnesses

Wednesday, 16 April 2025

Alto Scaffolding

- **Mr Maurizio Rao**, Advisor

Jump Cut Group

- **Mr Joshua Dotta**, Director, Fiction Club, Cube the Nightclub, One22

Pacific Framework & Precast Projects

- **Mr Luis Santos**, Group Safety Manager
- **Mr Anthony Friend**, General Manager

Phillip Business Community

- **Mr Thomas Adam**, President

Supabarn Supermarkets

- **Mrs Danielle Houston**, Financial Controller

Domestic Violence Crisis Service

- **Ms Brooke McKail**, Deputy Chief Executive Officer

Master Electricians Australia (MEA)

- **Dr James Cameron**, ACIF Executive Director

National Electricity and Communications Association

- **Mr Kent Johns**, Head of Government Relations & Regulatory Affairs

Canberra Glassworks and ACT multi-year funded arts organisations

- **Ms Elizabeth Rogers**, Chief Executive Officer

Arts Capital Limited

- **Mr Lachlan Johnson**, Acting Chief Executive Officer

Australian Hotels Association ACT

- **Mr Christopher Gatfield**, General Manager

Canberra Services Club

- **Mr Jonathan Hunt Sharman**, President
- **Mr David Spouse**, Vice President

Territory Taxi Association

- **Mr Adrian Baker**, President
- **Mr Hamza Muhammad**, Managing Director, ACT Cabs

ACT Council of Social Service

- **Miss Leanne Bourke**, Senior Sector Development Officer
- **Dr Devin Bowles**, Chief Executive Officer

Volunteering ACT

- **Ms Heather Fitt**, Senior Manager - Policy and Advocacy
- **Ms Jean Giese**, Chief Executive Officer

Care

- **Mr Tawanda Mukamuri**, Principal Solicitor
- **Ms Carmel Franklin**, Chief Executive Officer

Thursday, 17 April 2025

Tony Chase and Associates

- **Mr Anthony Chase** Sole Trader

Owners Corporation Network (ACT)

- **Ms Elisabeth Amiel**, Member Services
- **Mr Gary Petherbridge**, President

Property Council of Australia

- **Ms Ashlee Berry**, ACT & Capital Region Executive Director

Apprentice Employment Network NSW & ACT

- **Mr Jim Whiteside**, Treasurer
- **Mr Tom Emeleus**, Chairperson

ACT Law Society

- **Ms Lisa Quilty**, Vice President

Australian Lawyers Alliance

- **Ms Amy Burr**, ACT Committee member
- **Ms Amber Wang**, Director

Slater and Gordon Lawyers

- **Mr Martin Carrick**, Senior Practice Leader,
- **Ms Gaibrielle Jowsey**, Lawyer

Canberra Business Chamber

- **Mr Greg Harford**, Chief Executive

Insurance Council of Australia

- **Ms Alexandra Hordern**, General Manager Regulatory and Consumer Policy
- **Ms Alix Pearce**, General Manager, Climate and Social Policy & International Engagement

National Insurance Brokers Association

- **Ms Allyssa Hextell**, Head of Policy and Advocacy
- **Mr Richard Klipin**, Chief Executive Officer

Australian Manufacturing Workers' Union NSW/ACT

- **Mr Seán Marshall**, Work Health and Safety Officer

Shop Distributive and Allied Employees' Association

- **Mr Andrew Ross Muller SC**, Representative

ACT Government

- **Mr Michael Pettersson MLA**, Minister for Business, Arts and Creative Industries
- **Mr Michael Young**, Executive Group Manager, Work Safety Group, Office of Industrial Relations and Workforce Strategy, CMTEDD
- **Ms Ellen Lukins**, Executive Branch Manager, Policy, Work Safety Group, Office of Industrial Relations and Workforce Strategy, CMTEDD
- **Ms Penny Shields**, General Manager, ACT Insurance Authority, Treasury, CMTEDD

Appendix C: Questions on Notice and Questions Taken on Notice

Questions on Notice

No.	Date	Asked of	Subject	Response received
1	20/04/25	Deborah Morris MLA	Housing Affordability (Property Council of Australia)	23/04/25

Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	16/04/25	Mr Shane Rattenbury MLA	Violence Crisis Services Insurance Premiums - ACT Comparison to Other Jurisdictions (Domestic Violence Crisis Service)	9/05/2025
2	16/04/25	Mr Thomas Emerson MLA	Claims Data (Domestic Violence Crisis Service)	9/05/2025
3	16/04/25	Ms Deborah Morris MLA	Registration of Businesses in Queanbeyan (Master Electricians Australia)	7/05/2025
4	16/04/25	Ms Deborah Morris MLA	Insurance Providers in NSW (National Electricity and Communications Association)	2/05/2025
5	16/04/25	Ms Deborah Morris MLA	Insurance Providers in NSW (Master Electricians Australia)	7/05/2025
6	16/04/25	Mr Taimus Werner-Gibbings MLA	Industry Mutual Insurance Scheme – ACT Government (Master Electricians Australia)	7/05/2025
7	16/04/25	Mr Thomas Emerson MLA	Apprenticeships Insurance Costs (National Electricity and Communications Association)	2/05/2025
8	16/04/25	Mr Taimus Werner-Gibbings MLA	Dispute Resolution Mechanisms - Different Jurisdictions (Australian Hotels Association)	5/05/2025
9	16/04/25	Ms Fiona Carrick MLA	Dispute Resolution – Different Mechanisms – Other States (Australian Hotels Association)	5/05/2025
10	16/04/25	Ms Fiona Carrick MLA	Contracts with ACT Government (Australian Hotels Association)	5/05/2025
11	17/04/25	Mr Thomas Emerson MLA	Improving the workers' compensation scheme (Australian Lawyers Alliance)	8/05/2025
12	17/04/25	Mr Jeremy Hanson CSC MLA	Claim numbers in ACT vs NSW (Canberra Business Centre)	21/05/2025

No.	Date	Asked of	Subject	Response received
13	17/04/25	Ms Fiona Carrick MLA	Catastrophe report and industry snapshot (Insurance Council of Australia)	8/05/2025
14	17/04/25	Mr Thomas Emerson MLA	Figures for ACT claims (Insurance Council of Australia)	20/05/2025
15	17/04/25	Mr Shane Rattenbury MLA	Motor Accident Insurance scheme (Insurance Council of Australia)	8/05/2025
16	17/04/25	Mr Thomas Emerson MLA	Uncapped legal fees (Insurance Council of Australia)	20/05/2025

Appendix D: Gender distribution of witnesses

Beginning in April 2023, in response to an audit by the Commonwealth Parliamentary Association, Committees are collecting information on the gender of witnesses. The aim is to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

Gender indication	Total
Female	18
Male	26
Non-binary	
Gender neutral	
No data	

