

The Canberra Times

Price \$2.20

INDEPENDENT. ALWAYS.

Tuesday, October 10, 2017

Top legal pair warn of citizens' jury pitfalls

■ Tom McIlroy

Canberra's legal community have questioned Chief Minister Andrew Barr's citizens' jury on compulsory third party insurance, labelling the process "shambolic" just days before it begins.

ACT Law Society president Sarah Avery and ACT Bar Association president Ken Archer said there was growing concern and frustration about the deliberative democracy exercise, describing as alarming a matter as serious as compulsory insurance for motorists being considered in "such an ad hoc and disjointed manner".

Just 117 Canberrans nominated to be part the jury deliberations, about half of whom will take part from Saturday.

Despite 6000 invitations being sent to potential nominees, only 76 responses were received, requiring facilitators to conduct a second recruitment drive to find its eventual 56 participants.

Ms Avery and Mr Archer said the process meant the group was not representative of the territory's citizenry.

"The difficulty in attracting community members to be part of the jury has meant the demographic profile of the jury differs from the statistical profile of the ACT," they said.

"We have little confidence that the material to be presented to the jury will be fair, balanced or even relevant.

"The number and identity of witnesses who will be permitted to present their views to the jury has been severely limited.

"Those people most affected by the scheme — namely, innocent people injured as the result of motor vehicle accidents in the ACT — are increasingly being sidelined.

"Instead, the jury will directly hear from a plethora of ACT government officials, academics, and representatives from the NSW State Insurance Regulatory Authority."

The pair warned any trade off in compensation entitlements would see more people injured in motor vehicle accidents through no fault of their own forced to rely on

savings, family support, welfare and the public health system.

"The ACT should be justly proud that it has a CTP scheme that adequately and fairly compensates people injured in motor vehicle accidents through no fault of their own," they said.

The jury is part of the government's \$2.8 million trial, with a planned second panel to focus on developing a new carer's strategy for the ACT.

It will sit on two weekends this month, before findings are handed to a stakeholder reference group.

As part of the plan, jury members will meet a third time to make a "final determination" on which model is best for the community, before the government considers a reform package.

A spokesman on Monday said the government had worked with stakeholders since August to prepare for the sittings, including detailed discussions on the list of potential witnesses.

"The ACT Law Society has had extensive input into that witness list through its representation on the stakeholder reference group, along with insurance, government and healthcare stakeholders," the spokesman said.

"The jury will use this list to collectively decide which witnesses it wishes to hear from when it meets for the first time this Saturday. All of the evidence and information provided to the jury will be available online so that stakeholders and members of the Canberra community can actively follow this process.

"We know that transparency is important to give Canberrans confidence in this new process of community engagement."

Greens' Legislative Assembly member Caroline Le Couteur said in August that Mr Barr risked "boring the people of Canberra" if he pushed ahead with a jury on insurance, calling on him to find a more interesting topic.