

Submission to the Committee for the National Injury Insurance Scheme (Queensland) Bill 2016 by John William Nash, retired Insurance Loss Adjuster, [REDACTED].

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I wish to express opposition to aspects of the proposed Bill, the explanatory notes of which expressly states as follows:-

The purpose of this Bill is to ensure that certain people who suffer particular serious personal injuries as a result of a motor vehicle accident in Queensland, receive necessary and reasonable treatment, care and support, regardless of fault.

In Queensland any person injured in a motor vehicle accident other than the person responsible for the accident is entitled to compensation for injuries. They can obtain compensation through the two following sources:-

- 1. Compulsory Third Party through a Licensed Insurer.**
- OR**
- 2. The Nominal Defendant (Queensland)**

A Third source exists in that if the injury occurs in a work related accident then compensation can be obtained through Workcover and this compensation would also extend to the person responsible for his or her own injuries.

It is therefore obvious that the proposed Bill is particularly targeted to compensate those parties responsible for an accident who suffer injury and have no source from where they can claim compensation.

In other words it is asking the tax payer, or more pointedly every car owner to pay an extra fee of what I believe is now proposed at \$32 per annum, to reward the guilty party and alleviate him or her of suffering the consequences of his or her own negligent behaviour.

Now I accept that these guilty injured parties fall into several categories and a few examples would be as follows:

Example #1

Those who through inexperience have not coped with road conditions or weather conditions and rather than be categorised as criminally negligent could simply be regarded as incompetent or reckless.

Example #2

Those who have had to swerve to avoid an animal such as a dog or kangaroo and come to grief.

Example #3

Those who have suffered an acute medical problem (eg Heart attack) and come to grief.

Example #4

But then there is the driver who breaches the law by speeding excessively, drives dangerously, drives under the influence and not only injures himself but possibly also maims or kills another person or persons.

It is this last category (Example#4) that should be specifically excluded from benefitting by this new Bill. It would be rewarding someone who has no right to demand compensation.

Background

As a Loss Adjuster I investigated accidents on behalf of the Nominal Defendant (Queensland) for around fifteen years. I also investigated accidents for Licensed Insurers.

With regard to the Nominal Defendant these investigations covered two areas. In the first instance they related to injuries suffered in an unregistered vehicle where there was obviously no licensed insurer and the Nominal Defendant stepped in to compensate.

The other area of investigation related to hit run incidents. Whilst some of these occurred within built up areas most occurred in remote areas and on unsealed roads where the claimant alleged to have been forced off the road by another vehicle. In most cases it was impossible to determine whether these claims were genuine or false or to identify the other vehicle and determine that vehicle's licensed insurer.

The situation existed therefore that drivers, whether they were alone or accompanied, had the opportunity to claim compensation for their injuries and in many cases probably fell into Example #1 that I set out earlier and no other vehicle was ever actually involved and they simply took advantage of the Nominal Defendant.

It therefore follows that many of the people that would be compensated by the proposed Bill have already sourced compensation in this manner.

Many responsible people also carry Personal Accident and Illness Insurance, Loss of Income Insurance and Injury insurance associated with their Superannuation.

So in my opinion the actual number of people who would seek compensation through this Bill would probably not be as extensive as those currently claiming on the Nominal Defendant.

When I was conducting investigations the Fee on our registration was only \$3 per annum and the fund then had grown to such proportions that the then Treasurer was trying to grab it and put it into general revenue. Now the fee is \$11 per annum and provided this fund has not been tampered with, the amount in the fund must be astronomical.

So this begs the question as to why the new fee has to be \$32 and whether it is even necessary.

If you are going to compensate everyone then the function of the Nominal Defendant pretty much serves no purpose any longer. In fact the money saved by not expending on investigators and legal actions would probably make up for the extra compensation they would have to pay to these drivers.

Of course my calculation on this has as much basis as the \$32 picked out of the air but I hope you see my point.

Summary

If the Bill is to be passed it should specifically exclude compensation to drivers responsible for the injury to themselves and who have been convicted of excessive speeding and dangerous or alcohol and drug related driving offences or any other similarly serious offence.

To reward someone who in particular has injured or killed another person as well as themselves through these types of accidents would simply be wrong.

Investigate the monies accumulated by the Nominal Defendant and compare their situation with the one presented by this Bill and determine whether the \$32 has any sound argument or whether the Nominal Defendant Fee would adequately cover these additional claims (Examples 1,2,3) or whether perhaps a small increase in that fee would suffice.

It astounds me that when on three separate occasions over many years I approached the Government about introducing Compulsory Third Party Property Damage Insurance, I was told that it would be too large an imposition on the taxpayer. It would only have affected those irresponsible individuals who did not have this type of insurance and it would have benefited only the innocent party in an accident. Most western countries including the UK, the USA and many in Europe do not allow you to register a vehicle without this type of minimum cover.

So it begs the question as to why this proposed imposition on the taxpayer which only benefits the irresponsible party is deemed to be acceptable.

On a personal note I would like to describe my own situation. Until I was 50 years old I enjoyed very good health. I then got Dengue Fever which triggered Rheumatoid Arthritis in a monumental way. This disease attacked my right eye and I eventually lost vision with the eye. The drugs I take, particularly through the nine months of my eye episode, have weakened my bones and I have osteoporosis. The arthritis has caused inflammation in my arteries and I have had to have angioplasty. My working life was cut short as a result of my health and I now receive a part aged pension only because my wife has to work for us to survive.

I didn't consider suing my neighbour because the mosquito responsible for the dengue was found breeding in their yard. I accepted my lot and got on with my life. I have no one I can blame but myself for getting bitten when I should have taken precautions to avoid mosquito bites especially when dengue was in the news nearly every day. I would therefore find it difficult to pay money out to compensate the people I have specifically targeted and who have been far more responsible for their fate than I.

This bill is just another example of encouraging and rewarding those individuals not wanting to take responsibility for their own actions.