

**Committee Secretary**

Legal Affairs and Safety Committee

CC **Hon Shannon Fentiman MP**

Attorney General and Minister for Justice

Personal Injuries Proceedings and Other Legislation Amendment Bill 2022

Dear Committee Secretary and Attorney-General

We write to commend the Palaszczuk Government for the proposed reforms to protect vulnerable victims of abuse from exploitative practices by law firms such as 'claim farming'.

Beyond Abuse has been providing support and advocacy to survivors of child abuse for almost twenty years and we are aware that, sadly, victims may be exploited four times:

First they are exploited by the abuser; second they are exploited by an institution (in cases of institutional abuse); third they are exploited by legislation and legal processes which until post-Royal Commission have consistently failed to meet the needs of victims; and fourth, they are often exploited by their own lawyers who may engage in practices such as:

- trapping victims in unfavourable 'no win no fee' agreements which reverse the client-lawyer relationship as to who instructs who (if the client does not follow the lawyer's advice all costs become immediately payable, making the client a hostage);
- advising the client to settle for an inappropriately low quantum so the law firm can close the matter and guarantee payment for the law firm;
- charging oppressively; and
- entering into deals where the defendant pays more to the law firm in 'costs' than is paid to the victim as actual damages.

We are aware of these practices occurring at a range of law firms.

Beyond Abuse encourages all law firms to act ethically in their conduct towards abuse victims.

Beyond Abuse supports legislation which protects vulnerable persons including survivors of child abuse, from all exploitation, including exploitation from unscrupulous legal practices.

Beyond Abuse is aware of a practice, which we understand has been used by law firms to further exploit victims, which is the practice of convincing or inducing victims to enter into a financial lending arrangement to cover costs such as disbursements (for example expert reports, barrister fees, etc).

It is our understanding that previously these sort of costs would ordinarily be held over until completion of the matter and only become payable upon successful completion of the matter (and sometimes not payable if the victim is not successful).

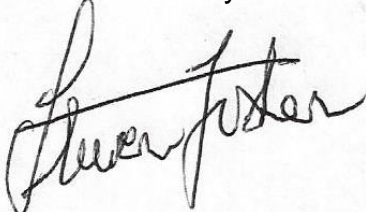
Instead, under a finance arrangement the service provider (medical expert, barrister, etc) is paid upfront by the finance provider (so their risk is reduced to zero) and the victim inherits an inflated bill at the conclusion of the matter as now they are required to pay the underlying costs as well as exorbitant interest, as the money has been 'borrowed'.

Beyond Abuse would like such practices to be prohibited by the legislation.

Victims / survivors of abuse bringing a claim through legal processes, such as mediation or the Courts, are undertaking a life changing stressful event for the purpose of obtaining long-overdue justice. At such a vulnerable time they deserve that the professionals and firms representing them are acting in the victim / survivor's best interests; and should not have to be subjected to or worried about exploitation by their own representatives. Robust legislation is required to provide this protection.

Beyond Abuse welcomes the government's strong stand against exploitation of victims of abuse by law firms and we look forward to publicly supporting the bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Fisher', written over a light blue grid background.

Steve Fisher
CEO
Beyond Abuse