



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 7 December 1999

MOTOR ACCIDENT INSURANCE AMENDMENT BILL (No. 2)

Mrs LIZ CUNNINGHAM (Gladstone—IND) (2.57 p.m.): I just wanted to make a couple of comments and perhaps seek clarification from the Minister on a couple of issues. The intent of the Bill is to address an explosion of claims against the compulsory third-party insurance system. I think all of us are in favour of legislation that will reduce frivolous claims, if you like. The greatest source of those claims was the touting that has been referred to in the Minister's second-reading speech and by other speakers. There are a couple of areas of concern, though, that I would like to raise.

The Queensland Law Society's accident compensation committee recommended a blanket ban on advertising for personal injuries work. That is good to see. I know that there was an attempt to get that committee to toughen up the solicitor's right to advertise for workers compensation cases, and it was perhaps a little bit less forthright in that matter. The committee has also called for the abolition of accident victims' rights to seek recovery of legal costs for settlements of amounts less than \$50,000. I am concerned about that. I am not sure whether that was covered in the Bill.

Mr Hamill interjected.

Mrs LIZ CUNNINGHAM: That is good. My briefing indicated that it was. I apologise to the Minister for that. I was very concerned about that aspect, because people who do receive settlements under \$50,000 are often battlers who have diminished access to funds for legal action. It would be detrimental to them and I think wrong of us to in any way impinge upon the ability of a person to seek justified redress.

One group raised a couple of points with me. I have not yet had a meeting with them. I just wanted to clarify a couple of those issues with the Minister. It is proposed that the Act be amended to abolish the costs indemnity rule, including outlays for claims where the total damages recovered are under \$30,000, and to prescribe the maximum recoverable professional legal costs inclusive of counsel at \$2,500 for claims not less than \$30,000 but less than \$50,000. I just wondered what assessment was undertaken of the types of people that this change would affect and what disadvantage that would place them under. I also understand that part of the Bill is intended to change the access by the family of an injured party for compensation for gratuitous care. I am not sure to what extent that will apply.

Mr Hamill interjected.

Mrs LIZ CUNNINGHAM: I was asked for a meeting under false pretences, then. I was concerned mainly about the fact that the ones who are mostly likely to be affected are those who can least afford to be affected.

The only other issue that I want to raise with the Minister is an issue that the Minister responded to the Scrutiny of Legislation Committee about in relation to the Motor Accident Insurance Amendment Bill. The committee wrote to the Treasurer discussing the application of the restriction if a person was referred to a panel of solicitors versus an individual solicitor. The committee also pointed out that often the touting occurs when a solicitor gives a kickback to a tow truck operator or the like when they refer clients to that particular solicitor's firm. The Treasurer's response indicated that it was a much broader catchment than just an individual company of solicitors; it would also include a panel of solicitors.

The member for Moggill has already touched on this, but most members would have had people come to their electorate offices who are in extreme financial difficulties. They may have had a

long time off work and may not even be aware of some of their legal rights as regards access to compensation. That is not ignorance on their part; it is a lack of experience. This Bill catches any of us—the member for Moggill raised doctors in relation to this issue, and I had not thought of them—when people who are in dire straits come into our electorate offices for help. We really do look around for options to help them out. We may give a general response by telling them that they need to go and talk to their solicitor to see what redress they have open to them and what rights they have to compensation. We might even give them a piece of paper which entitles them to a 10-minute free consultation or a 20-minute consultation for \$20.

Dr Watson interjected.

Mrs LIZ CUNNINGHAM: No. We say, "Have a talk to your solicitor."

Dr Watson: Oh, I see. I thought you were saying us.

Mrs LIZ CUNNINGHAM: No. We might say, "Talk to this solicitor to see where you stand." If this Bill is presented in such broad terms that we are going to be caught in it, we are going to be doing a disservice to our constituents. We are not touting for anything. I have no great love for solicitors. They are all a little bit—

Mr Littleproud: Don't go any further.

Mrs LIZ CUNNINGHAM: No, I think I had better leave well enough alone while I am ahead. We do need to have those avenues available to enable us to give advice to people. We usually see only the ones who are genuinely in need. They genuinely do not know what avenues are available to them. I will be supporting the amendment, which allows flexibility as regards our working responsibilities as members of Parliament.
