



Speech by

DAVID DALGLEISH

MEMBER FOR HERVEY BAY

Hansard 31 May 2000

MOTOR ACCIDENT INSURANCE AMENDMENT BILL

Mr DALGLEISH (Hervey Bay—CCAQ) (12.22 p.m.): The City Country Alliance will support the Motor Accident Insurance Amendment Bill. However, we do have a few reservations about some of the clauses, such as proposed section 87V(1). The Bill focuses on the Queensland compulsory third-party insurance scheme, in particular on ensuring the affordability, efficiency and stability of the scheme.

Section 87V(1) is too broad. The commissioner has access to a wide range of information, not just information about actual convictions. The commissioner can have access to documentation about a person's criminal history, evidence compiled by the Queensland Police Service and any complaint made by or against a person.

Section 87V(3) excludes the operation of the Criminal Law (Rehabilitation of Offenders) Act 1996. The rehabilitation of offenders Act was designed to give people who may have made an error in early life a second chance, without carrying the stigma of a minor conviction forever. Surely a person could not be seen to be a repeat offender if an offence occurred over 10 years prior. After 10 years without committing an offence, I think a person has established their right to be treated equally under the law. The worst part of this section is that the information the Police Service may be required to provide to the Insurance Commissioner includes unproven facts and hearsay—any evidence that may be collected by the Police Service, no matter how minor or irrelevant. This information may be then used in a court of law to support an otherwise very flimsy prosecution case.

I went through a third-party claim and I see the other side of the argument as well. I do not know how many members have ever been seriously injured—serious enough to have died and been brought back to life—but I have. I have been in the surgery of a doctor representing the insurance company, whose main aim is to reduce your claim. When they poke you with a needle and say, "Did you feel that?" and it hurts and you say, "Yes", and their report states that it did not, you come to understand that the rights of victims of accidents also have to be seriously considered.

Sure, there are people out there who rip off the system. It does not matter what we talk about; there will always be people ripping off the system—not just in relation to insurance. So we must never forget and never lose focus of the genuine cases. People who may have been greatly affected by an accident could then also be suffering at the hands of the insurance companies, whose main aim is to reduce the claims. At the end of the day, certain people make a living out of keeping those claims down, whether they are genuine claims or not.

The City Country Alliance will be supporting the Bill, but I hope that the Minister considers my comments, especially those relating to a person's criminal history. After 10 years without committing an offence I think people should be entitled to a fair go and not have their background dragged up and thrown around. They should not be re-convicted for something that happened a long time ago.
