



Speech by

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MEMBER FOR KAWANA

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PERSONAL INJURIES PROCEEDINGS BILL

Mr CUMMINS (Kawana—ALP) (5.18 p.m.): I rise to speak on the Personal Injuries Proceedings Bill. Make no mistake: the Beattie Labor government has led the nation in addressing this crisis. We have moved to ensure that not-for-profit community-based groups obtain more affordable liability insurance. A group insurance scheme will be open to all not-for-profit groups. We are taking an active role in a national review of the law of negligence. Recently I attended what was then the biggest regional forum for addressing this matter for not-for-profit community-based groups. Up to 600 people attended that forum at the Big Pineapple on the Sunshine Coast. The vast majority were just normal community members who go out there and do the right thing and participate in community groups. While they do not have all the answers, they are looking to us to provide improvements to resolve this very serious crisis.

This bill takes another important step. While the Beattie Labor government has no power to dictate to private insurance companies the amount they charge for premiums, this legislation will remove one of the excuses used for the recent higher charges. State governments have the power to change laws concerning negligence and the framework that influences compensation payouts. Our government has responded with the Personal Injuries Proceedings Bill as our primary initiative of legislative reform.

The purpose of this bill is to give certainty to those involved in personal injuries litigation and streamline the claims process. It is important to note that Queensland courts do not have a record of awarding large compensation payments. Queensland has never gone anywhere near the extravagant payouts of courts that we often hear about in New South Wales, where juries have repeatedly handed down what some judges are now referring to as Santa Claus payouts. Nevertheless, our government is acting pre-emptively to prevent any blow-out of insurance payouts in the future across Queensland.

A number of broader issues are yet to be dealt with concerning the operation of the law of negligence. These are being considered at a national level. Our government is actively involved in developing these issues through the appointment of an expert panel. However, this bill is the first and most significant step in the process of the reform. It will provide a framework that streamlines and gives certainty to injured persons, insurers and the broader public about claims for compensation. This bill is balanced and fair and will provide a basis for the continued viability of the various insurance schemes in this state. This bill restores commonsense to compensation awards for personal injuries. It also sends a clear signal to insurance companies to reduce premiums.

Some of the statements coming from the community in my electorate include: 'The law needs changing.' 'Taking responsibility for one's own actions needs to be foremost for everyone.' 'Compensation must be reasonable and arrived at with a minimum of legal costs.' 'It is not only doctors who are affected; it is the whole community.' 'Please make every effort to bring sanity back into our lives.' 'Politicians, stop the across-the-floor putting each other down. Rather, put the heads together and come up with solutions to get us out of this mess.'

Friends of mine are expecting a child later this year. They have gone on the public record stating that no private specialist in Queensland will deliver their baby due to some complications. I have spoken to the Health Minister about that matter. I respect those in the medical profession. In fact, the majority of my wife's family was involved in medicine in one way or the other. Doctors and specialists are

genuinely concerned. But I believe that the fear-mongering, especially by the AMA, is not helping the situation. I believe that organisation is overdoing it. Dr David Molloy is a leader in fertility treatment and is well respected, but I cannot condone some of the grandstanding that he has been undertaking.

Insurance company bashing is also not the answer. Unless we are to adopt an entirely socialist principle and government fully runs insurance schemes, insurance companies are there for profit. They will make profits. Yes, they have taken profits for years and, yes, some of the lawyers also have abused the system, as some have across our community. The 'let's sue' mentality must change. We are penalising our whole community when a legal suit is frivolous. Those in the medical profession abide by the Hippocratic oath, and they should be working with the government without all the negative rhetoric and fear-mongering. Solicitors should be discouraged from and frowned upon for bringing frivolous cases and cases which are designed purely to boost their incomes. Insurance companies have every right to make a reasonable profit, but they simply cannot rip off our society, because they are part of it. I commend the bill to the House. I commend the minister for bringing it before the House. I also commend the cabinet for its input on this matter.