



Speech by

ELISA ROBERTS

MEMBER FOR GYMPIE

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CIVIL LIABILITY BILL

Miss ELISA ROBERTS (Gympie—Ind) (2.42 p.m.): The rising cost of insurance premiums, as we are all acutely aware, has caused major problems for many within the community, with the medical industry and nonprofit organisations the most obviously affected. For example, one lifestyle support organisation located in Gympie has had its insurance premiums increased from \$1,000 to \$15,000 in one year. Our private hospital has had its insurance rise 176 per cent, even though it has had no change to its claim history. Therefore, it is hoped that the changes to the law of civil liability will lead to some financial relief for such organisations. I believe that the proposition outlined for people, including those who have been injured, to take some personal responsibility for their own conduct and safety is timely. Unfortunately, over the years society has become less inclined to accept contributory responsibility for their own actions and, sadly, the resulting litigious nature of people has led to more cases of one person suing another and a subsequent rise in insurance costs. Commonsense must prevail amongst the public in the ascertaining of what is or is not a dangerous situation.

I particularly support the provision which removes the right of people to claim exorbitant damages if they are injured whilst committing an indictable offence, which is very similar to the premise of the member for Nanango's bill debated earlier this year. I also agree with the provision for a reduction in the payout a person who is intoxicated at the time of injury or incident may receive. This would prevent a similar occurrence to that faced by the Waverley council in New South Wales when an intoxicated person was injured while swimming at Bondi Beach. The payout initially awarded to that person was disproportionately high and, quite rightly, led to a public outcry.

I am sure other honourable members received correspondence from the Beaudesert Shire Bus Action Committee. This paper outlines some of the public concerns with the legislation, such as whether or not any contingency plans have been put in place to assist victims of negligence who have been unable to access sufficient consultation as a result of their injuries. When one considers the current cost to the state of people with disabilities, one can see the relevance of this point. I hope the minister will be able to reassure the bus committee in respect of this.

Whilst I do share these particular concerns with the BAC, I do not feel that their concerns regarding hospital waiting lists are justified as I do not believe that this bill will have any further detrimental effects on the already excessively long hospital waiting lists. Whilst it is commendable that this government is attempting to address some of the contributing factors for the premium increases, it does not go far enough to fully alleviate the burden of higher costs for all organisations.

As previously mentioned, the medical industry is one section of the community which is suffering an enormous amount due to the high rise in premiums. This bill really fails to address their needs adequately. With the current disastrous state of our public health system, we cannot afford to place in jeopardy the continuing viability of our private health facilities.

One aspect which urgently needs addressing in relation to professional indemnity insurance is vicarious liability and the fact that a private hospital could be named jointly in an action brought against a doctor where a particular procedure was performed in a private hospital where that doctor was practising. Should that doctor have problems with the extent of his or her insurance coverage, the private hospital itself could be responsible for the claim. It would be more appropriate for each defendant only being held liable for the degree of negligence attributed to them. For example, if a

doctor is assessed as 80 per cent liable for a specific event, the hospital should not be pursued for any more than 20 per cent of the damages.

No government has the ability to substantially reduce insurance premiums overnight. However, I do believe this bill goes some way towards reducing the severity of current costs and I hope that further moves will be made in the future by this government to address the considerable problems that are still prevalent despite this legislation.

Finally, it is my view that in light of the recent trend in rising insurance costs everyone has their part to play in the reduction of costs and the survival of nonprofit organisations. I would encourage businesses to get involved in their local communities by assisting financially to cover some of the costs many of these groups face. It is time that businesses gave a little bit back to their communities, especially when the futures of these voluntary organisations are in jeopardy. State and federal government can only do so much. For local businesses to engage in some practical benevolence it is not only a tax deduction; they will be able to contribute to the future of many organisations that have served their community selflessly, and continue to do so, on a daily basis.

With the rapid increase in our population, the survival of many nonprofit organisations will have to rely heavily upon the generosity of philanthropists, as was the case for years before governments took over by providing necessary grants. Unfortunately, due to greater public demand for funding in areas such as health, law and order, disability services and education just to name a few, governments cannot be expected to shoulder the responsibility indefinitely.