



Speech by

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PROFESSIONAL STANDARDS BILL

Mr LANGBROEK (Surfers Paradise—Lib) (11.34 a.m.): Before I begin, I would like to take this opportunity with your discretion, Mr Deputy Speaker, to digress from the bill for just one moment to mention a wonderful man who tragically passed away yesterday after a long battle with cancer. Al Baldwin, or 'Al the suntan man' as he was known to many, was an icon of the coast and loved by many not just on the Gold Coast but around the world. Al was a true ambassador for the Gold Coast. Earlier this month Al was presented with a Commonwealth award by federal member for Moncrieff, Steven Ciobo, for his outstanding service to the Gold Coast for decades. This award was thoroughly deserved. We will all miss Al, and I know that he will be up there spraying coconut oil on his new friends just as he did on the Gold Coast for ages. Thank you, Mr Deputy Speaker, for that opportunity.

It is with pleasure that I rise to speak this morning to the Professional Standards Bill, and I commend the Attorney-General for bringing this forward—the third stage of the tort law control. I say 'tort law control' as opposed to 'tort law reform' purposely as the Ipp review, upon which many of these recommendations were based, was not designed to be a report into the substantive tort law reform of Australia.

The political circumstance with which the Ipp review was entwined was on the background of media reports alluding to problems with insurance premiums being too high. The public was outraged that their local sporting groups could not host events because of insurance premiums, and doctors were walking off the job because indemnity insurance costs were far too high. The media blamed this on a series of damages payouts that were seen as massive. More than that, the public was outraged that these payouts were being considered in cases where the actions of the plaintiff would surely have been seen as taking their life into their own hands. For example, when a man jumps off a landing and into a canal, is there not some sort of risk that he undertakes in doing that?

This was the existing principle of the voluntary assumption of risk, or *volenti non fit injuria*—a principle that is probably as significant, if not more significant, today than ever. The Ipp report was more designed to bring the courts, in particular the High Court, back to a more pro-defendant style by making them aware of such personal responsibility principles. This is evidenced in the terms of reference of the Ipp review specifically at 3(b) outlining that the panel look at ways to make people take on a self-assumption of risk. In this, the Ipp review was more a coaxing of certain existing principles than it was a review of the law of tort. It seems that this plan has worked, with the High Court holding 4 to 2 in *Cole v. South Tweed Leagues Club* to a more individual responsibility line.

I also do not take with a great deal of clout the argument that the insurance problem was mainly the court's fault in the first place. The insurance industry, by its nature, is cyclical, and after September 11, 2001, the subsequent downturn in financial markets and a number of corporate governance inadequacies, the insurance industry put into place its immediate defence mechanism—raising premiums.

With that history and the now more stable situation, we can point to the Ipp review as being a positive undertaking by the federal government as it has gone a long way to achieving its goals. In fact, I would say that this could be the only instance in this House where there is even a remote chance the

Queensland Labor Party would admit that the federal government has done the right thing, despite the Howard government doing the right thing every day.

I say this because the lpp review set up by the Howard government has almost been copied verbatim into legislation following the recommendations of the panel. The Personal Injuries Proceedings Act and the Civil Liability Act are both examples of the recommendations of the lpp review. I commend this bill on the basis that it does support the fundamental themes of the lpp review and the terms of reference on which it was set up—that is, the idea that individuals should be more responsible for their actions and that principles regarding that ideal should be adhered to in this jurisdiction.

I believe the bill also does an adequate job of moving towards greater standards of professional care. I am pleased in the first instance that the provisions brought in over the last two years bring back into play a level of professional opinion to be considered in cases of negligence. Higher levels for such peer review will mean higher standards of care, which can only be good. I will, however, assure the Attorney-General that the Liberal Party will be watching closely to see how well these new provisions work and the smoothness with which the amendments are incorporated. If there is anything which we feel is not working, we will be more than happy to approach the Attorney-General. Once again, I commend the bill and I congratulate the government on implementing the standards set out in the federal government initiated lpp report.