



Speech by

Jarrod Bleijie

MEMBER FOR KAWANA

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CIVIL LIABILITY AND OTHER LEGISLATION AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (4.52 pm): I rise this afternoon to add my support, with reservations, to the Civil Liability and Other Legislation Amendment Bill 2009 introduced by the Attorney-General. The bill includes amendments to various acts including the Civil Liability Act 2002 and the Civil Liability Regulation 2003. The bill being introduced purports to make amendments to the civil liability and personal injury regime in Queensland, and an important aspect to note is the affordability and availability of insurance to Queenslanders. I think that members on both sides of the House would agree that insurance for community groups still is an issue in our respective electorates. Many community groups in my electorate have folded because of huge insurance claims or wanting to take some sort of community action for the benefit of the community but simply cannot because of high insurance costs. In saying that, the LNP has previously supported and will continue to support any legislation that places a cap on insurance claims in an effort to assist the smaller and non-profit community groups in obtaining insurance. It is important that all of our hardworking volunteers continue to be protected by public liability insurance in a society that is increasingly litigious in nature.

Mr Rickuss interjected.

Mr BLEIJIE: Honourable members such as the honourable member for Lockyer will blame all lawyers and the career that some of us chose, but in any society we had a job to do, and sometimes that is what we did. This being such an insurance for these groups—

Mr Shine: You don't have to apologise!

Mr BLEIJIE: I am not apologising. I take the interjection from the honourable lawyer opposite. We have to band together and stay together.

I am pleased to see that this cap has been retained and calculated annually in association with the rising cost of living expenses and the average income. I welcome the change to the definition of a 'community organisation' in section 38 of the Civil Liability Act 2003. This now entitles those who partake in parents and citizens association activities to protection from liability provided by section 39 of the act. This was not the case previously, and the vital role that these men and women play in our schools—government and non-government, independent and Catholic schools—should not be understated.

The amendment to the Law Reform Act 1995 refers to the recognition of the status of de facto relationships in society and is an important social alteration that reflects this societal change. Previously, the definition of a spouse only applied to the husband of an injured person under the common law and to the wife of an injured person under section 13 of the Law Reform Act. The new definition of a spouse under this act will now recognise de facto relationship arrangements and ensure that the spouse is entitled to benefit from any claim loss or impairment of consortium of an injured partner.

The proposed amendments in this bill will have financial implications for defendants and insurance companies as a result of changes to the level of damages and the removal of the statutory limitation on claims for dust related illness. The effects of asbestos and the dust related conditions associated with this material are well known. The removal of the statutory limitation will assist those who are pursuing compensation claims as a result of exposure to the deadly material. It is unfortunate that most of these

cases have arisen from decades past when the dangers of asbestos were not known to unsuspecting Queensland workers. This amendment will allow these people to access the justice they deserve without the legal implications of having to apply to the court for it to extend the time limitation period. Given the stress and harm that dust related conditions have already caused these people and their families, it is this important circumstance that ultimately speaks to the common-sense approach in removing the statutory limitation period for dust related conditions which I am happy to support.

I am happy to support the bill before the House. I note that the deputy opposition leader has contributed substantially to this debate in his remarks to the parliament, and I will not delve into those issues that he has already raised. However, the issue that needs to be addressed is of course based on the general impact of lifting caps on insurance claims. In essence, effectively having no ceiling cap on the claims will see the costs of insurance continually rise. As we all know, the end result in claims increasing will be the cost of obtaining various types of insurance for all Queenslanders spiralling out of control. I urge the Attorney-General and his department to consider ceiling caps as a way and means of ensuring that insurance premiums remain affordable for all Queenslanders. As I said, it will be a short contribution because the shadow Attorney-General covered it in his remarks. However, I think there are still issues in some respects in Queensland with regard to community organisations. There are many organisations such as public halls and the local groups that continually contact my office and the offices of other members because they financially struggle to hold events. They struggle to hold their annual shows because there still are insurance difficulties in Queensland—that is, it is getting out of reach for many associations. With those closing remarks, I commend the bill to the House with the reservations that have been discussed by previous speakers.