




Speech By
Peter Russo
MEMBER FOR TOOHEY

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MOTOR ACCIDENT INSURANCE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (5.45 pm): I rise in the House to support the passing of the Motor Accident Insurance and Other Legislation Amendment Bill 2019 to outlaw claim farming. The Motor Accident Insurance and Other Legislation Amendment Bill 2019 was introduced into the Legislative Assembly and referred to the committee on 14 June, with a reporting date of 9 August 2019. I intend to outline the inquiry process as set out in report No. 29 of the Economics and Governance Committee which was handed down in August 2019.

On 17 June 2019, the committee invited stakeholders and subscribers to make written submissions on the bill. Eleven submissions were received. The organisations that submitted written submissions were Bicycle Queensland, Triathlon Queensland Ltd, Slater and Gordon Lawyers, the Australian Lawyers Alliance Queensland, the Asbestos Disease Support Society, the Insurance Council of Australia, Suncorp, Tom O'Donnell, Shine Lawyers, Kerry Splatt and the Queensland Law Society. On 1 July the committee received a public briefing about the bill from Queensland Treasury. Before I continue to outline what we heard at the public briefing, I will address some of the untruths that have been raised by the LNP.

As we know, the Motor Accident Insurance and Other Legislation Amendment Bill 2019 is about the protection of privacy; stopping the harassment of innocent Queenslanders; preventing the intimidation, bullying and coercion of vulnerable Queenslanders; ensuring access to justice; and protecting the integrity of our—

Mr Minnikin interjected.

Madam DEPUTY SPEAKER (Ms McMillan): Order! I am sorry, member for Toohey. Member for Chatsworth, you will get your turn.

Mr RUSSO: I repeat: it is about ensuring access to justice and protecting the integrity of our compulsory third-party insurance scheme. Instead of wholly supporting the bill for the benefit of vulnerable Queenslanders, what have the LNP done? They are using it as an opportunity to engage in misleading rhetoric and union bashing. While disappointing, that is not surprising. They go low every chance they get.

The LNP members falsely claim that the bill gives unions special treatment by exempting them from important provisions in the bill. If the LNP members had taken the time to actually read the bill, they would know that no organisation, whether it is an industrial organisation or otherwise, is exempt from complying with the bill. The LNP live in a post-truth world, so the facts are completely lost on them. The bill does not restrict anyone or any service provider from engaging in legitimate marketing or advertising activities designed to inform the public about the services that they offer. That is made abundantly clear in the bill.

Ms Trad: All they have to do is read.

Mr RUSSO: I take that interjection. The fact that the LNP will try to turn this discussion into one about union bashing is, quite frankly, appalling. This is about protection for Queenslanders at a time when they need it most. The bill is clear and it applies equally across the board to all organisations.

The LNP members claim that the bill will result in work flowing from smaller and regional firms to firms that have links with industrial organisations. This is another false claim. The proposed reforms will assist smaller regional firms by creating a more level playing field. This bill will stop claim farmers from contacting and harassing injured people in order to refer them to a law firm that may not be located anywhere near where the claimant lives. If the LNP bothered to take the time to read and understand the bill, it would know this.

This government is unashamedly about backing our regions. It is our priority. This bill is consistent with our priorities and helps protect regional firms from claim farmers coming and poaching potential clients. If the LNP want smaller and regional firms to suffer a loss of business at the hands of unethical claim-farming practices then they should be up-front about it. It should go to regional businesses and tell them face to face that it does not support moves to stamp out practices which will benefit smaller and regional law firms.

Those opposite who claim that small firms will miss out on referral fees are simultaneously claiming that the \$200 cap on the value of a gift or hospitality is too high. These statements are plainly contradictory. Both cannot be true. No organisation, whether it be an industrial organisation or not, is exempt from complying with the bill. The provisions apply equally across the board. We are proud of our record of protecting vulnerable Queenslanders and the integrity of our compulsory third-party scheme. The LNP's record on this issue is no action, no solution, nothing.

In my contribution to this debate I intend to highlight some of the evidence the committee heard on 1 July. Mr Geoff Waite, the Executive Manager of Risk and Intelligence, Queensland Treasury told the committee that the focus of the bill is to amend the act and regulation to bring to an end the practice of claim farming. Claim farming was described by Mr Waite in the briefing as the unsolicited cold calling of members of the public to intimidate or harass them into making a claim under their compulsory third-party insurance policy and getting their personal details which are then on sold.

Mr Waite went on to brief the committee that the practice is real and that the Motor Accident Insurance Commission had received over 1,200 calls to its hotline in relation to instances of claim farming. The view of Mr Waite was that claim farming is having a social impact by infringing on the rights of individuals to their personal information and harassment and intimidation across all elements of our population, including those who are most vulnerable. Mr Waite was concerned that this practice has a potential impact on the cost and efficiency of Queensland's nationally competitive compulsory third-party insurance scheme.

Mr Waite went on to say that the bill seeks to stop claim-farming phone calls by establishing new offences to address the practice, establishing certification requirements for legal practitioners involved in a compulsory third-party claim and reporting requirements on insurance agencies and strengthening the investigative powers of the Motor Accident Insurance Commission to address instances of claim farming. In Mr Waite's concluding remarks of his briefing to the committee, he pointed out that it does not change in any way the right to access compensation for genuinely injured claimants.

In answering questions in the briefing, the following discussion with Mr Singleton ensued. I will attempt to paraphrase some of that discussion in my contribution to the debate. Mr Singleton went on to describe that they have designated three types of claim farming and that colloquially they are called cold, warm and hot.

Cold calling would appear to be where there is a call centre phoning numbers on a list and where someone gets a call out of the blue asking whether a member of their family has been involved in a car accident. The warm calls appear to be more sophisticated and have an awareness that a family member has been involved in a car accident. Hot calls appear to possess a lot more information and have a degree of knowledge of the crash, the insurers involved, the repairers, the crash circumstances and some knowledge of the injured person. They can access quite a degree of private information. The call would commence by saying words to the effect, 'You are eligible for compensation,' then encouraging the person on occasions with an amount of money they might receive and describing the sorts of symptoms that people who are involved in car accidents suffer.

Whilst this legislation has caused some discussion amongst the legal fraternity, I believe it is good legislation. I commend the bill to the House.