Speech By

Ali King

MEMBER FOR PUMICESTONE

Record of Proceedings, 22 June 2022

PERSONAL INJURIES PROCEEDINGS AND OTHER LEGISLATION AMENDMENT BILL

Ms KING (Pumicestone—ALP) (2.00 pm): I rise to make a brief contribution in support of the Personal Injuries Proceedings and Other Legislation Amendment Bill 2022. The objectives of the bill, as we have heard, are to stop claim farming for personal injury and workers compensation claims; to prevent unethical and harmful costs agreement practices by law practices for personal injury claims; to clarify when an entitlement to terminal workers compensation arises under the Workers' Compensation and Rehabilitation Act; and to make technical and clarifying amendments to the Electoral Act regarding fundraising and state campaign accounts and disclosures. I turn to the aspects of this bill designed to put an end to the abhorrent and unethical practice of claim farming in personal injury and workers compensation matters. These reforms of course follow on from our groundbreaking measures to prevent claim farming in relation to claims under Queensland's motor accident insurance scheme in the Motor Accident Insurance and Other Legislation Amendment Act 2019.

Claim farming, as we have heard, is the practice of approaching individuals thought to be eligible to make a compensation claim, often by cold-calling or doorknocking them, and soliciting or inducing them to make such a claim. The bill before the House will prohibit giving or receiving compensation for referring claims and undermine even the potential for claims referral practices under workers compensation and personal injuries schemes. The bill goes further in prohibiting the practice of personally approaching or contacting a person for the purpose of getting them to make a claim or soliciting or inducing them to make a claim. These measures are important because the committee heard repeatedly about the high-pressure sales techniques used by claim farmers, often involving unsolicited contact and often involving the harassing of potential claimants over long periods of time to wear them down. Claim farmers are known to imply that they act on behalf of government or insurers, and they may also seek to deliberately confuse potential claimants by misrepresenting the speed, ease or financial outcomes of a claim. I myself received unsolicited text messages following the recent floods in relation to insurance claims which I had not lodged, so it is my view that claim-farming practices are also intimately linked with scamming practices more broadly.

Claim farmers do not necessarily adhere to ethical or professional practice standards as to privacy and confidentiality, and therefore some cases have involved profoundly inappropriate disclosures of sensitive and personal information, whether that is somebody's illness, their terminal condition, their injuries or the fact that they have been potentially a victim of abuse. Claim farmers may hold themselves out as an advocacy or support service that can connect people with medical treatment or psychological services, and then they go on to profit by selling that potential claimant's personal information to a legal practitioner or claims management service provider which then prosecutes the claim. This has such troubling outcomes.

We heard that referral fees are invariably passed on to claimants as costs or disbursements from any eventual settlement or payout. The committee heard of such referral fees amounting from between $9,000 and $14,000 out of a person's settlement—a vulnerable person's settlement in many cases. Any

prospect of high-quantum litigation can attract bottom feeders and charlatans who seek to financially exploit ill, injured or harmed people. Tragically, of course, that exploitation is often attempted when potential claimants are at their most vulnerable following their diagnosis with a terminal condition, following on from an accident or, worse, when they have possibly after many years finally reached the point of disclosing they are a survivor of institutional abuse.

I was particularly concerned to hear about the practice of survivor farming, often self-described as survivor advocacy. It is a profoundly distressing example of this kind of exploitation. Providing very little, if anything, in the way of actual advocacy, these self-appointed consultants pose as survivor advocates, in some cases to attempt to gather the names of people who have experienced compensable abuse, and their methods can stoop very low indeed. The committee heard, as other members have mentioned, of survivor farmers paying for information from prisoners about their fellow inmates, and of course other members have spoken about a really horrifying incident where an unsolicited cold call was made to a survivor's family member and in the course of that cold call the fact of that survivor's abuse was disclosed to a family member who was hitherto unaware. Nothing could be more disgraceful, nothing could be more unethical and few things could be more exploitative than some of these practices. So-called survivor advocates gather people's details and sell them on, thereby attracting a commission payment undisclosed to the survivor without ever advising that free services may be available to these survivors of abuse.

Submitters to the committee were universally scathing about these practices, noting that they bring the legal profession into disrepute, they reduce people's trust in those who are meant to be there to support them following disclosure of an illness, injury or abuse and that they threaten the ongoing viability of important insurance and compensation schemes. From harassment, intimidation and high-pressure tactics, claims farming exploits injured, sick or traumatised Queenslanders experiencing distress and uncertainty, and I could not be more pleased that we are putting an end to these practices. Queenslanders who are injured, who are ill or who have been harmed deserve so much better than these practices, and this bill will deliver.

I acknowledge those who made submissions to the committee, particularly in respect of matters addressed by the circulated amendments relating to terminal illness lump sum compensation payments. The RTBU, AMWU and Maurice Blackburn Lawyers all spoke clearly and honestly about what they saw as the impact of the originally proposed changes which limited the payment of terminal illness lump sum benefits to workers diagnosed with a terminal condition to those expected to pass away within three years.

I was fortunate to substitute in on the Legal Affairs and Safety Committee for a hearing that was largely around these issues, and the submitters provided really thoughtful and considered contributions. I particularly acknowledge the Australian Lawyers Alliance, which addressed its very strong submissions primarily to the clauses of the bill that would have rendered some terminally ill workers who had previously lodged end-of-life lump sum compensation claims ineligible until later in the course of their disease progression.

The work of the committee and the impact of those submissions stands testament to the value, effectiveness and importance of our committee system in this place. Members opposite like to claim on occasion that our committee system is ineffective, but I note this bill provides an example of legislation that a committee examined closely, heard from stakeholders about their concerns, made recommendations based on that feedback and ultimately saw significant amendments. I see that as part of the strength of our committee system and something to be proud of. I acknowledge the work of the committee, particularly the member for Toohey but all members, and of course the secretariat. I commend the bill to the House.