




Speech By
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MEMBER FOR BANCROFT

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**PERSONAL INJURIES PROCEEDINGS AND OTHER LEGISLATION
AMENDMENT BILL**

 **Mr WHITING** (Bancroft—ALP) (2.36 pm): I rise to speak in support of the bill. One of the reasons I want to do that is because it really does strengthen the provisions against claim farming. It has been an eye-opener to read the minister's introductory speech, the explanatory notes and the report to find out more about this insidious practice being perpetrated on some people within our communities.

In reading these, I was led to a place of reflection on where we are in society today in reference to claim farming as we experience it. Many of us do experience some part of that. I am sure that we all know the scenario: we are having dinner at night, the late afternoon or the early evening and the phone rings, most often on a landline—if you still have one—but sometimes we get those calls on the mobile phone. We do not know which number it is. It could be a relative, 'Better answer it just in case.' We hope it is no-one trying to sign us up for something or trying to get money off us. I do not know about many of you, but I seem to be constantly disappointed these days because most of the time it is not someone I want to talk to. It might be someone trying to convince you to sign up on another electricity plan, maybe it is someone holding an imaginary parcel for you, or maybe it is someone who wants to talk to you about your claim for a recent car accident or potential flood damage as the member for Pumicestone pointed out. This is interesting. For me, these calls come from Melbourne at the moment. I am not sure what the legislation is down there. As the member for Logan said, we in this state are leading. I surmise that perhaps other states are yet to catch up and that cold callers are avoiding the Queensland law as it will become.

It lets us reflect on what kind of society we live in. When we were growing up, the telephone was still a pretty special invention that helped connect us to our loved ones. It was not an instrument used to harass or to chase money out of us. It is a sad situation that we are in today. It also leads me to reflect that I have an 11-year-old son and that we are trying to teach him about how to handle money, how to build up lifelong, good financial habits. One of the things we are teaching him—and this may reflect our political beliefs—is that working-class people have to constantly be on the lookout for other people trying to separate them from their hard-earned wages. That includes gambling. Do not get sucked into pointless and mindless consumerism.

Mr Brown: Oi!

Mr WHITING: I may be on the wrong track in that case—that pointless consumerism does not have a place.

Mr Brown: Gamble responsibly.

Mr WHITING: We are back on gambling. My apologies to the gamblers in the room. We are teaching our son to be aware of strangers who use fear to try to extract money from people. We are teaching him that people who will try to separate him from his money, like claim farmers, may contact him online or by phone.

We have heard it said often today—and we cannot repeat it enough—that claim farming is an abhorrent practice. We know that it causes distress to vulnerable people. We know that it is not going to deliver the outcome that many people hope it will. Often the canvasser will promise the world but the claimant may be left with a pittance at the end. As we have heard, this undermines the effectiveness and robustness of our insurance system.

Claim farming is abhorrent because the claim farmer can use high-pressure sales tactics such as, 'You need to do this or you will miss out' or 'Do this because time is running out.' That is a sales technique we have all been exposed to. Claim farmers may imply that they are working on behalf of government agencies. That is a common technique that we have all seen scammers use.

Listening to this debate and from doing the reading for this speech, what I find particularly abhorrent is that it is not only people who have had a vehicle accident or flood victims who are targeted but also victims of institutional abuse who are targeted. The thought of claim farmers trawling through lists or databases to find and target people who have been victims of institutional abuse I find especially abhorrent. I note from members' speeches that many of us feel the same way about this particular practice.

I applaud and support the provisions in this bill because it means that no-one can pay claim farmers for the details of potential claimants. It means no-one can approach or contact another person to solicit or induce them to make a claim. It also limits the undesirable billing practices we heard about during the hearings on this bill. Some practices may inflate disbursements through the charging of additional amounts. That increases the legal costs that can be charged. From now on those additional amounts will be treated as professional fees instead of disbursements and that will increase the amount a successful claimant can receive. That stops claim-farming referral fees being included as disbursements in the final tally when these cases finish.

I applaud the minister for introducing this bill. I am pleased that our government is pivoting and addressing the new business model that evolved after we acted on claim farming and introduced the Motor Accident Insurance and Other Legislation Amendment Act 2019. That bill targeted claim farming around compulsory third-party claims. As I said, I think that has been successful. We have now seen claim farmers move on to claim farming around personal injury and workers compensation claims. This bill expands the prohibition on claim farming to that market.

I started off by saying that I am trying to teach my children financial literacy and to be aware of people who are trying to separate them from their hard-earned money. I am also trying to teach them about fairness. We live in a society where if a person suffers injury through negligence, malpractice or malice we have a system where they will be treated fairly. We have a system where they will not be revictimised. As Queenslanders we are a society where people will not be left behind.

This bill embodies the notions of fairness and equity that animate many of us in government. I believe the notions embodied in this bill are at the core of what we do as a government. I commend this bill to the House.