




Speech By  
**Jessica Pugh**

**MEMBER FOR MOUNT OMMANEY**

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Record of Proceedings, 22 June 2022

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

 **Ms PUGH** (Mount Ommaney—ALP) (2.09 pm): I rise today to speak in support of the Personal Injuries Proceedings and Other Legislation Amendment Bill 2022. As all members who have preceded me have done, I acknowledge the bipartisan work of the committee that put this bill together. It is a great example, as the member for Pumicestone and others have acknowledged, of a bill where the committee worked well together and made good recommendations. The result is this fantastic piece of legislation. I acknowledge the members of the committee by name: the committee chair, Peter Russo, the member for Toohey; Laura Gerber, the member for Currumbin; Jonty Bush, the member for Cooper; Sandy Bolton, the member for Noosa; and Jon Krause, the member for Scenic Rim.

Earlier this year the committee invited stakeholders to make submissions. It received almost 20 submissions. The submissions that were received came from groups including the Bar Association, the Insurance Council of Australia, the Queensland Law Society and the Legal Services Commission, to name just a few.

The objectives of the bill—and there are a number of them—are in essence: to stop the practice of claim farming for personal injury and workers compensation claims; to prevent undesirable cost agreement practices by law firms for personal injury claims; to make technical and clarifying amendments to the Electoral Act 1992 relating to fundraising contributions and state campaign accounts and disclosure returns; and to confirm the policy intent for when an entitlement to terminal workers compensation arises under the Workers' Compensation and Rehabilitation Act. I particularly acknowledge, as we have heard earlier today, the good work of the committee in this space and how it worked together.

For the few of us in this House who are unfamiliar with it, claim farming is a process by which a third party, the claim farmer, cold-calls or approaches an individual to pressure them into making compensation claims for personal injuries. The tactics they use, as the member for Pumicestone said, are in a lot of ways quite closely related to scamming. I think that is a timely analogy because we are talking about preying on vulnerable people, preying on people who have been through a traumatic or life-changing incident who need our protection, and I think this legislation provides that. They are targeting people when they are at a low point in their life when they need to be protected from insidious and unscrupulous behaviour. That is exactly what this legislation aims to do.

To give examples of the kind of behaviour we are talking about, the claim farmer can imply that they act on behalf of government agencies or insurers, they can offer an inducement or they can just plain harass individuals to make a claim. Often they will use an inducement like a quick, easy or significant form of compensation. They may even offer to help coordinate that person's medical treatment when we all know it is very unlikely that anything of the sort is on offer. Claim farmers will then sell the individual's personal information, which often includes traumatic details about that person's life which for good reason needs to be protected and kept private.

Earlier today we heard some horrendous examples of people who have had information they disclosed to a claim farmer disclosed to family members. I cannot imagine anything worse than having my personal business disclosed because I have trusted someone at a low point in my life. It is really sad to think that happens, but it does. That is why we are passing this legislation today. That information is sold or passed on to a legal practitioner or another claims management service provider who then handles the claim. We heard from the members of the committee what having that information revealed looks like in terms of the long-term damage it can do to people and the lifelong impact that it can have on a person's mental health and wellbeing.

I will move now to amendments related to the Motor Accident Insurance and Other Legislation Amendment Act 2019. The bill is seeking to extend the prohibition to halt the same phenomenon for WorkCover. The bill will prohibit the giving or receiving of consideration for claim referral or even the potential for claim referral. It will also prohibit personally approaching or contacting a person for the purpose of making a claim or soliciting or inducing them to make that claim. We heard from members of the committee that submitters to the committee universally condemned this practice. Nobody spoke out in support of it, and for very good reason, as I think we know: it brings the profession into disrepute, it threatens the viability of insurance schemes and, of course, it causes great distress to potentially vulnerable community members, to say nothing of the distress I imagine it would cause to the legal fraternity, to have these issues brought up in this way.

In some cases we have heard that harassment of potential claimants has gone on for a long time—for a full year. When a person is at their lowest ebb I cannot overemphasise how that would impact somebody's mental health and wellbeing. We may have people who never had any intention of making a claim pushed to the nth degree and making a claim simply because they want to get this person off their back. I can easily imagine that might happen. These amendments, with the provisions surrounding law practice certificates, will reduce incidents of claim farming.

The bill has also sought to make changes around terminal conditions as they pertain to WorkCover. As I said, I commend the committee on its good work in this space and on working together. Terminal benefits were first introduced to the WorkCover scheme back in 2005. Lump sum benefits quite rightly enable workers to secure appropriate medical and palliative care and allow them to attend to the financial needs and future planning of their family. We know that when you are in that space of life almost everyone's thoughts will be on how they can secure their family's legacy—planning for the future of their family when they are no longer there.

This scheme allows workers to seek common-law damages if negligence has contributed to their terminal condition. It specifies that a condition is terminal if it is certified by a doctor as being a condition that is expected to terminate a worker's life within three years after the terminal nature of the condition is diagnosed. It is fair to say that this was the subject of a fair amount of submission and feedback from a number of submitters: the Queensland Law Society, the AMWU and the United Firefighters Union. The committee was able to come to a good place in relation to those recommendations and ensure that the bill will bring much relief to many of those people who spoke so eloquently. I know the member for Toohey is pleased with the changes that were made through the committee process. As I said, I commend the committee for its work on this bill. This is a great example of a committee working well together in a bipartisan fashion. Members who had the opportunity to sit in on the process and participate, such as the member for Pumicestone, found it to be an engaging and important piece of legislation to be a part of. It is wonderful that we have the opportunity to speak on this today.

I finish by commending the secretariat. The Legal Affairs and Safety Committee deals with a fulsome body of work. It is a very busy committee. It does an excellent job in the pieces of legislation it brings before the House. I thank the committee and the secretariat for this most excellent piece of legislation. I am very proud to speak in favour of it on behalf of people who will be affected by this legislation, in particular those who are terminally ill and the victim survivors who will no longer be subject to the insidious practice of claim farming. I think this bill is a win for Queensland. I commend the bill to the House.