




Speech By
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MEMBER FOR LOGAN

Record of Proceedings, 22 June 2022

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

 **Mr POWER** (Logan—ALP) (2.26 pm): I rise to support the Personal Injuries Proceedings and Other Legislation Amendment Bill. I note that the Economics and Governance Committee, under a former name, did some work on claim farming. At this point we should acknowledge that the first person to recognise these issues and bring them into an Australian parliament was the former treasurer of this House, Jackie Trad. Often we hear people, especially those opposite, trying to besmirch the career of the former member for South Brisbane. However, in understanding and thinking about the impact of matters to do with insurance claims, she did excellent work in bringing those issues to this House. She was the first minister to bring these issues to an Australian parliament. Let us not forget that genesis. That these matters have now gone throughout parliaments throughout Australia is a legacy of Jackie Trad and a testament to her care and compassion in thinking about the impacts on ordinary people.

I want to limit my comments to the amendments to the Personal Injuries Proceedings Act to prohibit claim farming. We have heard ample evidence thanks to the excellent work of the committee. I recognise the committee and its erstwhile chair. They have real knowledge about the legal process and the impacts of these issues. That is not my area of expertise so I do not intend to speak about that.

However, while I am not a lawyer I do think about those who are impacted by these practices. I want members to imagine someone who receives, out of the blue, a cold call from a stranger asking them about the worst period of their life. That person might have been in the midst of the afternoon routine, preparing dinner while their kids are tugging at their sleeves and demanding attention. Instead of being in that warm family situation, a stranger cold-calls to drag them back to a point in their lives when they were hurt. Maybe that person is a childhood sexual abuse survivor who is suddenly drawn back to the moment when they were betrayed. Often such a betrayal comes from an elder or someone in a position of trust. In some cases, the betrayal comes from within a person's faith community.

From evidence given to the committee, in some cases they had not told—and it is their choice and their power to make these declarations—their workmates, parents, partners or children. For some getting these calls out of the blue, they would not have told a single soul in the world. It was a secret that they dealt with in their own time and place.

This was not a discussion, as we hope it is, with services that really have a knowledge of these things or with someone who is trained, trusted and has dealt with how people hurt in this way face up to these issues. They are also not with someone who is purely on their side supporting them. Instead, they are being cold-called out of the blue by a stranger, simply interested in reading a script to get a lead. It is about a cold and calculating financial decision not in the interests of those whom this society has hurt the most. I think that everyone in this House recognises that we have to take action to prevent this.

We are deeply disappointed that those who went from being injured—and Jackie Trad dealt with them—when travelling to work in a car accident—have been even more severely betrayed by this insidious practice. Sometimes we need to recognise this. If I can be political here, sometimes on the

other side they want to cut regulation by the kilogram. Instead, we need to recognise that sometimes even this most trusted of professions, the legal profession, needs some regulation. I recognise that all those in the legal profession who appeared before the committee agreed that they did not want to see anyone in their profession undertake these acts. They supported the regulation and universally condemned this practice.

For that reason, I reflect that we are dealing with real people who should not against their will be dragged back to the worst period of their life. Let it be on their terms that they come to services that support them and let them get the financial support they deserve for the betrayal they faced.

We note, as I said, that there is claim farming. For those listening, we can define that as the giving or receiving by a process, of a potential claim that could come under the Personal Injury Protection Act or section 325 of the WorkCover legislation. When someone personally approaches or contacts the person for the purposes of making a claim or soliciting or inducing them to make a claim, that is when this would be enlivened. This makes sure that it is not about contacting those giving support, because those are the people we trust to do the right thing, but they should not be reaching out to them for the purpose of making a claim or soliciting them to make a claim. I recognise Kare Lawyers said it best when they said—

... claim farming is abhorrent, brings the profession into disrepute, threatens the viability of our insurance schemes and causes unnecessary distress to potentially vulnerable members of the community.

I credit them because I think that well sums up the fundamental view of the legal profession.

We also want to see those who have been injured and qualify for this compensation use this avenue, if they wish to, on their own terms and in their own time. I think everybody in this House would have sat down with somebody who is a survivor—and ‘survivor’ is the right word—of childhood sexual abuse and would know that it affects every person differently. It is not our place to judge how they deal with that but to be there as a support. This practice undermines the very fabric of that in terms of it being on the survivor’s own terms.

Of course, too often claim-farming practices target those who are most vulnerable at probably their most vulnerable time. We also know that it adds an expense that is taken out of their claim. It seems a process that hurts them is taken further with the injustice of high costs that take away from what truly belongs to those who have been hurt. We want to see this practice stamped out. We also want to say clearly to those legal firms which are going to engage in any further process that we will act. We, along with the entire profession, recognise that the unsolicited dragging out of claims for any sort of compensation is not the right way to go. It brings the profession into disrepute. It is quite easy to say that you will set standards to stop your law firm or practice from engaging in these practices and, further, that you will also bring to the attention of any of us in this House, especially the Attorney-General, any practices that are seen going forward, because we will support the legal profession by increasing the integrity of the profession by ensuring that those potentially making claims will not be subject to the harassment, intimidation and high-pressure tactics that we heard of during committee considerations.

With that, I support the bill. I note, of course, that my declaration of interest shows my wife’s work at the Industrial Relations Commission. That was highlighted by the member for Clayfield.