

National Injury Insurance Scheme (Queensland) Bill 2016

Amendments during consideration in detail to be moved by
The Honourable the Treasurer, Minister for Aboriginal and Torres Strait
Islander Partnerships and Minister for Sport

1 **Clause 10 (When a claim is *finalised*)**

Page 15, lines 21 to 23—

omit, insert—

- (a) the claim has been settled by agreement and, if the agreement must, under another Act, be sanctioned by a court or the public trustee, the sanction has been given; or
- (b) final judgment has been given by a court on an action for damages in relation to the claim and, if an award of damages under the final judgment must, under another Act, be sanctioned by a court or the public trustee, the sanction has been given.

2 **Clause 11 (References in Act to particular terms)**

Page 16, lines 3 to 6—

omit, insert—

- (2) In a provision of this Act about a participant in the scheme, a reference to—
 - (a) the participant's injury is a reference to the serious personal injury in relation to which the participant is accepted into the scheme; and
 - (b) the motor accident is a reference to the motor accident that resulted in the participant's injury.

3 **Clause 11 (References in Act to particular terms)**

Page 16, line 15, 'legal'—

omit.

4 Clause 17 (When application may not be made)

Page 22, line 3, ‘must be’—

omit, insert—

may

5 Clause 26 (Making support plan)

Page 28, line 6—

omit, insert—

injury or another personal injury resulting from
the motor accident;

6 Clause 26 (Making support plan)

Page 28, line 14, ‘cost effective’—

omit, insert—

cost-effective

7 Clause 28 (Making service request)

Page 29, lines 26 and 27, ‘in relation to a participant’s injury
for a particular period.’—

omit, insert—

to be provided to a participant in a particular
period.

**8 Clause 42 (Liability of agency to contribute towards
damages)**

Page 38, lines 14 to 16—

omit, insert—

Notes—

- 1 For the awarding of damages in relation to a participant's treatment, care and support needs, see the *Civil Liability Act 2003*, chapter 3, part 2A.
- 2 For the role of the agency in relation to a claim that the agency is liable to contribute towards, see the Insurance Act, part 4, division 8.

9 Clause 42 (Liability of agency to contribute towards damages)

Page 38, line 25, '25%'—

omit, insert—

50%

10 Clause 43 (Application to court for order)

Page 39, line 20, 'well-being'—

omit, insert—

wellbeing

11 Clause 52 (Suspending participation)

Page 47, line 3, 'apply'—

omit, insert—

applies

12 Clause 59 (General principles for performing functions)

Page 51, line 16, 'care givers'—

omit, insert—

caregivers

13 Clause 60 (Agency may agree to perform functions of support entity)

Page 52, line 21, ‘by,’—

omit, insert—

, by

14 Clause 143 (Insurance commissioner is first chief executive officer)

Page 91, line 3, ‘happen’—

omit, insert—

happens

15 Clause 149 (Insertion of new ch 3, pt 2A)

Page 93, lines 20 and 21—

omit, insert—

motor accident see the National Injury Act, section 4(1)(b).

National Injury Act means the *National Injury Insurance Scheme (Queensland) Act 2016*.

serious personal injury see the National Injury Act, schedule 1.

16 Clause 149 (Insertion of new ch 3, pt 2A)

Page 93, line 24 to page 94, line 17—

omit, insert—

(1) This section applies to the awarding of damages for personal injury resulting from a motor accident if the person suffering the injury is, or was, a participant in the insurance scheme in relation to a serious personal injury resulting from the motor accident.

(2) A court can not award damages in relation to the

person's treatment, care and support needs that—

- (a) result from the personal injury; and
- (b) arise, or arose, while the person is, or was, a participant in the insurance scheme.

(3) This section applies—

- (a) whether or not the personal injury is a serious personal injury; and
- (b) whether or not the treatment, care and support needs are an approved service for the person under the National Injury Act; and
- (c) whether or not the insurance agency must, under that Act, make a payment in relation to the treatment, care and support needs; and
- (d) whether or not the treatment, care and support is provided without charge.

17 Clause 149 (Insertion of new ch 3, pt 2A)

Page 94, lines 22 to 23—

omit.

18 Clause 149 (Insertion of new ch 3, pt 2A)

Page 95, lines 1 to 4—

omit, insert—

- (a) the personal injury resulted from a motor accident; and
- (b) the person suffering the personal injury is a lifetime participant in the insurance scheme in relation to a serious personal injury resulting from the motor accident; and
- (c) a court decides—

19 Clause 149 (Insertion of new ch 3, pt 2A)

Page 95, line 13, ‘25%’—

omit, insert—

50%

20 Clause 149 (Insertion of new ch 3, pt 2A)

Page 95, line 14, ‘(c)’—

omit, insert—

(d)

21 Clause 150 (Amendment of sch 2)

Page 96, lines 6 and 7—

omit, insert—

motor accident, for chapter 3, part 2A, see section 52A.

National Injury Act, for chapter 3, part 2A, see section 52A.

serious personal injury, for chapter 3, part 2A, see section 52A.

22 Clause 159 (Amendment of s 39 (Response to the notice of claim))

Page 99, lines 15 and 16, ‘the personal injury’—

omit, insert—

a serious personal injury resulting from the motor vehicle accident

23 Clause 159 (Amendment of s 39 (Response to the notice of claim))

Page 99, lines 22 and 23, ‘the personal injury’—

omit, insert—

a serious personal injury resulting from the motor vehicle accident

24 Clause 161 (Amendment of s 42 (Payment of medical expenses etc.))

Page 100, line 19, ‘the injury’—

omit, insert—

a serious personal injury resulting from the motor vehicle accident the subject of the claim

25 Clause 161 (Amendment of s 42 (Payment of medical expenses etc.))

Page 100, line 23, ‘the injury’—

omit, insert—

a personal injury resulting from the motor vehicle accident the subject of the claim

26 Clause 161 (Amendment of s 42 (Payment of medical expenses etc.))

Page 100, line 25 to page 101, line 2—

omit, insert—

- (a) whether or not the injury the subject of the claim is a serious personal injury; and
- (b) whether or not the treatment, care and support needs are an approved service for the claimant under the National Injury Act; and
- (c) whether or not the insurance agency must, under that Act, make a payment in relation to the treatment, care and support needs; and
- (d) whether or not the treatment, care and support is provided without charge.

27 Clause 162 (Amendment of s 51 (Obligation to provide rehabilitation services))

Page 101, line 16, ‘the injury’—

omit, insert—

a serious personal injury resulting from the motor vehicle accident the subject of the claim

28 Clause 162 (Amendment of s 51 (Obligation to provide rehabilitation services))

Page 101, line 20, ‘the injury’—

omit, insert—

a personal injury resulting from the motor vehicle accident the subject of the claim

29 Clause 162 (Amendment of s 51 (Obligation to provide rehabilitation services))

Page 101, lines 22 to 30—

omit, insert—

- (a) whether or not the injury the subject of the claim is a serious personal injury; and
- (b) whether or not the treatment, care and support needs are an approved service for the claimant under the National Injury Act; and
- (c) whether or not the insurance agency must, under that Act, make a payment in relation to the treatment, care and support needs; and
- (d) whether or not the treatment, care and support is provided without charge.

30 Clause 163 (Insertion of new pt 4, divs 8 and 9)

Page 102, line 7, ‘Claims’—

omit, insert—

Claim

31 Clause 163 (Insertion of new pt 4, divs 8 and 9)

Page 104, line 6, ‘apply’—

omit, insert—

applies

32 Schedule 1 (Dictionary)

Page 113, line 10, ‘request,’—

omit, insert—

request

33 Schedule 1 (Dictionary)

Page 117, line 18, after ‘part’—

insert—

of

34 Schedule 1 (Dictionary)

Page 118, line 1—

omit, insert—

(a) result from the participant’s injury or another personal injury resulting from the motor accident; and

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