

Motor Accident Insurance and Other Legislation Amendment Bill 2019

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

1 Clause 3 (Amendment of s 3 (Objects))

Page 9, after line 7—

insert—

(5) Section 3—

insert—

- (k) to establish measures directed at eliminating or reducing the practice of giving or receiving consideration for a claim referral or potential claim referral, or soliciting or inducing a claimant to make a claim, in contravention of this Act.

2 After clause 5

Page 12, after line 7—

insert—

5A Amendment of s 34 (Duty to notify accidents to police)

(1) Section 34(2)(a)—

omit, insert—

- (a) the giving of required particulars under the *Transport Operations (Road Use Management) Act 1995*, section 93(4);
or

(2) Section 34(2)(b), ‘reported’—

omit, insert—

given

3 Clause 6 (Insertion of new pt 4, div 2A)

Page 14, line 17—

omit, insert—

consideration, for a claim referral or potential claim referral, see section 74A.

4 Clause 15 (Insertion of new pt 5AA)

Page 23, lines 26 to 29—

omit, insert—

consideration, for a claim referral or potential claim referral, see section 74A.

5 Clause 15 (Insertion of new pt 5AA)

Page 24, after line 2—

insert—

74A Meaning of *consideration* for s 74

- (1) *Consideration*, for a claim referral or potential claim referral, means a fee or other benefit given for the claim referral or potential claim referral but does not include a gift, other than money, or hospitality if the gift or hospitality has a value of \$200 or less.
- (2) To remove any doubt, it is declared that *consideration* does not include—
 - (a) a payment or other benefit, not for a claim referral or potential claim referral, to—
 - (i) a community legal service; or
 - (ii) an industrial organisation; or
 - (iii) a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth); or

(iv) a school association; or

(v) a sporting association; or

Example—

legal services provided pro bono by an associate of a law practice to a community legal service

(b) an amount given by a claimant for a service provided to the claimant as part of making a claim including, for example, an amount for legal costs.

(3) In this section—

community legal service see the *Legal Profession Act 2007*, schedule 2.

industrial organisation means a federal organisation, or an organisation, as defined under the *Industrial Relations Act 2016*, schedule 5.

school association means—

(a) an association within the meaning of the *Education (General Provisions) Act 2006*; or

(b) a parents and friends association formed for a non-State school within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*.

sporting association means an association formed and operated on a not-for-profit basis for the purpose of conducting a sporting activity.

6 **Clause 22 (Replacement of pt 5A, div 6 (Information from Commissioner of Police Service))**

Page 70, line 28, after ‘report’—

insert—

or written information

7 Clause 28 (Amendment of s 17 (Statement of information for notice of claim—Act, s 37(1)(a))

Page 90, lines 28 to 31—

omit.

8 Clause 29 (Amendment of s 18 (Certificates to accompany notice of claim—Act, s 37(1)(d))

Page 94, line 2—

omit, insert—

consideration means a fee or other benefit but does not include a gift, other than money, or hospitality if the gift or hospitality has a value of \$200 or less.

9 Clause 31 (Amendment of s 26 (Information to be provided by return—Act, s 88))

Page 96, lines 13 to 15—

omit.

© State of Queensland 2019