

Personal Injuries Proceedings and Other Legislation Amendment Bill 2022

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice, Minister for
Women and Minister for the Prevention of Domestic and Family Violence

1 **Clause 2 (Commencement)**

Page 10, line 7—

omit, insert—

(1) The following provisions commence on 1 July
2022—

(a) sections 5 to 10;

(b) sections 58 and 65;

(c) section 66, to the extent it inserts new
chapter 37, heading, and sections 743 to
746.

2 **Clause 2 (Commencement)**

Page 10, line 10, ‘14’—

omit, insert—

13

3 **Clause 2 (Commencement)**

Page 10, after line 11—

insert—

(iaa) section 39;

4 **Clause 2 (Commencement)**

Page 10, lines 15 to 21—

omit, insert—

(c) section 59;

- (d) section 60, to the extent it inserts new chapter 6B, parts 2, 3 and 5;
- (e) section 66, to the extent it inserts section 747.

5 Clause 16 (Amendment of s 347 (Maximum payment for conduct of speculative personal injury claim))

Page 16, lines 19 to 21—

omit, insert—

services provided—

- (i) after notice of the claim is given under the *Motor Accident Insurance Act 1994*, section 37; or
- (ii) after notice of the claim is given under the *Personal Injuries Proceedings Act 2002*, section 9 or 9A; or
- (iii) after a notice of claim is given for the claim under the *Workers' Compensation and Rehabilitation Act 2003*, section 275; or
- (iv) before a notice mentioned in subparagraph (ii) or (iii) is given, if an urgent proceeding is started for the claim under—
 - (A) the *Personal Injuries Proceedings Act 2002*, chapter 2, part 1, division 5; or
 - (B) the *Workers' Compensation and Rehabilitation Act 2003*, section 276 or chapter 5, part 7, division 1.

6 Clause 36 (Amendment of schedule 2 (Dictionary))

Page 36, line 5, '1A'—

omit, insert—

1AA

7 Clause 36 (Amendment of schedule 2 (Dictionary))

Page 36, line 29, ‘section’—

omit, insert—

definition

8 Clause 42 (Amendment of s 9 (Notice of a claim))

Page 42, lines 20 to 23, from ‘a law’ to ‘9A(3)(j)’—

omit, insert—

section 9A does not apply in relation to the claim

9 Clause 51 (Insertion of new ch 3, pts 2 and 2A)

Page 51, line 32 to page 52, line 1—

omit, insert—

person contacts the other person—

(a) whether in person or by mail, telephone, email or another form of electronic communication; and

(b) whether the other person is contacted individually or as a member of a class of persons.

10 Clause 52 (Amendment of s 73A (Proceeding))

Page 58, line 24, ‘1A’—

omit, insert—

1AA

11 Clause 53 (Insertion of new s 73B)

Page 59, line 27, ‘1A’—

omit, insert—

1AA

12 Clause 58 (Amendment of s 39A (Meaning of *terminal condition*))

Page 63, line 4, ‘3 years’—

omit, insert—

5 years

13 Clause 59 (Amendment of s 275 (Notice of claim for damages))

Page 63, line 12, after ‘certificate’—

insert—

, or a copy of a law practice certificate,

14 Clause 60 (Insertion of new ch 6B)

Page 66, lines 20 to 22—

omit, insert—

(b) the supervising principal of the law practice has not previously given a law practice certificate to the claimant in relation to the claim.

15 Clause 60 (Insertion of new ch 6B)

Page 67, lines 2 to 25—

omit, insert—

325I Law practice retained by claimant after notice of claim for damages given or urgent proceeding started

(1) This section applies if—

(a) a law practice is retained to act in relation to a claim for damages after—

(i) the claimant has given a notice of claim for damages under section 275; or

- (ii) an urgent proceeding for the claim for damages is started under section 276; and
 - (b) the supervising principal of the law practice has not previously given a law practice certificate to the claimant in relation to the claim.
 - (2) The supervising principal of the law practice in relation to the claim must, within 1 month after the day the practice is retained—
 - (a) complete a law practice certificate for the claim; and
 - (b) give the certificate to the insurer and a copy of the certificate to the claimant.
- Maximum penalty—300 penalty units.

16 Clause 62 (Insertion of new s 573A)

Page 96, line 22, ‘1A’—

omit, insert—

1AA

17 Clause 66 (Insertion of new ch 37)

Page 99, lines 9 to 19—

omit.

18 Clause 66 (Insertion of new ch 37)

Page 99, lines 25 to 32—

omit, insert—

- (2) Former section 39A continues to apply in relation to the condition if, before the commencement, the worker, or the worker’s dependants—

- (a) made an application for compensation under section 132; and
 - (b) gave the insurer medical evidence about the terminal nature of the condition.
- (2A) For subsection (2), it does not matter whether the application was decided, or lump sum compensation under section 128B or 128D was paid, before the commencement.

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