



Queensland

# Personal Injuries Proceedings and Other Legislation Amendment Regulation 2022

## Subordinate Legislation 2022 No. 146

made under the

*Legal Profession Act 2007*

*Personal Injuries Proceedings Act 2002*

*Workers' Compensation and Rehabilitation Act 2003*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Personal Injuries Proceedings and Other Legislation Amendment Regulation 2022*.

### 2 Commencement

This regulation commences on 31 October 2022.

## Part 2 Amendment of Legal Profession Regulation 2017

### 3 Regulation amended

This part amends the *Legal Profession Regulation 2017*.

### 4 Insertion of new pt 6A

After section 92—

*insert—*

## Part 6A Examinations under chapter 6A of the Act

### 92A Allowances and expenses for person required to attend for examination—Act, s 581F

For the Act, section 581F(4), the allowances and expenses to which a witness in a proceeding before the District Court is entitled are prescribed.

[s 5]

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## Part 3                      Amendment of Personal Injuries Proceedings Regulation 2014

### 5                      Regulation amended

This part amends the *Personal Injuries Proceedings Regulation 2014*.

### 6                      Amendment of s 5 (Notice of a claim—documents for Act, s 9(2)(c))

- (1) Section 5, heading, ‘9(2)(c)’—

*omit, insert—*

#### **9(2)(d)**

- (2) Section 5, before subsection (1)—

*insert—*

(1AA) For section 9(2)(d) of the Act, this section provides for the documents required to accompany a notice of a claim.

- (3) Section 5(1) and (2), from ‘For’ to ‘part’—

*omit, insert—*

#### **Part**

- (4) Section 5, after subsection (1)—

*insert—*

(1A) Also, part 1 of the notice of a claim must be accompanied by a claimant’s certificate.

(1B) However, if the notice of a claim is signed by the claimant’s lawyer under the Act, section 44(3), the claimant’s certificate must accompany the notice of the claim signed and given by the claimant under the Act, section 44(4).

(5) Section 5—

*insert—*

(3) In this section—

*claimant's certificate* see section 5A.

(6) Section 5(1AA) to (3)—

*renumber* as section 5(1) to (6).

## 7 Insertion of new s 5A

After section 5—

*insert—*

### 5A Claimant's certificate

- (1) A *claimant's certificate* for a notice of a claim is a certificate that complies with subsection (2) and states—
  - (a) whether the claimant is making the claim on the claimant's own initiative; and
  - (b) whether the claimant was personally approached or contacted by a person and solicited or induced to make the claim; and
  - (c) if the claimant was personally approached or contacted by a person and solicited or induced to make the claim—
    - (i) the name of the person who approached or contacted the claimant; and
    - (ii) the circumstances in which the person approached or contacted the claimant; and
  - (d) if the claimant has instructed a law practice to act for the claimant in relation to the claim—whether, to the claimant's knowledge, the law practice gave another

[s 8]

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person consideration for referring the claimant to the law practice.

- (2) A claimant's certificate must be—
- (a) in a form approved by the commissioner; and
  - (b) verified by statutory declaration.

## **Part 4**

# **Amendment of Workers' Compensation and Rehabilitation Regulation 2014**

### **8 Regulation amended**

This part amends the *Workers' Compensation and Rehabilitation Regulation 2014*.

### **9 Insertion of new s 147A**

After section 147—

*insert—*

#### **147A Allowances and expenses for person required to attend for examination—Act, s 532S**

For the Act, section 532S(4), the allowances and expenses to which a witness in a proceeding before the District Court is entitled are prescribed.

ENDNOTES

- 1 Made by the Governor in Council on 20 October 2022.
- 2 Notified on the Queensland legislation website on 21 October 2022.
- 3 The administering agency is the Department of Justice and Attorney-General.

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