

7 August 2019

Our ref: KS-ACTLC

Mr Linus Power MP  
Chair  
Economics and Governance Committee  
Parliament House  
Brisbane Qld 4000

By email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Dear Mr Power

**Motor Accident Insurance Amendment Bill 2019**

Thank you for the opportunity to provide comments on the Motor Accident Insurance and other Legislation Amendment Bill 2019 (the **bill**).

In light of the assent of the *Human Rights Act 2019* (Qld) (**HRA**) in March of this year and the various matters raised in our submission of 4 July 2019 with respect to some aspects of the bill, we considered it was timely to provide a brief correspondence in this regard.

Firstly, in our submission to the parliamentary inquiry we raised a number of concerns with respect to the investigative powers proposed in the bill. However, while continuing to advocate for the maintenance of the fundamental right to remain silent and that cornerstone principles such as legal professional privilege and protection against self-incrimination be preserved, we remain of the view that MAIC must also be provided with appropriate investigative powers in order to monitor and enforce the certificate requirements. That is, both aspects are required in our view to achieve the policy purpose.

QLS has also had regard to section 13 of the *HRA*, which although not yet in force, sets out the circumstances in which it may be reasonable to limit a human right. Section 13(2) in particular states that in considering whether a limit on a human right is reasonable and justifiable, regard may be had to '*the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose*'.

To achieve the objective of putting a stop to claim farming and maintaining the integrity of the Queensland's CTP scheme the government may be required to consider the appropriate balance of effective investigative powers and any limitation of the rights under the HRA. We accept that this necessarily requires a careful balancing exercise.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Policy Team by phone on (07) 3842 5930 or by email to [policy@qls.com.au](mailto:policy@qls.com.au).

Yours faithfully



Bill Potts  
President