

Notice to the profession regarding the provision of Notice of Accident claim forms and Claimant Certificates under the *Motor Accident Insurance Act 1994 (Qld)* during the COVID-19 pandemic

Dated 8 May 2020

The Queensland Motor Accident Insurance Commissioner has encouraged a common sense approach to claims management generally by all parties in the conduct of CTP claims during this challenging time.

The COVID-19 pandemic requires some level of flexibility to be afforded to parties properly practising social distancing, who are in self-isolation or otherwise, due to matters outside of their control, unable to comply fully with the notice and certificate requirements under the *Motor Accident Insurance Act 1994 (Qld)* (**MAIA**) (section 37 and section 18(1A) of the *Motor Accident Insurance Regulation 2018*).

Whilst we understand that parties are working as flexibly as possible during this time in addressing and accommodating issues as they arise, in order to provide a level of assurance to practitioners and claimants, the four CTP providers in Queensland - Allianz, QBE, RACQ Insurance, Suncorp, together with the Queensland Law Society and the Australian Lawyers Alliance, Queensland Branch, with the assistance of the Motor Accident Insurance Commission have agreed to the following accommodations, subject always, to the appropriate discretion of the Court in specific circumstances, until further notice:

1. Where a claimant or potential claimant, due to circumstances related to COVID-19 disruption, is unable to provide a signed notice of accident claim form (**NOAC**) declaration, duly witnessed by a Justice of the Peace, Commissioner for Declarations or a lawyer, then the claimant or potential claimant (or the Claimant's solicitor on instruction from their client) will:
 - complete the NOAC to the best of the claimant's knowledge, and the claimant will sign the NOAC;
 - provide the relevant insurer or insurer's solicitor with information about the circumstances surrounding the claimant's inability to have their signature properly witnessed; and
 - submit the NOAC in its' current form;

Unless there are specific circumstances which substantiate raising compliance concerns, which are unrelated to the proper witnessing of the NOAC declaration, the insurer will make a rehabilitation decision and progress investigations.

The non-compliance is to be rectified as soon as possible or within a reasonable period once the current government health guidelines and restrictions are lifted.

2. Similarly, where due to circumstances related to COVID-19 disruption, a Claimant is unable to provide a sworn Claimant Certificate, the claimant or the claimant's solicitor should advise the respective insurer in writing or via email at the earliest opportunity, of the reason for the inability to comply with the Claimant Certificate requirement and confirm that a complying sworn certificate will be provided within a reasonable time frame.

The certificate signed by the claimant alone will be provided to the insurer, but the claimant or claimant's lawyer will provide a duly executed certificate within a reasonable period once the current government health guidelines and restrictions are lifted. Ideally the certificate would be rectified the same time that any related compliance issues with the NOAC are revisited and rectified.

Practitioners are encouraged to continue to engage productively with each other and the insurers to progress matters during this period.