

Profession Alert

Injunction - Joanne Gai Costelow

On Thursday 16 June 2022, the Commissioner obtained a Supreme Court injunction against a former law practice employee, Joanne Gai Costelow.

The Court accepted the Commissioner's evidence that Ms Costelow had used her position as conveyancing manager to misappropriate trust funds in excess of \$400,000.00 between March 2016 and October 2021.

The Supreme Court granted the injunction and Ms Costelow is restrained from seeking to be employed, or being employed, in a law practice in any capacity and also from being in any way involved in the management of trust monies in connection with the provision of legal services.

Principals are reminded that they should take steps to ensure that all employees are entitled to be employed by a law practice and that all professional staff have the necessary qualifications required to practise, including a current practising certificate at the appropriate level.



Personal Injuries Proceedings and Other Legislation Amendment Act 2022



This week the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022* (PIPOLA) passed the House. There are new requirements for claims made under the *Personal Injuries Proceedings Act 2022* (PIPA), and the *Workers' Compensation and Rehabilitation Act 2003* (WRCA).

The PIPOLA amends the PIPA, the *Legal Profession Act 2007* (LPA) and the WRCA to introduce provisions aimed at stopping the practice of claim farming of personal injuries and workers compensation claims in Queensland. The amendments replicate and build upon existing provisions in the *Motor Accident Insurance Act 1994* (MAIA)

The legislative amendments include new offence provisions prohibiting claim farming practices including giving or receiving consideration for referring a claimant or potential claimant, and personally approaching or contacting another person to solicit or induce them to make a claim.

At a date to be announced, additional provisions will be in force requiring completion of law practice certificates (LPCs) which certify that the offence provisions have not been contravened. It will also be an offence to give a false or misleading LPC. LPCs are required at various stages of the claim process including when retained, at settlement or judgment and if the law practice is sold.

The LPC template form will be available online. It must be signed by the supervising principal and verified by statutory declaration. The LPC must state:

1. That the supervising principal and each associate of the law practice:

- have not given, agreed to give or allowed or caused someone to give consideration to another person for a claim referral or potential claim referral for the claim or received, agreed to receive or allowed or caused someone else to receive consideration from another person for a claim referral or potential claim referral for the claim, or if the supervising principal believes section 71 PIPA or 325R WCRA does not apply due to subsection (3), the reasons for the belief; and
- have not personally approached or contacted the claimant and solicited or induced the claimant to make the claim or if the supervising principal believes section 71B PIPA or 325T WCRA does not apply due to subsection (3), the reasons for the belief; and

2. If the claim is a speculative personal injury claim, that the costs agreement relating to the claim complies with section 71E or the *Legal Profession Act 2007*, section 347.

The Legal Services Commission is the regulator for personal injuries claims under PIPA. The Workers Compensation Regulator is the regulator for claims made under WCRA. The Motor Accident Insurance Commission remains the regulator for claims made under the Compulsory Third Party insurance scheme regulated under MAIA.

The Commission is working with the other regulators and will keep you informed about the commencement and implementation of the additional provisions. Further information will soon be available on the Commission's website.

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