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[2003] QSC 445

## Transcript of Proceedings

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SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

REVISED COPIES ISSUED  
State Reporting Bureau  
Date: 5 December, 2003 ✓

Application No 544 of 2003

PAULINE MARGARET DILLON

First Applicant

and

JALHEEL HILWA GILL by litigation guardian  
P M DILLON

Second Applicant

and

SASKIA INGRID GILL by litigation guardian  
P M DILLON

Third Applicant

and

NOMINAL DEFENDANT

First Respondent

and

JOHN JOSEPH MARANO

Second Respondent

and

FAI ALLIANZ LIMITED  
(ACN 094 802 525)

Third Respondent

CAIRNS

..DATE 01/12/2003

### JUDGMENT

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This is an application for leave to commence a claim under the Motor Accident Insurance Act 1994 (MAIA). The applicant is the widow of Darren David Gill who died as a result of a motor vehicle incident on the 2nd of December 2000. A claim is made by the applicant and by her child and the child of her marriage with the late David Gill.

The proceedings must be commenced by the 2nd of December 2003 to meet the requirements of the statute of limitation. Of the three respondents, the first respondent has accepted the claim as complying with requirements of MAIA, the second and third respondents have not. This order is made despite that non compliance.

Given the pending expiration of the period of limitations and the circumstances generally and, in particular, because each of the parties have agreed to the order being made, I will make the orders before me by consent in terms of the draft initialled by me and placed with the papers.

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