

# Civil Liability Regulation 2025

Explanatory notes for SL 2025 No. 109

Made under the

*Civil Liability Act 2003*

## General Outline

### Short Title

*Civil Liability Regulation 2025*

### Authorising law

Section 74 of the *Civil Liability Act 2003*

### Policy objectives and the reasons for them

The *Civil Liability Act 2003* (CL Act) clarifies the law of civil liability in Queensland and the way damages for personal injury are assessed. The main purpose of the CL Act is to facilitate the ongoing affordability of public liability insurance by clarifying some of the basic principles of civil liability, particularly in relation to the law of negligence, and by providing for consistent and sustainable awards of damages for personal injury.

The CL Act achieves this purpose by, among other things:

- clarifying the law of negligence with respect to principles such as foreseeability, standard of care, causation and remoteness of damage, assumption of risk, duties of professionals, contributory negligence and proportionate liability;
- protecting certain persons and entities from civil liability when performing duties to enhance public safety in circumstances of emergency (where the act or omission is done in good faith and without reckless disregard for safety); and
- creating a statutory scheme for the assessment of general damages for personal injury, based on assigning a numerical value (injury scale value (ISV)) from 0 to 100 reflecting the seriousness of the injury, and fixing general damages amounts based on the ISV for the injury.

The *Civil Liability Regulation 2014* (CL 2014 Regulation) supports the operation of the CL Act by prescribing:

- the persons and entities that are protected from civil liability when performing duties to enhance public safety in circumstances of emergency (such as providing first aid); and

- the ISVs and psychiatric impairment rating scale (PIRS) ratings for various injuries, and other rules to guide the court in assessing an injury, which then determine the making of general damages awards in personal injury claims.

The CL 2014 Regulation expires on 31 August 2025 under section 56A of the *Statutory Instruments Act 1992*. In accordance with the *Queensland Government Better Regulation Policy*, a sunset review of the CL 2014 Regulation was undertaken to evaluate the continuing need for, effectiveness and efficiency of the regulation.

The sunset review concluded that the CL 2014 Regulation effectively supported the objectives of the CL Act, and recommended that the CL 2014 Regulation be replaced with the *Civil Liability Regulation 2025* (CL 2025 Regulation) in substantially the same terms prior to its expiry.

## **Achievement of policy objectives**

Consistent with the outcomes of the sunset review, the CL 2025 Regulation replaces the CL 2014 Regulation in substantially the same terms, subject to the following changes:

- Queensland First Aid Volunteers Inc (QFAV) has been prescribed as an entity protected from civil liability when performing duties to enhance public safety (QFAV is a not-for-profit organisation of volunteers providing first aid services to the community);
- various updates have been made to the list of prescribed entities providing services to enhance public safety; and
- other minor technical changes have been made to improve clarity, remove redundant provisions and reflect current drafting practice.

## **Consistency with policy objectives of authorising law**

The CL 2025 Regulation is consistent with the policy objectives of the CL Act, which include protecting certain persons and entities from civil liability when performing duties to enhance public safety, and providing for consistent and sustainable awards of damages in personal injury claims.

## **Inconsistency with policy objectives of other legislation**

The CL 2025 Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefits of implementing the CL 2025 Regulation are that the policy objectives of the CL Act will continue to be supported with respect to protecting certain persons and entities from civil liability when performing duties to enhance public safety, and providing a statutory scheme for the assessment of general damages for personal injury.

There are no costs associated with implementing the CL 2025 Regulation.

## **Consistency with fundamental legislative principles**

The CL 2025 Regulation is consistent with fundamental legislative principles.

## **Consultation**

Key government, legal, medical and insurance stakeholders were consulted as part of the sunset review of the CL 2014 Regulation. A consultation paper was circulated to assist stakeholders with providing feedback in relation to the review.

Stakeholders consulted were broadly supportive of replacing the CL 2014 Regulation with a new regulation in substantially the same terms. QFAV has been prescribed in the CL 2025 Regulation as an entity protected from civil liability when performing duties to enhance public safety.

An Impact Analysis Statement (IAS) was prepared as part of the sunset review of the CL 2014 Regulation. The IAS concluded that replacing the CL 2014 Regulation with the CL 2025 Regulation is expected to have beneficial financial impacts for a broad range of individuals and organisations, including parties to personal injuries proceedings, courts, first aid volunteers, community organisations and small businesses.