

Civil Liability Regulation 2025

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, provide this human rights certificate with respect to the *Civil Liability Regulation 2025* (CL 2025 Regulation) made under section 74 of the *Civil Liability Act 2003* (CL Act).

In my opinion, the CL 2025 Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The 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 CL 2025 Regulation in substantially the same terms prior to its expiry.

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.

Human Rights Issues

The CL 2025 Regulation does not limit human rights.

Conclusion

I consider that the CL 2025 Regulation is compatible with the HR Act because it does not raise a human rights issue.

DEB FRECKLINGTON MP
Attorney-General and Minister for Justice and Minister for Integrity

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