

Personal Injuries Proceedings Regulation 2025

Explanatory notes for SL 2025 No. 110

Made under the

Personal Injuries Proceedings Act 2002

General Outline

Short Title

Personal Injuries Proceedings Regulation 2025

Authorising law

Section 75 of the *Personal Injuries Proceedings Act 2002*

Policy objectives and the reasons for them

The *Personal Injuries Proceedings Act 2002* (PIP Act) regulates particular claims for and awards of damages based on a liability for personal injuries. The main purpose of the PIP Act is to assist the ongoing affordability of insurance through appropriate and sustainable awards of damages for personal injury.

The *Personal Injuries Proceedings Regulation 2014* (PIP 2014 Regulation) supports the operation of the PIP Act by prescribing:

- the information to be included in, and documents to accompany, a notice of a claim;
- the records and sources of information a notice of claim authorises a person or a person's insurer to have access to;
- the requirements for a claimant's certificate;
- various timing requirements for the making of, and responding to, a notice of a claim;
- an explanatory statement that must be provided with an offer of settlement made by a respondent to a claimant who is not legally represented; and
- the costs payable in the event certain offers of settlement are accepted.

The PIP 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 existing PIP Regulation was undertaken to evaluate the continuing need for, effectiveness and efficiency of the regulation.

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

Achievement of policy objectives

The PIP 2025 Regulation provides for the same matters as the PIP 2014 Regulation, as well as various changes to implement stakeholder feedback received as part of the sunset review. These changes include amendments and additions to:

- improve readability and reflect current drafting standards, including by clarifying information in some provisions and moving provisions about particulars for a notice of claim to Schedule 1;
- clarify the documents required to be provided with each part of a notice of claim;
- specify that certain particulars are not required for an abuse claim, healthcare claim or dependency claim;
- clarify that a claimant may provide an image or diagram of the scene of the incident, if appropriate;
- provide that the authority to access documents and other sources of information relevant to a claim authorises the Motor Accident Insurance Commission to release records relevant to the claim; and
- provide a process for a notice of claim to be given by an electronic communication to the proposed respondent under section 44(5) of the PIP Act.

Consistency with policy objectives of authorising law

The PIP 2025 Regulation is consistent with the main objectives of the PIP Act which regulate the process for making personal injuries claims, other than workers' compensation claims and motor accident claims.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The PIP 2025 Regulation will continue to support the process for particular claims for and awards of damages based on a liability for personal injuries.

There are no implementation costs associated with the PIP 2025 Regulation.

Consistency with fundamental legislative principles

The PIP 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 PIP 2014 Regulation. A consultation paper was prepared to assist stakeholders with providing feedback in relation to the review.

Stakeholders consulted were broadly supportive of replacing the PIP 2014 Regulation with the PIP 2025 Regulation in substantially the same terms. Various changes have been incorporated into the PIP 2025 Regulation to address stakeholder feedback, where appropriate.

An Impact Analysis Statement (IAS) was prepared as part of the sunset review of the PIP 2014 Regulation. The IAS concluded that, replacing the PIP 2014 Regulation with the PIP 2025 Regulation is expected to have beneficial financial impacts for parties to personal injuries claims, courts and insurance holders in Queensland.