

# Impact Analysis Statement

Lead department	Department of Justice
Name of the proposal	Indexation of various monetary caps and thresholds and costs and offer limits under the <i>Civil Liability Act 2003</i> and <i>Personal Injuries Proceedings Act 2002</i> for the 2025-26 financial year
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Civil Liability Indexation Notice 2025</i> <i>Personal Injuries Proceedings Indexation Notice 2025</i>
Date of issue	June 2025

Proposal type	Details
Regulatory proposals where no RIA is required	<p>The <i>Civil Liability Act 2003</i> (CL Act) and <i>Personal Injuries Proceedings Act 2002</i> (PIP Act) each provide for the annual indexation of various monetary caps and thresholds and costs and offer limits relating to damages for personal injury.</p> <p><u>Indexation of monetary caps and thresholds under the CL Act</u></p> <p>Under section 75(1) of the CL Act, the Minister must, before each financial year starts, make a notice for the financial year fixing the following amounts:</p> <ul style="list-style-type: none"> <li>the threshold which determines whether a court can award damages for loss of consortium or loss of servitium (CL Act, section 58(1)(b));</li> <li>caps on general damages (CL Act, section 62(2)(a) and (b)); and</li> <li>the threshold for notification by a court about a proposed award for future loss to give the parties to a proceeding a reasonable opportunity to negotiate a structured settlement (CL Act, section 64(2)).</li> </ul> <p>Under section 75(2) of the CL Act, the amounts fixed are to be the amounts last fixed by the Minister, adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards).</p> <p>Under section 75(5) of the CL Act, the Minister's notice is subordinate legislation.</p> <p>The <i>Civil Liability Indexation Notice 2025</i> fixes the indexed amounts for or under section 58(1)(b), section 62(2)(a) and (b) and section 64(2) of the CL Act for the 2025-26 financial year.</p> <p><u>Indexation of costs and offer limits under the PIP Act</u></p> <p>Under section 75A(1) of the PIP Act, the Minister must, before each financial year starts, make a notice for the financial year fixing amounts as the declared costs limit, lower offer limit and upper offer limit. These limits are the monetary thresholds used to determine whether, and to what extent, legal costs are recoverable under the PIP Act.</p> <p>Under section 75A(2) of the PIP Act, the amounts fixed are to be the amounts last fixed by the Minister, adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half</p>

Proposal type	Details
	<p>upwards). Under section 75A(5) of the PIP Act, the Minister's notice is subordinate legislation.</p> <p>The <i>Personal Injuries Proceedings Indexation Notice 2025</i> fixes the indexed amounts for the declared costs limit, lower offer limit and upper offer limit for the 2025-26 financial year.</p> <p><u>Proposal does not require regulatory impact analysis</u></p> <p>The proposal relates to the indexation of various monetary caps and thresholds and costs and offer limits in accordance with a statutory indexation method.</p> <p>As a result, no regulatory impact analysis is required under the Better Regulation Policy.</p>

## Signed



Director-General

Date: 11/6/25



Attorney-General and Minister for Justice and  
Minister for Integrity

Date: 18/06/25