Impact Analysis Statement

Details

Lead department	Department of Justice
Name of the proposal	Sunset review of the *Civil Liability Regulation 2014*
Submission type	Summary IAS
Title of related legislative or regulatory instrument	*Civil Liability Regulation 2025*
Date of issue	August 2025

What is the nature, size and scope of the problem? What are the objectives of government action?

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
- prescribing 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* and must be replaced before that date if its provisions are to remain in force.

What options were considered?

A sunset review of the CL 2014 Regulation was undertaken in accordance with the *Queensland Government Better Regulation Policy* to evaluate the continuing need for, effectiveness and efficiency of the regulation. Three options were considered as part of the review:

- **Option 1:** Allowing the CL 2014 Regulation to expire without introducing a new regulation.
- **Option 2:** Replacing the CL 2014 Regulation without changes.
- **Option 3:** Replacing the CL 2014 Regulation with changes.

What are the impacts?
Option 1: Allowing the CL 2014 Regulation to expire without introducing a new regulation. If Option 1 were adopted, the policy objectives of the CL Act would no longer be supported with respect to protecting persons and entities from civil liability when providing services to enhance public safety, and providing for consistent and sustainable awards of damages for personal injury. Option 1 would result in entities such as volunteer rescue and first aid organisations no longer being protected from civil liability. This would expose those organisations and the people who work for them to greater public liability, increasing their insurance premiums and threatening their ongoing financial viability. Option 1 would also mean that there would no longer be a statutory scheme for the assessment of general damages for personal injury based on the ISVs and PIRS ratings for various injuries. This would result in less consistent and sustainable awards of damages in personal injury claims, which would be expected to increase the costs of public liability insurance for small businesses and community organisations. For these reasons, Option 1 is not supported. **Option 2:** Replacing the CL 2014 Regulation without changes. If Option 2 were adopted, the CL 2014 Regulation would be replaced in its current form without any changes. This would result in stakeholder feedback received in response to the review not being incorporated into the new regulation (see below). Option 2 would also not allow for the new regulation to be updated to improve clarity, update references, remove redundant provisions and reflect current drafting practice. For these reasons, Option 2 is not supported. **Option 3:** Replacing the CL Regulation with changes. Option 3 is the recommended option (see below).
Who was consulted?
Key government, legal, medical and insurance stakeholders were consulted as part of the sunset review of the CL 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 CL 2014 Regulation with a new regulation in substantially the same terms. Queensland First Aid Volunteers Inc (QFAV) indicated that it wished to be prescribed in the new regulation 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).
What is the recommended option and why?
Option 3: Replacing the CL 2014 Regulation with changes. Option 3 replaces the CL 2014 Regulation with a new *Civil Liability Regulation 2025* (CL 2025 Regulation), which reproduces the CL 2014 Regulation in substantially the same terms, subject to the following changes: • QFAV has been prescribed as an entity protected from civil liability when performing duties to enhance public safety; • 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. Option 3 is consistent with the views expressed by stakeholders as part of the sunset review of the CL 2014 Regulation. For this reason, Option 3 is the recommended option.

Impact assessment

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.

Firstly, persons and entities providing services to enhance public safety will continue to be protected from civil liability when rendering first aid or other assistance to persons in distress. This is expected to result in lower insurance premiums for volunteer rescue and first aid organisations, and a greater uptake in persons seeking to volunteer for these organisations.

Secondly, the statutory scheme for the assessment of general damages for personal injury, based on the ISVs and PIRS ratings for various injuries, will continue to operate. This is expected to result in more objective, consistent and sustainable awards of damages for personal injury, which in turn will provide more efficient resolution of personal injury claims, lower insurance premiums and greater financial viability for small businesses and community organisations.

It is not expected that there will be any compliance or government costs associated with the making of the CL 2025 Regulation.

	First full year	First 10 years
Direct costs – *Compliance costs*	Not quantifiable	Not quantifiable
Direct costs – *Government costs*	Not quantifiable	Not quantifiable

Signed

Sarah Cruickshank
Director-General

Date: 7/8/25

Deb Frecklington MP
Attorney-General and Minister for Justice
Minister for Integrity

Date: 14/8/25.