

Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2020

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 Cameron Dick MP, Treasurer, Minister for Infrastructure and Planning, provide this human rights certificate with respect to the amendments to the *Motor Accident Insurance Regulation 2018* in the *Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2020* (the Amendment Regulation) made under sections 100 and 100A of the *Motor Accident Insurance Act 1994*.

In my opinion, the amendments to the *Motor Accident Insurance Regulation 2018* in the Amendment Regulation, as tabled in the Legislative Assembly, are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

In accordance with section 41 of the HR Act I, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice, Leader of the House, provide this human rights certificate with respect to the amendments to the *Civil Liability Regulation 2014* and the *Personal Injuries Proceedings Regulation 2014* in the Amendment Regulation made under sections 74 and 75 of the *Civil Liability Act 2003* and sections 75 and 75A of the *Personal Injuries Proceedings Act 2002*.

In my opinion, the amendments to the *Civil Liability Regulation 2014* and the *Personal Injuries Proceedings Regulation 2014* in the Amendment Regulation, as tabled in the Legislative Assembly, are 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 *Civil Liability Regulation 2014*, the *Motor Accident Insurance Regulation 2018* and the *Personal Injuries Proceedings Regulation 2014* contain various costs and offer limits, monetary caps and thresholds in relation to common law damages for personal injury.

Provisions in the primary legislation for each regulation require the responsible Minister to recommend to the Governor in Council on or before 1 July each year the amounts that are to be prescribed for the indexation of these costs and offer limits and monetary caps and thresholds.

The amount of indexation is determined by the amount last prescribed, adjusted by the percentage change in the amount of Queensland full-time adult persons ordinary time earnings declared by the Australian Statistician in the original series of the statistician's average weekly earnings publication most recently published before the start of the financial year and rounded to the nearest ten dollars.

The primary purpose of the Amendment Regulation is to apply the relevant increase to each costs and offer limit, monetary cap and threshold for injuries occurring on or after 1 July 2020.

The Amendment Regulation also removes an obsolete reference from Schedule 1 to the *Motor Accident Insurance Regulation 2018*.

Human Rights Issues

The Amendment Regulation does not affect or engage a human right.

Conclusion

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

CAMERON DICK MP
Treasurer, Minister for Infrastructure
and Planning

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House