



Queensland

Personal Injuries Proceedings Act 2002

Personal Injuries Proceedings Regulation 2025

Current as at 1 September 2025

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Personal Injuries Proceedings Regulation 2025

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Personal Injuries Proceedings Regulation 2025

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Personal Injuries Proceedings Regulation 2025*.

2 Commencement

This regulation commences on 1 September 2025.

3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

Part 2 Notices of claim

4 Required information for notice of claim—Act, s 9

For section 9(2)(a) of the Act, the information required to be stated in a notice of claim—

- (a) is mentioned in schedule 1, part 1; and
- (b) for a dependency claim—includes the information mentioned in schedule 1, part 2; and
- (c) for a health care claim—includes the information mentioned in schedule 1, part 3.

5 Records and sources of information for notice of claim—Act, s 9

- (1) For section 9(2)(b) of the Act, the specified records and sources of information relevant to the claim are—

[s 5]

- (a) if the personal injury to which the claim relates aggravated a pre-existing injury or condition—
 - (i) any records in the possession of any insurer involved in the claim for the pre-existing injury or condition that are relevant to the pre-existing injury or condition; and
 - (ii) any reports or clinical notes in the possession of a health care provider who treated or assessed the injured person for the pre-existing injury or condition; and
- (b) records in the possession of a relevant entity or the Motor Accident Insurance Commission that are relevant to—
 - (i) an investigation of the incident alleged to have given rise to the personal injury to which the claim relates; or
 - (ii) an assessment of the injured person’s economic loss; and
- (c) reports and clinical notes in the possession of a hospital, including a private hospital, at which the injured person received treatment that are relevant to the personal injury to which the claim relates; and
- (d) records in the possession of an ambulance or other emergency service that treated or assisted the injured person that are relevant to the personal injury to which the claim relates; and
- (e) reports or clinical notes in the possession of a health care provider who treated or assessed the injured person that are relevant to the personal injury to which the claim relates; and
- (f) wage, leave and work history records in the possession of an employer (or a previous employer) of the injured person and, if the claim is a dependency claim, of each dependant; and

(g) academic records in the possession of any educational institution attended by the injured person and, if the claim is a dependency claim, of each dependant.

(2) In this section—

Motor Accident Insurance Commission means the entity of that name established under the *Motor Accident Insurance Act 1994*, section 6.

relevant entity means a department, agency or instrumentality of the Commonwealth, the State or another State administering the law relating to policing, social welfare, taxation or transport.

6 Documents to accompany notice of claim—Act, s 9

- (1) For section 9(2)(d) of the Act, this section provides for the documents required to accompany a notice of a claim.
- (2) Part 1 of the notice of the claim must be accompanied by each of the following documents—
 - (a) the claimant’s certificate, subject to subsection (3);
 - (b) for a claim, other than a health care claim—a copy of any certificate signed by a doctor relevant to the personal injury to which the claim relates that is in the claimant’s possession;
 - (c) for a dependency claim—a copy of the injured person’s death certificate;
 - (d) for a health care claim—the following documents in the claimant’s possession—
 - (i) a copy of any advice or warnings provided to the injured person by a health care provider about the treatment alleged to have given rise to the personal injury to which the claim relates;
 - (ii) a copy of any consent provided to the health care provider by the injured person about the treatment alleged to have given rise to the personal injury to which the claim relates.

[s 7]

- (3) If the notice of the claim is signed by the claimant's lawyer under section 44(3) of the Act, the claimant's certificate must accompany the notice of the claim signed and given by the claimant under section 44(4) of the Act.
- (4) Part 2 of the notice of the claim must be accompanied by a copy of any other document in the claimant's possession that is relevant to the personal injury, economic loss, treatment or rehabilitation to which the claim relates.

7 Claimant's certificate

- (1) A *claimant's certificate* for a notice of a claim is a certificate, complying with subsection (2), that states—
 - (a) whether the claimant is making the claim on the claimant's own initiative; and
 - (b) whether or not the claimant was personally approached or contacted by a person and solicited or induced to make the claim; and
 - (c) if the claimant was personally approached or contacted by a person and solicited or induced to make the claim—
 - (i) the name of the person who approached or contacted the claimant; and
 - (ii) the circumstances in which the person approached or contacted the claimant; and
 - (d) if the claimant has instructed a law practice to act for the claimant in relation to the claim—whether the claimant knows if the law practice gave consideration to a person for referring the claimant to the law practice.
- (2) A claimant's certificate must be—
 - (a) in a form approved by the commissioner; and
 - (b) verified by statutory declaration.

8 Period for giving notice of claim to other party—Act, s 9

- (1) For section 9(7) of the Act, this section prescribes the period in which a person given part 1 of a notice of a claim must—
 - (a) give a copy of the notice to another person (the *other party*) against whom a proceeding might be started by the claimant based on the claim; and
 - (b) advise the claimant about the other party under section 9(7)(b) of the Act.
- (2) The period prescribed is the period ending on the later of the following days—
 - (a) the day that is 1 month after the day the person is given part 1 of the notice of the claim;
 - (b) the day that is 7 days after the day the person identifies the other party.

9 Giving notice of claim electronically for urgent proceeding—Act, s 44

- (1) This section provides for giving a claimant's notice of a claim electronically to a proposed respondent for section 44(5) of the Act.
- (2) If the proposed respondent has given the claimant a written notice stating an electronic address for receiving the notice of the claim, the notice of the claim may be given by an electronic communication to the electronic address.
- (3) In this section—

electronic address means a digital mailbox address, email address, internet protocol address or mobile telephone number.

- (b) the day that is 7 days after the respondent identifies the person as a contributor.
- (3) For section 16(3) of the Act, the time prescribed is 7 days after the day the person is added as a contributor under section 16 of the Act.

12 Information for contributor's response—Act, s 17

For section 17(1)(a) of the Act, the following information is prescribed—

- (a) the contributor's full name;
- (b) the contributor's business address;
- (c) the contributor's postal address;
- (d) if a lawyer is acting for the contributor—the name and contact details of the lawyer;
- (e) the contributor's ABN, if any;
- (f) if the contributor is a corporation—
 - (i) the corporation's ACN; and
 - (ii) the corporation's registered office.

13 Accompanying statement for offer of settlement to unrepresented claimant

- (1) This section applies in relation to an offer of settlement made by a respondent to a claimant, if the claimant is not represented by a lawyer.
- (2) The offer of settlement must be accompanied by the following statement—

‘Your acceptance of this offer of settlement will finalise this claim and you will not be able to make any further claim or receive any further payment from (name of the respondent) for personal injury you received arising out of this incident.

If you have a concern about accepting this offer of settlement, you should seek independent legal advice.’

14 Basis for costs on acceptance of offer between lower offer limit and upper offer limit—Act, s 40

- (1) For section 40(2) of the Act, the claimant is entitled to payment of costs of the lesser of the following amounts—
 - (a) the declared costs limit;
 - (b) the total amount calculated under subsection (2).
- (2) For subsection (1)(b), the amount is the total of the amounts of each of the following costs—
 - (a) 100% of item 1 costs;
 - (b) 50% of item 5 costs;
 - (c) if relevant, the claimant’s cost of legal representation at the compulsory conference at the rate of—
 - (i) \$175 for the first hour; and
 - (ii) \$150 for each hour after the first; and
 - (iii) for a period of less than 1 hour, the relevant proportion of the hourly rate under subparagraph (i) or (ii);
 - (d) the claimant’s costs of an application to the court up to a maximum of \$400 for each application;
 - (e) reasonable disbursements if documentary evidence supporting the disbursements is available.
- (3) In this section—

item 1 costs means costs allowable under the *Uniform Civil Procedure Rules 1999*, schedule 2, part 2, item 1, column D.

item 5 costs means costs allowable under the *Uniform Civil Procedure Rules 1999*, schedule 2, part 2, item 5, column D.

Part 4 Transitional provision

15 Reference to expired regulation

- (1) In a document, a reference to the expired regulation may, if the context permits, be taken to be a reference to this regulation.
- (2) In this section—
expired regulation means the expired *Personal Injuries Proceeding Regulation 2014*.

Schedule 1 Required information for notices of claim

section 4

Part 1 Information for all claims

1 Information about injured person

Each of the following particulars about the injured person—

- (a) the person’s full name, address and telephone number;
- (b) any other name by which the person is known or has been known;
- (c) the person’s date of birth;
- (d) the person’s gender;
- (e) the name of any educational institution attended by the person;
- (f) details of the person’s consumption of alcohol or drugs, including medication, during the 12 hours before the incident.

2 Information about incident

- (1) Each of the following particulars about the incident alleged to have caused the personal injury to which the claim relates—
 - (a) the date, time and place of the incident;
 - (b) details of how the incident happened;
 - (c) if appropriate, a diagram or image showing, to the best of the claimant’s knowledge, the scene of the incident;

Example of a diagram—

a map or plan showing details of the scene of the incident

Example of an image—

a photograph with markings showing details of the scene of the incident

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- (d) the names, addresses and, if known, telephone numbers of any witnesses to the incident;
 - (e) the names, addresses and, if known, telephone numbers of any other persons able to provide relevant particulars about the incident;
 - (f) if an emergency response entity or an investigative entity attended the incident—
 - (i) the name of the entity; and
 - (ii) if known, the name of the person who attended the incident on behalf of the entity; and
 - (iii) the entity's contact details and, if known, the attending person's contact details; and
 - (iv) if known, any reference number assigned to the incident by the entity;
 - (g) the name, address and, if known, telephone number of each person who was, in the claimant's opinion, responsible for causing the incident;
 - (h) the reasons the claimant attributes responsibility to each person to whom paragraph (g) relates;
 - (i) for a claim, other than a child abuse claim or health care claim, if a protective device was available for use—
 - (i) the nature of the device; and
 - (ii) whether or not the injured person was using the device when the incident happened.
- (2) In this section—

abuse, of a child, see section 9(10) of the Act.

child abuse claim means a claim based on a personal injury of a person resulting from the abuse of the person when the person was a child.

3 Information about nature and treatment of personal injury

Each of the following particulars about the nature and treatment of the injured person's personal injury to which the claim relates—

- (a) a description of the personal injury suffered;
- (b) a description of how the personal injury affects the person at the date of the notice of the claim;
- (c) if the person was or is hospitalised for treatment of the personal injury, details of the hospitalisation;
- (d) if the person received or is receiving medical treatment for the personal injury—
 - (i) the name and address of the person providing the treatment; and
 - (ii) details about the treatment provided;
- (e) if the person received or is receiving rehabilitation for the personal injury—
 - (i) the name and address of the person providing the rehabilitation; and
 - (ii) details about the rehabilitation provided;
- (f) for a claim, other than a dependency claim, details of any disability suffered by the injured person from the personal injury if—
 - (i) the disability is relevant to the assessment of the extent of the personal injury; or
 - (ii) the disability or its symptoms lasted for 4 weeks or longer;
- (g) if the personal injury caused by the incident aggravated a pre-existing injury or medical condition, details of how the personal injury aggravated the pre-existing injury or condition.

4 Information about economic loss

Each of the following particulars relevant to the injured person's claim for economic loss—

- (a) the person's usual occupation and, if the person is currently employed, the name and address of the person's employer;
- (b) details of the person's employment from at least 3 years immediately before the incident until the date of the notice of the claim, including—
 - (i) details of the person's income; and
 - (ii) the names of the person's employers; and
 - (iii) the duration of the person's employment with each employer; and
 - (iv) the positions the person held;
- (c) the person's gross weekly income when the incident happened;
- (d) full details of the nature and extent of the person's economic loss, as far as it can be assessed at the date of the notice of the claim;
- (e) details of all claims made by the person for damages, compensation or social security benefits for a disability mentioned in section 3(f) of this schedule;
- (f) details of all amounts received by the person by way of damages, compensation or social security benefits for a disability mentioned in section 3(f) of this schedule;
- (g) details of all claims made by the person for damages, compensation or social security benefits for a personal injury, illness or disability mentioned in section 5(d) of this schedule;
- (h) details of all amounts received by the person for damages, compensation or social security benefits for a personal injury, illness or disability mentioned in section 5(d) of this schedule;

- (i) whether the person planned, before the incident, to change occupation, work duties, hours or earnings and if so, details of the change and the steps the injured person took to implement the change;
- (j) the name and contact details of each accountant who prepared the person's tax or business records from at least 3 years immediately before the incident until the date of the notice of the claim.

5 Other information required generally

Each of the following particulars of a general nature—

- (a) if the injured person was examined by a doctor in relation to the personal injury to which the claim relates, the date of the first examination;
- (b) the date the claimant first consulted a lawyer about the possibility of making a claim;
- (c) the name, address and, if known, telephone number of any person to whom the claimant has given, or intends to give, a notice of a claim in relation to the personal injury to which the claim relates;
- (d) details of any personal injury, illness or disability, in existence or sustained before the incident, that may affect the extent of the disabilities resulting from the personal injury to which the claim relates;
- (e) when the injured person returned to work or expects to return to work.

Part 2 Additional information for dependency claims

6 Information about claimant

Each of the following particulars about the claimant—

- (a) the claimant's full name and address;

- (b) the claimant's relationship to the injured person;
- (c) if the claimant was the spouse of the injured person—
 - (i) for a claimant who was married to the injured person—the date and place of the marriage; or
 - (ii) for a claimant who was in a civil partnership with the injured person—the date the civil partnership had effect and the place of registration; or
 - (iii) for a claimant who was in a de facto relationship with the injured person—the date on which they started living together in the de facto relationship;
- (d) if the claimant suffers from a serious medical condition or disability—the nature of the condition or disability;
- (e) the date the claimant first consulted a lawyer about the possibility of making a claim.

7 Information about each dependant

Each of the following particulars about each dependant, including the claimant, if the claimant is a dependant—

- (a) the dependant's full name and address;
- (b) whether the dependant is—
 - (i) married; or
 - (ii) in a civil partnership; or
 - (iii) in a de facto relationship;
- (c) the dependant's date of birth;
- (d) the dependant's gender;
- (e) the dependant's relationship to the injured person;
- (f) whether the dependant is a full-time student;
- (g) if the dependant has an independent income—the amount and source of the income;
- (h) if the dependant received any financial payments or other benefits from the injured person before the

incident—the average amount of the payments and how often they were received;

- (i) if the dependant has applied for or received any financial payments or other benefits in relation to the incident—the source and amount of the payments or benefits and how often they were received;
- (j) if the dependant suffers from a serious medical condition or disability—the nature of the condition or disability.

Part 3

Additional information for health care claims

8 Information relevant to health care claims

- (1) Each of the following particulars for a health care claim—
 - (a) a description of the medical condition for which the injured person sought treatment;
 - (b) the aspect of the treatment alleged to have given rise to the personal injury or to have aggravated a pre-existing injury or condition;
 - (c) the nature, type and severity of symptoms alleged to have arisen from the treatment;
 - (d) if applicable, the name, address and, if known, telephone number of each health care provider who treated the injured person in relation to the medical condition for which treatment was sought during the 3 years before the day the person started receiving the treatment alleged to have given rise to the personal injury;
 - (e) if the injured person made a complaint to a health service complaints entity under a health service complaints Act about a person alleged to have caused the personal injury—
 - (i) the date the complaint was made; and

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- (ii) if the complaint was finalised under the health service complaints Act—
 - (A) brief details of how the complaint was dealt with; and
 - (B) the date the complaint was finalised;
 - (f) if the claim relates to an alleged failure of the health care provider to inform or adequately inform the injured person of the risks involved in the treatment sought—
 - (i) the date, time and place of each consultation with the health care provider at which it is alleged information of the risks should have been given; and
 - (ii) if written or oral information or a warning was given to the injured person by the health care provider about the treatment—
 - (A) the date and place the information or warning was given; and
 - (B) details of the information or warning including what the injured person was informed or warned about; and
 - (iii) the risks about which the injured person should have been informed, or adequately informed, by the health care provider;
 - (g) if written or oral consent was given by the injured person to the health care provider about the treatment alleged to have given rise to the personal injury, the date and place the consent was given;
 - (h) the name, address and, if known, telephone number of each health care provider who provided the injured person with information or an explanation about the personal injury or an aggravation of a pre-existing injury alleged to have arisen from the treatment.
- (2) In this section—

health service complaints Act means an Act mentioned in the definition *health service complaints entity*, paragraph (a), (b) or (c).

health service complaints entity means—

- (a) the health ombudsman under the *Health Ombudsman Act 2013*; or
- (b) the Health Quality and Complaints Commission under the repealed *Health Quality and Complaints Commission Act 2006*; or
- (c) the Health Rights Commission under the repealed *Health Rights Commission Act 1991*.

Schedule 2 Dictionary

section 3

claimant's certificate see section 7.

health care claim see section 22(9) of the Act.

health care provider see section 22(9) of the Act.