

Personal Injuries Proceedings Regulation 2014

Explanatory notes for SL 2014 No. 132

made under the

Personal Injuries Proceedings Act 2002

General Outline

Short title

Personal Injuries Proceedings Regulation 2014

Authorising law

Section 75 of the *Personal Injuries Proceedings Act 2002* (the Act).

Policy objectives and the reasons for them

Under the *Statutory Instruments Act 1992*, the *Personal Injuries Proceedings Regulation 2002* (2002 regulation) is due to expire on 1 September 2014. The *Personal Injuries Proceedings Regulation 2014* (the regulation) replaces the 2002 regulation and also makes a number of minor and technical amendments.

The Act regulates particular claims for and awards of damages based on a liability for personal injuries. Section 75 of the Act provides for the making of regulations under the Act.

There is provision for the regulations to prescribe, for example: the information to be included in, and documents to accompany, a notice of a claim; various timing requirements for the making of, and responding to, a notice of a claim; the costs payable in the event certain offers of settlement are accepted; and monetary limits for particular definitions under the Act.

Achievement of policy objectives

The regulation remakes the 2002 regulation to ensure the effective operation of the Act with the benefit of improvements through minor and technical amendments such as: improving the consistency of language used to refer to

a notice of a claim given under the Act; and clarification of terms such as “drugs”.

The regulation also updates the notice of claim provisions to update references to a dependant’s relationship status and to complaints made to the Health Ombudsman under the *Health Ombudsman Act 2013*.

Finally, the regulation prescribes the indexed monetary thresholds which determine whether legal costs are recoverable under the Act. The thresholds have been indexed using the amount last prescribed and adjusted by the percentage change in Average Weekly Earnings as declared by the Australian Statistician.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objectives of the Act which creates the process for making personal injuries claims, other than workers’ compensation claims and motor accident claims.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There will be no costs for government associated with the implementation of the regulation.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation was consulted and confirmed that a Regulatory Impact Statement is not required.