

# Civil Liability Indexation Notice 2024

## 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*, I, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Civil Liability Indexation Notice 2024* (CL Indexation Notice) made under section 75 of the *Civil Liability Act 2003*.

In my opinion, the CL Indexation Notice, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

Section 75 of the *Civil Liability Act 2003* (CL Act) provides for the annual indexation of the following monetary caps and thresholds relating to damages for personal injury:

- the threshold which determines whether a court can award damages for loss of consortium or loss of servitium (CL Act, section 58(1)(b));
- caps on general damages (CL Act, section 62(2)(a) and (b)); and
- 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)).

Prior to 1 July 2024, these monetary caps and thresholds were indexed by the making of a regulation prescribing the amounts which would apply for each new financial year. On 1 July 2024, the CL Act will be amended to implement a new process for the annual indexation of these amounts by Ministerial notice instead of by regulation. The formula by which the indexation of these amounts is calculated (the percentage change in average weekly earnings between the current financial year and the last financial year) will remain the same.

The CL Indexation Notice, which commences on 1 July 2024, fixes the indexed amounts for or under sections 58(1)(b), 62(2)(a) and (b) and 64(2) of the CL Act for the 2024-25 financial year.

The CL Indexation Notice also includes, for information only, the monetary caps and thresholds applying to periods prior to 1 July 2024 which were previously prescribed in the *Civil Liability Regulation 2014*.

### Human Rights Issues

The CL Indexation Notice does not affect or engage any human rights.

## Conclusion

I consider that the CL Indexation Notice is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**YVETTE D'ATH MP**  
Attorney-General and Minister for Justice  
Minister for the Prevention of Domestic and Family Violence

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