

Personal Injuries Proceedings 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 *Personal Injuries Proceedings Indexation Notice 2024* (PIP Indexation Notice) made under section 75A of the *Personal Injuries Proceedings Act 2002*.

In my opinion, the PIP 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 75A of the *Personal Injuries Proceedings Act 2002* (PIP Act) provides for the annual indexation of monetary amounts for the *declared costs limit*, *lower offer limit* and *upper offer limit*. These limits are the monetary thresholds used in the PIP Act to determine whether legal costs are recoverable under the Act.

Prior to 1 July 2024, these monetary amounts were indexed by the making of a regulation prescribing the amounts which would apply for each new financial year. On 1 July 2024 the PIP 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 PIP Indexation Notice, which commences on 1 July 2024, fixes the indexed amounts for the declared costs limit, lower offer limit and upper offer limit for the 2024-25 financial year.

The PIP Indexation Notice also includes, for information only, the monetary amounts applying to periods prior to 1 July 2024 which were previously prescribed in the *Personal Injuries Proceedings Regulation 2014*.

Human Rights Issues

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

Conclusion

I consider that the PIP 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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