



Speech by

**Mark Ryan**

**MEMBER FOR MORAYFIELD**

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## **CIVIL LIABILITY AND OTHER LEGISLATION AMENDMENT BILL**

**Mr RYAN** (Morayfield—ALP) (12.28 pm): I rise in support of the Civil Liability and Other Legislation Amendment Bill. This bill modernises and improves the civil liability and personal injury regime in Queensland by effecting amendments to the Civil Liability Act, the Motor Accident Insurance Act and the Personal Injuries Proceedings Act. The fundamental principle governing the issue of civil liability is how a society is able to support and adequately compensate an individual for any injury that they may incur as a result of the actions or inactions of another party.

The Labor state government acted earlier this decade to provide certainty and support not only for those people who unfortunately suffered an injury as a result of the actions or inactions of another party but also for the people of Queensland generally. A major consideration for the government earlier this decade was the prevention of hardship for individuals, non-profit organisations and professionals in respect of insurance premiums. As a result of a number of major events earlier in the decade, insurance premiums—particularly public liability insurance premiums—increased significantly, in some cases by up to 1,000 per cent. These increasing costs impacted severely on the sustainability of non-profit organisations, small businesses and professional occupations, particularly medical practitioners.

The explanatory notes to the Personal Injuries Proceedings Act highlighted the key policy objectives of this government in striking the right balance between providing adequate support to those who sustain injuries as a result of the actions or inactions of another party and managing the needs of parties to have access to affordable insurance options. The explanatory notes state—

... the amendments are aimed at ensuring an appropriate balance between benefits and the cost of premiums, and ensuring adequate compensation for the moderately and seriously injured, rather than those with relatively minor injuries.

Make no mistake, though: this regime is not just about insurance premiums. This legislative regime is about supporting people who suffer personal injuries whilst at the same time managing insurance costs and premiums. This bill continues and improves that regime by reforming some of the prescriptive requirements under the Personal Injuries Proceedings Act and, in turn, streamlines the process for trials, compulsory conferences and the urgent commencement of proceedings.

These amendments improve access to justice and create further efficiencies in respect of the administration of justice in Queensland. Most significantly, this bill provides for the indexation of monetary amounts and thresholds used for the calculation of general damages under the relevant acts. As a result, the cap on general damages will increase from 1 July 2010, and from then continue to increase in accordance with the indexation formula. This amendment is critically important to the inherent justice of the personal injuries compensation regime. This amendment ensures that injured Queenslanders receive compensation that is fair and reflects current standards of living.

I note that this bill will also abolish the statutory limitation period for dust related conditions. These conditions, including conditions involving exposure to asbestos, are horrible medical conditions which sadly do not manifest themselves for some time. This amendment will support those people who develop a dust related condition whilst at the same time improving access to justice.

I commend the minister, his staff and the department for their work in respect of this bill. The bill contains good amendments which will provide real and positive support for Queenslanders whilst at the same time improving access to justice in Queensland. I commend the bill to the House.