



The Honourable Rod Welford MP



In reply please quote: 2003/03047
Your reference:

**Attorney-General
Minister for Justice**

Mr Neil Laurie
Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 27 March 2003 about an e-petition sponsored by Miss Fiona Simpson MP concerning the application of proportionate liability under the *Civil Liability Bill 2003*.

In response, I note the Queensland Government passed the *Civil Liability Act 2003* on 9 April 2003. The Act continues to contain the provisions relating to proportionate liability, including a \$500,000 threshold. This threshold has been included in recognition of concerns about consumer protection. Further, the provisions include measures which place the responsibility upon defendants, and not plaintiffs, to ensure that all appropriate parties are joined to an action.

The intention of the provisions in the Act is to provide a sustainable environment for public liability insurance in the future. However, despite these reforms, it is still the insurance companies who determine premiums. The Queensland Government has taken all appropriate action to assist in reducing the overall costs of claims. It is now up to the insurance industry to respond by providing more affordable premiums to the community. I have called on the Commonwealth to legislate to give the Australian Competition and Consumer Commission the power to ensure the savings resulting from State government law reforms are passed on to consumers.

The Queensland Government has recognised the importance of national consistency in implementing proportionate liability. Accordingly, the sections relating to proportionate liability have not yet been proclaimed into force. The issue remains upon the agendas of the Standing Committee of Attorneys-General (SCAG), Ministerial Council for Corporations (MINCO) and the Heads of Treasuries. As a part of consideration in these various forums, the issues of professional standards legislation are also being discussed.

I thank all signatories to the Queensland Parliament E-Petition on Proportionate Liability for taking the time to raise their concerns with the Queensland Parliament.

Yours Sincerely

ROD WELFORD MP

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