

# QUEENSLAND INTRODUCES BILL FOR A CLASS ACTION REGIME

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Legal Briefings - By **Damian Grave** and **James Page**

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The Queensland government has recently responded to calls from leading legal bodies for a class action regime by introducing legislation to allow class actions to be brought in Queensland's Supreme Court.

Despite being on the legislative agenda for successive Queensland governments (both LNP and ALP), previous attempts at class action reform in Queensland have so far been unsuccessful.

Most recently, in January 2015, a Bill to introduce a class action regime into Queensland's *Civil Proceedings Act 2011* lapsed before it was enacted. However, the issue has recently been re-enlivened in light of the significant delays experienced by plaintiffs in the 2011 Queensland floods class action.

According to the Queensland Law Society, the legislation, if passed, would finally bring Queensland into line with the extant class action regimes in the Supreme Courts of Victoria and New South Wales, as well as in the Federal Court. As with those regimes, the proposed Queensland regime will require the following for a class action to be commenced:

1. at least seven plaintiffs with claims against the same person;
2. those claims must have arisen out of the same or similar circumstances; and
3. the common claims must give rise to a substantial common issue of fact or law.<sup>1</sup>

Assuming Queensland's class action regime follows the same growth curve experienced by states that have implemented similar systems, like Victoria and New South Wales, Queensland can expect a heightened demand for class action specialists – particularly as Queensland based class actions are already being investigated by various plaintiff law firms.

## ENDNOTES

1. Section 103B [Limitation of Actions \(Institutional Child Sexual Abuse\) and Other Legislation Amendment Bill 2016](#).

## KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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