



RIS Ref: OIR0022-0719

File Ref: DOC19/2197

3 October 2019

Ms Renee Sedman
Principal Policy Officer
Office of Industrial Relations
1 William Street
BRISBANE QLD 4000

Dear Ms Sedman

Consultation Regulatory Impact Statement—re-entry to the National Injury Insurance Scheme Queensland

Thank you for your enquiry of 18 July 2019 and additional information provided to 2 October 2019, seeking advice on the adequacy of the Consultation Regulatory Impact Statement—'re-entry to the National Injury Insurance Scheme Queensland' (Consultation RIS).

Background

Queensland's National Injury Insurance Scheme (the NIIS) provides for lifetime treatment, care and support needs of people who have sustained serious personal injury in particular circumstances involving motor vehicle—through the *National Injury Insurance Scheme (Queensland) Act 2016*—and workplace accidents—through the *Workers' Compensation and Rehabilitation Act 2003*.

Participants in the NIIS whose injuries were due to the fault (or negligence) of another party may be entitled to seek common law damages. These participants have a choice to either stay in the NIIS for their lifetime treatment, care and support but pursue other heads of damages via a common law claim or elect to opt out and take a lump sum damages payment for their lifetime treatment, care and support needs (TCS damages).

In Queensland, the primary legislation states that participants who have opted out of the NIIS can apply for re-entry if a period of at least five years—as prescribed by regulation—has passed from when the participant exited the scheme (the preclusion period), and the circumstances in which the participant seeks re-entry meets conditions prescribed by regulation.

The Office of Industrial Relations (the office) notes that this Consultation RIS focuses on conditions for re-entering the NIIS following a payment for TCS damages and invites feedback on several critical factors and policy objectives, including:

- the broader objective of the NIIS in providing for the lifetime treatment of participants
- providing participants freedom of choice and self-determination through the ability to receive TCS damages
- ensuring clarity, transparency and administrative simplicity in the operation of the NIIS
- ensuring equity and fairness between participants as to their entitlements
- the ongoing financial sustainability of the NIIS and any potential impacts on funding and costs
- that the NIIS is consistent and aligned as far as practicable.



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Assessment

In undertaking its assessment of whether a Consultation RIS is adequate for the purposes of public consultation, the Queensland Productivity Commission (the Commission) has regard to the 'adequacy criteria' in the Queensland Government Guide to Better Regulation (the guidelines).

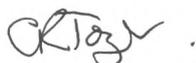
Based on these criteria, the Commission considers the Consultation RIS is adequate for the purposes of public consultation. Consultation with stakeholders will likely assist the office to further develop the legislation, including whether:

- any alternative options, which achieve the aims of the legislation, should be considered
- the proposals will have any unforeseen adverse impacts on stakeholders or the community.

Consistent with the guidelines, once a Consultation RIS has been approved for release it is published on the Commission's website along with this letter. After consultation has concluded a Decision RIS, incorporating the consideration of public comments, should be provided to the Commission for assessment before the matter is finally referred to Cabinet for decision.

Please contact Robert Sugden, Senior Analyst on (07) 3015 5113 if you require any additional information or guidance in relation to the above comments or the guidelines in general.

Yours sincerely



Christine Tozer
Team Leader