

National Injury Insurance Scheme (Queensland) Act 2016

Explanatory notes for SL 2016 No. 128

made under the

National Injury Insurance Scheme (Queensland) Act 2016

General Outline

Short title

Proclamation made under the *National Injury Insurance Scheme (Queensland) Act 2016*

Authorising law

Section 2(1) of the *National Injury Insurance Scheme (Queensland) Act 2016*

Policy objectives and the reasons for them

The *National Injury Insurance Scheme (Queensland) Act 2016* (the Act) received royal assent on 14 June 2016 and the majority of its provisions commenced on 1 July 2016. The Act establishes the National Injury Insurance Scheme, Queensland (the Scheme), the National Injury Insurance Agency, Queensland (the Agency) and the National Injury Insurance Scheme Fund, Queensland (the Fund). The functions of the Agency include administering the Scheme and managing the Fund.

The Act provides for a levy (the Levy) to be set for each financial year, which is then paid in to the Fund. The Act requires the Fund to be used for the purposes of financing the Scheme and the Agency's operations.

The objective of the proclamation is to set commencement dates for the provisions of Chapter 4, Part 2 and Chapter 10, part 2, division 2, subdivision 3 of the Act, other than section 172(4). These provisions authorise the fixing of the Levy, by regulation, and prescribe the arrangements for its collection and subsequent distribution. Part 5 of the *National Injury Insurance Scheme (Queensland) Regulation 2016* fixes the levy for the 2016-2017 financial year. These provisions are scheduled to commence on 1 October 2016.

The commencement dates in the proclamation have been set having regard to:

- the date from when the 2016-2017 financial year Levy will be collected (provisions commencing 15 August 2016, as the Levy will be able to be paid in advance of 1 October 2016); and

- the time required by the Department of Transport and Main Roads to make further adjustments to its information technology systems associated with Levy collection, distribution and reporting (provisions commencing 18 November 2016).

Achievement of policy objectives

The policy objectives can only be achieved by making the proclamation.

Consistency with policy objectives of authorising law

The Act ensures that certain people, who suffer particular serious personal injuries as a result of a motor vehicle accident in Queensland, can receive necessary and reasonable treatment, care and support, regardless of fault.

The proclamation is consistent with these objectives.

Inconsistency with policy objectives of other legislation

The proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means for achieving the purpose of the proclamation.

Benefits and costs of implementation

The proclamation is essential to ensure that the Levy for the 2016-2017 financial year can be imposed and collected as intended. It is essential to support the effective operation of the Act. The costs associated with implementing the proclamation are being met from existing agency resources.

Consistency with fundamental legislative principles

The proclamation raises no issues with regard to fundamental legislative principles.

Consultation

No consultation was undertaken with the community in relation to the proclamation as the date for imposition of the 2016-2017 financial year Levy was published when the *National Injury Insurance Scheme (Queensland) Regulation 2016* was made.

The Office of Best Practice Regulation (OBPR) was consulted with regard to the Regulatory Impact Statement (RIS) system requirements. OBPR advised that a RIS is not required.