

National Injury Insurance Scheme (Queensland) (Postponement) Regulation 2016

Explanatory notes for SL 2016 No. 129

made under the

National Injury Insurance Scheme (Queensland) Act 2016

General Outline

Short title

National Injury Insurance Scheme (Queensland) (Postponement) Regulation 2016

Authorising law

Sections 15DA(2) and 15DA(3) of the *Acts Interpretation Act 1954*
Section 2(1) and 140 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.

Most of the Act's provisions that did not commence on 1 July 2016 are being commenced by a proclamation. The remaining uncommenced provisions are an amendment relating to the costs able to be covered by the hospital and emergency services levy under the *Motor Accident Insurance Act 1994* (HES Levy) and an amendment to the long title of the Act.

Section 15DA(2) of the *Acts Interpretation Act 1954* provides if a provision of an Act that is to commence by way of proclamation has not commenced within one year of the Act's assent day, it automatically commences on the next day. Section 15DA(3) enables a regulation to be made to extend the period before commencement to not more than two years of the assent day.

The objective of the *National Injury Insurance Scheme (Queensland) (Postponement) Regulation 2016* (the Regulation) is to postpone the automatic commencement of the Act's remaining uncommenced provisions, to 1 July 2017, which are Chapter 10, part 1 and section 172(4) of the Act. This will prevent those provisions from automatically commencing on 15 June 2017. Commencement of section 172(4) relating to the HES Levy is being deferred to 1 July 2017 to align the commencement of that amendment with the start of the 2017-2018 financial year. The amendment to the long title of the Act in Chapter 10, part 1 is also being deferred to 1 July 2017 as it is intended to commence after all other consequential amendments included in the Act have been commenced.

Achievement of policy objectives

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

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the *Acts Interpretation Act 1954* and the Act.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

The Regulation is the only effective means of postponing the automatic commencement of the uncommenced provisions of the Act to 1 July 2017.

Benefits and costs of implementation

There are no significant administrative or implementation costs arising from the making of the Regulation.

Consistency with fundamental legislative principles

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

Consultation

No consultation was undertaken with the community in relation to the Regulation, as it mainly ensures the alignment, for financial reporting purposes, of the commencement of certain provisions of the Act with the 2017-2018 financial year.

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