#### Overall scheme design

**Question:**

Has there been intergovernmental agreement on the full NIIS (only the first two streams appear to have been agreed to in NDIS heads of agreement)?

**Answer:**

Jurisdictions have agreed in NDIS Heads of Agreements to continue negotiations with the Commonwealth on the medical treatment injury stream of the NIIS.

**Question:**

Is there an upper age limit for the NIIS, as there is for the NDIS? If so, what care and support would be available to people who would not qualify for the NIIS?

**Answer:**

In the agreed minimum benchmarks for the motor vehicle stream and the proposed minimum benchmarks for the workplace accidents stream, there is no upper age limit for the NIIS.

**Question:**

What support is currently available, and/or would be available in the future, for those with an existing catastrophic injury who are not eligible for either the NIIS or the NDIS?

**Answer:**

Such individuals may have recourse through the common law and/or may receive support through the public health system or the aged care system.

**Question:**

Given the Treasury's stream-by-stream consultations, there appears to be some scope for amending the design of the scheme from what was originally proposed by the Productivity Commission. Is the Treasury proposing the scheme as recommended by the Commission, or making changes prior to consultations with jurisdictions and the public? Are jurisdictions requiring significant changes? What key changes have been made?

**Answer:**

As originally proposed by the Productivity Commission, the Commonwealth Treasury is working with State and Territory Treasuries to progress a NIIS where State and Territory Governments create insurance schemes that provide fully-funded care and support for all catastrophic injuries on a no‑fault basis.

Treasuries discuss the minimum benchmarks and issues around the minimum benchmarks for each stream of the NIIS and then consult with the public through a Council of Australian Governments Regulation Impact Statement.

**Question:**

Can you clarify in which circumstances, once the NIIS is in place, people would or would not be able to sue? Is this determined by the Commonwealth or by individual jurisdictions? (Or is there still the right to sue for care and support, but successfully doing so would exclude access to the NIIS?)

**Answer:**

The NIIS is a federated model and any decisions about common law rights will be made by individual jurisdictions.

#### Motor vehicle accidents stream

**Question:**

Can you confirm that Western Australia has now agreed to the motor vehicle accidents stream and is introducing a no-fault insurance scheme from 2016? Does this meet the minimum benchmarks?

**Answer:**

The Western Australian Government announced in the 2015‑16 Budget that it would introduce a no‑fault catastrophic injury compulsory third party insurance scheme for motor vehicle accidents. An assessment of the extent to which the scheme will comply with the minimum benchmarks will be made when details of the scheme are finalised.

**Question:**

Has Queensland finalised its position on adoption of the benchmarks for the motor vehicle accidents stream? If so, does this meet the minimum benchmarks?

**Answer:**

Queensland has agreed in-principle to the benchmarks but has yet to finalise its position on adoption of the benchmarks.

**Question:**

Some jurisdictions have exclusions (for example, Tasmania and Northern Territory exclude some negligent or unregistered drivers and owners from the motor vehicle accidents streams). How will these individuals receive immediate/acute care and rehabilitation if this is not covered by the NDIS? How will these individuals receive ongoing support if they are ineligible for the NDIS?

**Answer:**

Such individuals may receive acute care and rehabilitation through the public health system.

#### Workplace accidents stream

**Question:**

What immediate and ongoing care and support will be available to employees engaged in serious or wilful misconduct and therefore excluded from the NIIS?

**Answer:**

Such individuals may receive support through the NDIS, the public health system and/or the aged care system.

#### Implementation

**Question:**

When will the last two streams be implemented?

**Answer:**

The Commonwealth Government is continuing to work with States and Territories on a NIIS for medical treatment injury and general accidents.

**Question:**

How is the motor vehicle accidents stream functioning? How many people are in the scheme so far? What feedback has been gathered from people navigating the NIIS?

**Answer:**

The motor vehicle accidents stream is functioning as a federated model of separate, state-based schemes. All jurisdictions have motor vehicle accident compensation schemes. All jurisdictions except for Western Australia have agreed the minimum benchmarks. Queensland has agreed in‑principle to the minimum benchmarks.

#### Management

**Question:**

Will the Treasury fully manage the scheme? Has there been (or will there be) any collaboration with the NDIA? Who is championing the scheme, working to create links between health, rehabilitation, employment, and other sectors?

**Answer:**

Commonwealth, State and Territory Treasury officials have oversight of the development of the NIIS. The Commonwealth Treasury also collaborates with the National Disability Insurance Agency through the Department of Social Services about the NIIS, including the reduction of NDIS costs brought about by the NIIS. The Council of Australian Governments’ Disability Reform Council, consisting of the Commonwealth Assistant Minister for Social Services and Assistant Treasurer, and State and Territory Disability Ministers and Treasurers, is well placed to consider how the NIIS works within the context of broader disability reform.

**Question:**

What sort of secretariat support has been or will be set up? Is there a single managing secretariat or are there secretariats in each state and territory? What sort of collaboration occurs between the secretariat/s and the jurisdictions/schemes?

**Answer:**

No decisions have been made on secretariat support.

**Question:**

Are there any information-collection or data-sharing arrangements in place between state and territory schemes and the Treasury or NDIA?

**Answer:**

Under the agreed minimum benchmarks for motor vehicle accidents (<http://sitecorewebcontent/Policy-Topics/PeopleAndSociety/National-Injury-Insurance-Scheme/Benchmarks-for-motor-vehicle-accidents>), each Scheme agrees to collect information about the number of entrants and their characteristics, the classification of injuries of entrants, the average cost of support of scheme entrants, the average cost of care in each jurisdiction, and the amount of care per claim overall and by injury classification.

**Question:**

The Productivity Commission's report recommended an 'expert panel for medical treatment injury'.**[[1]](#footnote-1)** Will this be set up as part of the medical treatment accidents stream?

**Answer:**

No decision has yet been made on an expert panel for medical treatment injury, although it is envisaged that a Consultation Regulation Impact Statement for this stream would discuss the Productivity Commission’s recommendation.

1. Productivity Commission 2011, *Disability Care and Support*, Report no. 54, Canberra, p. 915. [↑](#footnote-ref-1)