

23 May 2014

General Manager  
Social Policy Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Sent to:

niisris@treasury.gov.au

Dear Madam/Sir,

We value the opportunity to present a submission on the National Injury Insurance Scheme: Motor Vehicle Accidents *Consultation Regulation Impact Statement* on behalf of Spinal Injuries Australia, Queensland's peak body for people with a spinal cord injury, post polio, and transverse myelitis.

Please contact me if you have any queries.

Yours sincerely,



John Mayo

General Manager – Community Development

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**BRISBANE**

Tel 07 3391 2044 Fax 07 3391 2088  
PO Box 5651, WEST END QLD 4101  
enquiries@spinal.com.au

**TOWNSVILLE**

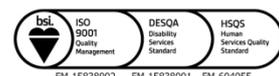
Tel 07 4755 1755 Fax 07 4723 8677  
PO Box 618, AITKENVALE BC QLD 4814  
nqenquiries@spinal.com.au

**CAIRNS**

Tel 07 4755 1755 Fax 07 4723 8677  
PO Box 452, NORTH CAIRNS QLD 4870  
nqenquiries@spinal.com.au

Spinal Injuries Australia Ltd  
www.spinal.com.au

ACN 167 906 256 ABN 39 293 063 049



# Submission

## **Question 1: Is this chapter a correct statement of the problem?**

The chapter does not consider the exclusion of people 65 and over from accessing the National Disability Insurance Scheme (NDIS) and gives a false impression that the NDIS will provide support for all Australians. A more accurate representation is that the NDIS is a safety net for people under 65 years of age. People aged 65 and over in jurisdictions with fault-based schemes risk missing out on disability funding and support.

## **Question 5: Do you agree with the description of the base case?**

The base case does not accurately describe the situation in Queensland and Western Australia. The base case does not take into consideration the age criteria in the NDIS that will exclude people who acquire a catastrophic injury at 65 or over.

The Regulation Impact Statement (RIS) describes the fault-based system in Queensland and Western Australia and states that '[t]hose who are catastrophically injured in a motor vehicle accident, but cannot access lifetime care and support under their local jurisdiction's scheme will be able to access NDIS support as it becomes available'. The document goes on to say that Queensland and Western Australia may 'continue their fault based arrangements, with the NDIS providing support to all catastrophically injured people unable to access support'.

These statements are incorrect insofar as they ignore the age criteria for accessing the NDIS. People in Queensland and Western Australia who acquire a catastrophic injury and are not supported under State jurisdiction will only be supported by the NDIS if they are under the age of 65 when they acquire an injury. This omission fundamentally changes the premise of the RIS and particularly 'Option 2: Differential State and Territory system supported by the NDIS', which assumes that everybody will be supported by either their local scheme or the NDIS. The reality is that in a State or Territory with a fault-based scheme (Queensland and Western Australia), people aged 65 and over who are not supported by their local scheme will not be supported by the NDIS.

## **General Comments**

The RIS document draws particular attention to the fact that Queensland and Western Australia have the option under the NDIS bilateral agreement to use the NDIS as a safety net, that is, to have the NDIS take those people catastrophically injured into their jurisdiction, and have the costs recovered by the National Disability Insurance Agency. There is a major risk here that is recognised in the RIS that if Queensland and Western Australia take this option and do not create their own no-fault schemes, there will be no expansion of rehabilitation capacity and individuals will miss out on vital early intervention. The RIS points out that it would end up being a cost shift to already overloaded State health systems.

Queenslanders with a disability went to the Federal election in September 2013 understanding the intent and parameters of the National Injury Insurance Scheme (NIIS) requiring no-fault schemes across all States and Territories. To now permit two States to opt out would create distrust across

the electorate, knowing that discrimination had been facilitated by governments, given that people who acquire a catastrophic injury aged 65 and over will not be able to access the NDIS.

In terms of timing, it is generally accepted that development of the NIIS has been running 12 to 18 months behind the NDIS, and its full implementation would commence accordingly. This would give any Queensland government adequate time to develop a no-fault scheme.

### **Support for Option 1**

Spinal Injuries Australia supports the adoption of a federated model of a no-fault National Injury Insurance Scheme.