

10 April 2015

Leesa Croke
The Treasury
Langton Crescent
PARKES ACT 2600

By Post and Email: niisris@treasury.gov.au

Dear Leesa

National Injury Insurance Scheme – Workplace Accidents

Thank you for providing the Queensland Law Society (**the Society**) with the opportunity to provide comments on the National Injury Insurance Scheme (**NIIS**) for workplace accidents Consultation Regulation Impact Statement (**RIS**).

This submission has been prepared with input from the Society's Accident Compensation/ Tort Law Committee (**Committee**).

By way of background, the Committee aims to monitor and, where appropriate, comment on laws and polices relating to the accident compensation and torts area of law with a view to advocating that these laws and polices:

- reflect fundamental legislative principles;
- comply with legislative standards on transparency, accountability and consistency; and
- achieve their stated aims without giving rise to unintended consequences in implementation.

The Committee does not see its role as a representative of any particular interest group, but rather for the promotion of good law in Queensland.

Given the time available to the Society and the Committee, this submission does not represent an exhaustive review of the Consultation RIS. It is therefore possible that there are issues relating to unintended drafting consequences or fundamental legislative principles which we have not commented upon. Omission of comment on any particular matter should not be interpreted as endorsement of that aspect of the Consultation RIS.

In general, there is a strongly held view by the Committee that the Queensland Workcover scheme is, at present, working very effectively. Accordingly, it should follow that the National Injury Insurance Scheme and in addition, the National Disability Insurance Scheme should run side by side with the Queensland Workcover scheme for catastrophically injured workers.

National Injury Insurance Scheme – Workplace Accidents

In this regard, the Committee supports option 4.1 Base case wherein Queensland would be not be forced to make any changes to its workers' compensation scheme and the scheme could continue to provide cover on a no-fault basis for workers catastrophically injured in workplace accidents.

The Committee notes that WorkCover Queensland currently has no unfunded liabilities and operates at a profit. It therefore follows that any changes beyond option 4.1 Base case might unnecessarily increase the costs of the Queensland workers' compensation scheme with the increased cost being passed on to Queensland employers and taxpayers.

We would be pleased to liaise with you further. Please contact the Society's Manager, Advocacy & Policy, Mr Shane Budden at s.budden@qls.com.au or on 07 3842 5889 for further inquiries.

Yours faithfully



Michael Fitzgerald
President