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The Research Director

Communities: Education, Tourism, Innovation and Small Business Committee

Parliament House

George Street

Brisbane, QLD, 4000

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1.0 Introduction

Thank you for the opportunity to formulate a submission regarding the Queensland component of the National Injury Insurance Scheme (NIIS). Youngcare is a national charity who has a vested interests in the development of this legislation.

Youngcare's key mission is to help young people with disability exit or avoid entry into aged care. We work to keep young Australians home by:

1. Offering micro grants in six states and territories;
2. Providing a free information and referral service;
3. Funding purpose-built accommodation for young people with high care needs.

Youngcare works to help young Australians move out of aged care by:

1. Offering grants to assist with transition back into the community;
2. Providing a free information and referral service;
3. Funding purpose-built accommodation for young people with high care needs.

Youngcare's purpose-built, age-appropriate accommodation is based on research produced via a three-year partnership with Griffith University. It is designed for young people with high care needs to live as independently as possible while maintaining access to necessary support services and incorporating the latest in assistive technologies.

Youngcare is a proactive and vocal advocate for young Australians with high care needs. Youngcare's most fundamental concern for the scheme is that Residential Aged Care (RAC) should not be considered as a suitable form of accommodation for participants of the NIIS, unless this is the participant's preference, and their condition can be safely managed in RAC.

Youngcare completed a submission to the parliamentary committee inquiry convened by the *Communities, Disability Services and Domestic and Family Violence Prevention Committee* in January 2016. Much of what follows will extend on the points Youngcare highlighted in its earlier submission.

Youngcare commends the Queensland Government on formulating comprehensive legislation to establish the NIIS throughout the state. After a detailed examination of the legislation, its explanatory notes, as well as other sources relating to issues surrounding the

scheme, Youngcare welcomes the opportunity to provide essential feedback to ensure the NIIS is implemented effectively.

2.0 Eligibility

2.1 Broadening the Criteria

As noted in Youngcare's earlier submission to the Communities, Disability Services and Domestic and Family Violence Prevention Committee, Youngcare believes that there is scope for broadening the criteria of eligibility, to not only include those who have sustained long term or permanent injuries, but also to those whose injuries are significant, that are only of a short term nature. This needs to be considered in regards to those people who will be placed at a severe economic disadvantage as a result of the injuries that they have sustained. For example, such eligibility requirements may apply to a person who cannot work for a significant period of time, and as a result may lose income.

In the current legislation under section 14 (1) (b), the minimum period participants can be included within the scheme is two years. Although this is suitable for Youngcare's core constituency, such a restriction would limit others that could benefit from the scheme.

There is an example internationally that demonstrates how the NIIS could be applied to those who suffer temporary, but significant injuries, including those who do not suffer their injury as a result of motor vehicle accident. For example in New Zealand, the Accident Compensation Commission (ACC) provides income protection for people who suffer from the following ailments:

Wounds, lacerations, sprains, strains, fractures, dislocations and work-related injuries such as hearing loss, may all be covered. Most physical injuries are covered if they are caused by:

- an accident
- a condition that comes on gradually because of your work (gradual process)
- medical treatment
- Sexual assault or abuse.¹

¹ Accident Compensation Commission 2016 *Am I Covered*. Available: <http://www.acc.co.nz/making-a-claim/am-i-covered/index.htm> Accessed 29/04/16

For the purposes of the proposed legislation, Youngcare refers to the motor vehicle accidents and injuries only. The definition of what constitutes an injury is comprehensively detailed in the relevant legislation known as the *Accident Commission Act* (2001)².

Those who are entitled to access ACC funds will receive them on a weekly basis. If the injury occurs in the course of the recipient's occupational duties, their employer must pay part of their contributions. Further the condition of the recipient is review every month to assess whether payment will be continued or to determine when such payments will cease³.

Therefore, in line with recommendation four of our previous submission to the parliamentary committee, Youngcare recommends that the NIIS does not disqualify people with non-permanent injuries to join the scheme as an interim participant. This can be achieved by using a similar method to the Accident Compensation Commission Scheme in New Zealand to ensure those with severe short term injuries are also covered under Queensland's NIIS.

The definition as to what constitutes an injury in according to what is outlined within Schedule Two of the legislation are unnecessarily prescriptive. Accordingly Youngcare agrees with the statement on page 3 of the legislation's explanatory notes, which states: '... the experience to date of some other jurisdictions suggests that there is some benefit in adopting even more detailed definitions to reduce uncertainty about eligibility.'

Youngcare would suggest broadening the scope of the definitions to include:

- wounds, lacerations, contusions (bruising)
- burns
- sprains and strains
- fractures, amputations or dislocations
- damage to dentures or prostheses (artificial body parts)
- blindness
- poisoning
- choking
- loss of consciousness
- a foreign body in the eye.

² ibid

³ Accident Compensation Commission 2016 *About Weekly Compensation*. Available: http://www.acc.co.nz/PRD_EXT_CSMP/groups/external_claims_care/documents/publications_promotion/wp_c086817.pdf Accessed 29/04/16

If the NIIS limits the definition of the injuries that would allow a participant to qualify for the scheme, the overall effectiveness of the legislation is undermined. The suggested definitions above would ensure that fewer people would be able to ‘fall through the cracks’ of the scheme, enabling them to recover quicker and ensure that their productivity is resumed at the earliest possible opportunity.

3.0 Rehabilitation

3.1 Investing in Rehabilitation Services

Section 8 of the legislation outlines the Government’s core responsibility as part of the NIIS to provide ‘The treatment, care, and support needs of a person are the person’s need for, or relating to... rehabilitation.’ Youngcare believes that rehabilitation is a key component of assisting a person with a catastrophic injury to live a life that enhances their choice and control.

As argued in Youngcare’s previous submission to the parliamentary committee:

Rehabilitation plays a crucial role in preventing secondary complications and maximising remaining physical function that will increase the chance of reintegration into the community... Although there are currently calls for a national rehabilitation service, rehabilitation continues to remain the responsibility of respective state funded health departments. Requests for a national approach are primarily a response to overburdened state health systems that are unable to keep up with demand.⁴

In order for the NIIS to have its intended impact the Queensland Government needs to invest, and provide more services for slow stream rehabilitation. These services must work in concert with the NIIS to ensure that eligible participants can maximise their potential, and expedite their recovery time, thus reducing long-term costs for the providers of these services and the NIIS as a whole.

⁴ Youngcare’s submission to the Parliamentary Committee’s inquiry into a suitable model for the implementation of the National Injury Insurance Scheme January 2016 p. 9

Youngcare therefore echoes the recommendation regarding rehabilitation from our previous submission, and strongly urges the Queensland Government to utilise the NIIS to encourage further investment in rehabilitation services and enhance facilities for victims of catastrophic motor vehicle injuries.