



## INFORMATION SHEET

# Review of eligibility decisions

Under the National Injury Insurance Scheme, Queensland (NIISQ), participants must have sustained eligible serious personal injuries in a motor vehicle accident in Queensland after 1 July 2016.

## Types of injuries

### Eligible serious personal injuries:



Permanent spinal cord injuries



Traumatic brain injuries



Multiple or high-level limb amputations



Permanent injury to the brachial plexus



Severe burns



Permanent blindness caused by trauma.

For more information about eligibility, refer to our Overview and Eligibility Information sheet and Eligibility Assessment Criteria Quick Guide on our website [niis.qld.gov.au](https://niis.qld.gov.au).

The definition of a serious personal injury is found within the *National Injury Insurance Scheme (Queensland) Act and Regulation 2016*. Further information regarding the eligibility criteria for all injuries can be found on our website [niis.qld.gov.au](https://niis.qld.gov.au).

## What if I disagree about a decision relating to eligibility for NIISQ?

### Internal Review

If you do not agree with our decision about your eligibility for NIISQ, you can request an internal review of the decision. This will be conducted by a senior person within the National Injury Insurance Agency, Queensland (NIISQ Agency) who did not make the original decision.

You must request this review within 28 days on the *Internal Review Application Form*. This form can be downloaded from our website [niis.qld.gov.au](http://niis.qld.gov.au).

#### The process for internal reviews is:

1. NIISQ Agency makes its original decision about your treatment, care and support
2. You receive a notice advising you of the NIISQ Agency's original decision
3. If you don't agree, you have 28 days to request an internal review. Complete the Internal Review Application Form found on our website [niis.qld.gov.au](http://niis.qld.gov.au) and submit it to the NIISQ Agency.
4. NIISQ Agency will review the original decision within 28 days. Extensions may occur if further information is required
5. NIISQ Agency lets you know the internal review decision within 14 days of making the decision.

### External Review

If you are not satisfied with the internal review decision you can apply for an external review of the decision. **You must request an internal review before you request an external review of the decision about your eligibility for the Scheme.**

The NIISQ Agency will provide you with an internal review decision notice which includes specific information about how to apply for an external review of the decision.

#### Two tribunals are used for external reviews of eligibility decisions:

- **Medical Assessment Tribunal (MAT)** for decisions that are medical in nature, such as whether your injury meets the medical matters in the eligibility criteria
- **Queensland Civil and Administrative Tribunal (QCAT)** for decisions that are non-medical in nature, such as whether the circumstances of your accident meet the legal definition of a 'motor vehicle accident'.

If the MAT is the appropriate external review body, you will need to complete the External Review Referral Request Form and submit it to the NIISQ Agency within 28 days of the internal review decision. Once the request is received, the NIISQ Agency will be in touch to assist you through the review process.

If QCAT is the appropriate external review body, you will need to complete a QCAT application for review form and lodge the application with QCAT within 28 days of receiving the internal review decision. Further information can be found on the QCAT website [qcat.qld.gov.au](http://qcat.qld.gov.au).

The information provided in this document is for general information purposes only and does not constitute legal advice or recommendations and should not be relied upon as such. Any reference to injuries refers to eligible, serious personal injuries as defined in the *National Injury Insurance Scheme (Queensland) Act 2016* and *Regulation 2016* (the legislation). Please refer to the legislation for full details about the National Injury Insurance Scheme, Queensland.

NIISQP32V6 – Last updated 20190923

## More information

For more information or to obtain copies of information sheets, contact the NIISQ Agency:

 **1300 607 566**  **enquiries@niis.qld.gov.au**  **niis.qld.gov.au**