

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.58 p.m.], on behalf of the Hon. Eric Roozendaal: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Motor Accidents (Lifetime Care and Support) Amendment Bill 2009, the purpose of which is to further enhance the assistance and support provided by the new Lifetime Care and Support Scheme to people severely injured in motor vehicle accidents in New South Wales. The bill introduces two key enhancements to the existing Lifetime Care and Support Scheme. The first is to enable a person who sustained severe injuries from a motor vehicle accident prior to the commencement of the scheme to participate in the scheme by using part of his or her lump sum award to buy into the scheme. Secondly, the bill extends the interim participation period for children who are less than three years old at the time of the motor vehicle accident.

The Lifetime Care and Support Scheme looks after all people who are severely injured in motor vehicle accidents in New South Wales. Participants in the scheme receive the medical treatment, care and support services they need throughout their lives, regardless of who may have been responsible for causing the road accident in which they were injured. The Lifetime Care and Support Scheme commenced for children on 1 October 2006 and it was extended to include adults from 1 October 2007. The Lifetime Care and Support Authority administers the scheme. Eligibility for the Lifetime Care and Support Scheme is determined on the basis of medical assessment and depends on the severity of a person's injuries. Most people who are eligible to enter the scheme will have a spinal cord injury or a severe brain injury.

In some cases, people who have suffered burns or amputations will also be eligible to join the scheme. Currently, there are 227 seriously injured people participating in the Lifetime Care and Support Scheme, including 199 adults and 28 children. These proposed reforms will enhance the operation of the Lifetime Care and Support Scheme and provide improved options for people injured in motor vehicle accidents who have significant future medical and care needs. These initiatives will not impact on the green slip levy paid by motorists that funds the operating costs of the Lifetime Care and Support Scheme.

I turn now to the main provisions of the bill. The bill amends the Motor Accidents (Lifetime Care and Support) Act 2006 to provide that people who sustained severe injuries in a motor vehicle accident prior to the commencement of the Lifetime Care and Support Scheme will have the option of buying into the scheme. Injured persons may be accepted as a lifetime participant in the Lifetime Care and Support Scheme under this buy-in arrangement provided that their injury would have made them eligible to participate in the scheme had the motor vehicle accident occurred after the scheme commenced.

The Lifetime Care and Support Authority will determine the buy-in amount to be paid by an injured person wishing to participate in the scheme. The buy-in payment is to be the amount required to fund people's treatment and care needs resulting from the motor accident injury for their lifetime participation in the scheme. The lifetime care and support guidelines may make provision as to how a person's contribution for participation in the scheme is to be determined. This initiative will be cost neutral for the scheme and will not compromise the scheme or the provision of services to existing and future participants. The option of using a lump sum payment to participate in the Lifetime Care and Support scheme will greatly assist seriously injured people who are faced with the often daunting task of managing a large compensation payment for many years into the future.

The initiative will provide the opportunity for more people to benefit from the scheme and provide injured people and their families with the peace of mind that the future costs of their treatment, care and rehabilitation services will be guaranteed to be met for their lifetime. The option to buy into the Lifetime Care and Support Scheme will be of particular significance to parents of children who have been severely injured in motor vehicle accidents prior to the commencement of the scheme. The availability of this option offers parents and families the assurance that a child's future long-term treatment and care needs will be taken care of.

The bill also amends the Motor Accidents (Lifetime Care and Support) Act to extend the interim participation period for young children who are less than three years old at the time of the motor vehicle accident. The effect of this change will be to make sure that a child who is less than three years old at the time he or she was severely injured will not have a final assessment for lifetime participation in the scheme until he or she has reached five years of age. In making this change, the Government is acting on a recommendation made by the Standing Committee on Law and Justice in its first review of the new scheme. Currently, severely injured people are initially accepted into the Lifetime Care and Support Scheme as interim participants for a period of two years.

During this period the Lifetime Care and Support Scheme pays for the injured person's treatment, rehabilitation and care expenses. The interim participation period exists because recovery and ongoing improvements in the injured person's condition may occur during this post-accident period. Prior to the expiration of the two-year

interim participation period, interim participants are assessed to determine whether they are eligible for lifetime participation in the scheme. As noted by the Standing Committee on Law and Justice, it is not always possible to make a full and final assessment of the long-term care needs of very young children at the end of the current two-year interim participation period, especially in cases involving brain injuries.

This extended period of interim scheme participation for children who are less than three years old at the time of the motor vehicle accident will ensure that their injuries fully stabilise before significant decisions are made about their projected lifetime care needs. This change will also extend to young children who are currently interim participants in the scheme so that those children will be able to continue their interim participation until they reach five years of age. The reforms proposed by the bill will enhance the operation of the world-leading Lifetime Care and Support Scheme and continue this Government's commitment to providing improved options and assistance to vulnerable members of our community who have significant future medical and care needs. I place on the record this Government's thanks to the Standing Committee on Law and Justice for its ongoing review of this legislation. I commend the bill to the House.