



The Hon Dominic Perrottet MP
Treasurer and Minister for Industrial Relations

Mr David Blunt
Clerk of the Parliaments
Legislative Council
Parliament House
SYDNEY NSW 2000

Dear Mr Blunt

Please find enclosed the NSW Government response to the Law and Justice Committee's *First review of the Dust Diseases Scheme* and *First review of the Lifetime Care and Support Scheme*.

Yours sincerely,

Dominic Perrottet MP
Treasurer
Minister for Industrial Relations

Encl.

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on Tuesday 27 February 2018
and authorised to be
printed.

on behalf of
the Clerk of the Parliaments

**GOVERNMENT RESPONSE
to the report of the
LEGISLATIVE COUNCIL STANDING COMMITTEE
ON LAW AND JUSTICE**

FIRST REVIEW OF THE LIFETIME CARE AND SUPPORT SCHEME

Recommendation 1 - That the State Insurance Regulatory Authority annual reports include details on a transfer strategy, which should:

- a) assess claims management by insurers prior to transfer;***
- b) publish all results of mismanagement by insurers; and***
- c) publish the quantum recovered by insurers.***

Supported in principle – The State Insurance and Regulatory Authority (SIRA) will work with icare to ensure that claimants are transferred smoothly to the Lifetime Care and Support Scheme. The new *Motor Accident Injuries Act 2017* gives SIRA stronger powers to publish information about licensed insurers, including information about the level of compliance with the Act, as well as supporting regulations and legislative instruments. SIRA will continue to publish relevant information on the operation and performance of the Scheme.

Recommendation 2 - That the Lifetime Care and Support Authority continue to explore and report on the feasibility of providing participants with periodic sums for treatment and care needs, or for the purchase of low cost items, for the purpose of promoting greater self-management of care.

Supported – The Government is committed to promoting greater self-management and providing participants with a range of options for how their treatment and care needs can be met. In addition to expanding and promoting self-management models, icare is enhancing its digital systems to enable participants to access their plans online, access information about approved services, and order items of equipment online. icare will also continue to promote initiatives to improve participant access to low-cost items such as equipment, and will be expanding its pre-approval equipment program to include repairs and maintenance in the 2017/18 financial year.

Recommendation 3 - That the Lifetime Care and Support Authority work with regional hospitals and cross border hospitals to facilitate a better understanding of the Lifetime Care and Support scheme and its application to those patients who have been catastrophically injured in a motor vehicle accident.

Supported – The Government is committed to ensuring that those severely injured in motor accidents do not miss out on applying to the Scheme due to a lack of information. icare will continue to liaise with regional and interstate trauma hospitals about its application processes, and will continue to offer training about the Lifetime Care and Support Scheme.

icare has also strengthened its relationships with brain injury rehabilitation units in regional NSW who may receive referrals from regional and interstate trauma hospitals. This is to ensure that the regional brain injury rehabilitation units are also able to identify potential participants and provide information and assistance about the application process.

Recommendation 4 - That the NSW Government consider providing icare with legislative power to compel insurers to provide the information it needs to make decisions regarding scheme eligibility and treatment and care needs.

Supported in principle – The Government welcomes any change that supports prompt and accurate eligibility decision-making and reduces delays that could cause distress to injured persons and their families.

The *Motor Accident Injuries Act 2017* currently provides SIRA with the ability to make Guidelines in relation to matters which are required by the Act. The Guidelines explain the regulation of CTP insurance premiums and set SIRA's expectations of insurers when fulfilling their obligations.

SIRA has indicated it will include obligations on insurers to provide certain information to icare, including contacting icare prior to potential adverse decisions being made, in the Motor Accidents Guidelines. It will also investigate any other additions to the Guidelines which may be necessary to ensure that delays are reduced so that icare has suitable and timely information required to make effective decisions.

Recommendation 5 - That the NSW Government put a legislative limitation on the number of times that a party can seek to dispute a decision by the Lifetime Care and Support Authority to not accept an injured person into the scheme.

Supported in principle pending further review - Any initiative restricting a party's ability to dispute an eligibility decision would require stakeholder consultation and legislative change.

icare will explore the issue of protracted disputes about eligibility with SIRA, legal stakeholders, CTP insurers and the Lifetime Care Participant Reference Group, to examine how these issues could be addressed within the current legislative framework.