

11 November 2010



Legislative Council Standing Committee on Law and Justice

**Third Review of the Lifetime Care and Support Authority
and the Lifetime Care and Support Advisory Council**

REPORT TABLED

The Chair of the Standing Committee on Law and Justice, the Hon Christine Robertson MLC, today tabled the Committee's report on its Third Review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council.

The Lifetime Care and Support Scheme is now in its fourth year and the Committee has undertaken three reviews of the work of the Lifetime Care and Support Authority and the Advisory Council, as required by the *Motor Accidents (Lifetime Care and Support) Act 2006* (NSW).

Ms Robertson said, 'During our Review the Committee heard from a range of stakeholders including Scheme participants and family carers of participants, service providers, medical professionals and advocacy groups. The Authority and the Council also participated actively through the provision of written responses to the Committee's questions and by appearing at our public hearings.'

'I am pleased to report that the Lifetime Care and Support Authority and the Advisory Council are exercising their functions effectively. The Scheme is providing crucial support to those who are catastrophically injured in motor vehicle accidents in NSW.'

'This report notes the considerable efforts made by the Lifetime Care and Support Authority to listen to the concerns of stakeholders and to accept and implement the Committee's recommendations from our past Reviews. This open and responsive approach demonstrates the commitment of the Authority to ensuring that the Scheme performs in the best interests of participants.'

'Review stakeholders drew attention to a number of areas in which improvements can be made, in terms of the administration of the Scheme and the treatment, rehabilitation and care services provided to Scheme participants. The Committee has made 12 recommendations to address the concerns,' Ms Robertson stated.

Ms Robertson can be contacted for comment on 0428 674 310 or (02) 9230 2971

Further information: The Committee's recommendations are attached. The report is on the Committee's website: www.parliament.nsw.gov.au/lawandjustice. Hard copies are available by phoning (02)9230 2412.

Summary of recommendations

Recommendation 1

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That the Motor Accidents Authority, in consultation with the Lifetime Care and Support Authority, examine whether Compulsory Third Party claims are being made for treatment, rehabilitation and care expenses that should be claimed under the Lifetime Care and Support Scheme and, if so, consider whether an amendment is required to the *Motor Accidents Compensation Act 1999* to address the potential for duplicating claims and awarded damages.

Recommendation 2

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That the Lifetime Care and Support Authority evaluate the current medical assessment tools it uses to assess eligibility for the Lifetime Care and Support Scheme, and investigate and report on any alternative and/or additional tools that may be used, including the Paediatric Care and Needs Scale.

Recommendation 3

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That the Lifetime Care and Support Authority meet with Vision Australia to discuss concerns regarding the assessment of vision impairment in terms of eligibility for the Lifetime Care and Support Scheme.

Recommendation 4

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That the Lifetime Care and Support Authority consider establishing a peer support group for new participants to the Scheme and consult with participants about the requirements for this group.

Recommendation 5

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That the Lifetime Care and Support Authority consult with legal organisations to identify additional legal advocacy groups with expertise in providing advice to people with disabilities to include in its information about advocacy services on its website.

Recommendation 6

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That the Minister for Health and the Minister for Finance enter into a memorandum of understanding or contract agreement clarifying the administration of LTCS revenue within the public health system, to ensure that money reimbursed for services is returned to the relevant health care units. In determining the most appropriate terms of that agreement, consultation should take place with the LTCSA and service providers, including those who have contributed to the Committee's Third Review on this issue.

Recommendation 7

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That the Lifetime Care and Support Authority give consideration to the recommendation put forward by NSW Health in its *Report on the NSW Health Review of the Impact of the Lifetime Care and Support Scheme* to provide a lump sum payment to health service providers to cover the cost of system upgrades to meet the requirements of the LTCS Scheme.

Recommendation 8

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That the Lifetime Care and Support Authority improve the process for interim equipment hire and consider the suggestion put forward by the Brain Injury Rehabilitation Directorate to reduce the duplication of forms required by accepting original equipment orders as justification for hire.

Recommendation 9*Page 94*

That the Lifetime Care and Support Authority review the suggestions and recommendations to improve the effectiveness of Lifetime Care and Support Coordinators made by stakeholders who participated in the Committee's Third Review, as set out in Chapter 5 of the Committee's report, with a view to accepting and implemented them as appropriate.

Recommendation 10*Page 97*

That the Lifetime Care and Support Authority ensure that sufficient information as to the reasons why a particular form of treatment, rehabilitation or service has been rejected is provided to the application maker, to enable them to understand the basis of the decision and to promote consistency.

Recommendation 11*Page 116*

That the Lifetime Care and Support Authority consult with carers' advocacy groups to examine the feasibility of modifying the language used on the Lifetime Care and Support Authority website and in official publications when referring to the family of Lifetime Care and Support Scheme participants and providing clear information on the support services available for carers.

Recommendation 12*Page 121*

That the Lifetime Care and Support Authority, in developing its new approach to the issue of recreational and leisure activities provided by the Lifetime Care and Support Scheme include consideration of the provision of funding for transport, and publish the details of the new approach as soon as possible.