

Submission

No 7

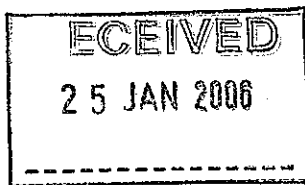
**INQUIRY INTO REVIEW OF THE EXERCISE OF THE  
FUNCTIONS OF THE MOTOR ACCIDENTS AUTHORITY  
AND THE MOTOR ACCIDENTS COUNCIL - SEVENTH  
REVIEW**

**Organisation:** Brain Injury Association of NSW  
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**Date Received:** 20/01/2006

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**Theme:**

**Summary:**



## Brain Injury Association of NSW Inc

### Submission to the Standing Committee on Law and Justice Seventh Review of the exercise of the functions of the MAA and the MAC

20 January 2006

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The Brain Injury Association of NSW Inc, would like to make the following comments based on a review of the MAA Annual Report for 2004/05 and in relation to the Committee's Terms of Reference.

**1) Any matter appertaining to the MAA or MAC or connect with the exercise of their functions.**

*a) The Lifetime Care and Support (LTCS) Plan*

The Brain Injury Association of NSW Inc (BIANSW) applauds the Minister for Commerce, the Hon John Della Bosca and the Motor Accidents Authority for the introduction of and consultation regarding the *Lifetime Care and Support Assisting People with Catastrophic injuries from Motor Vehicle Accidents Scheme*.

The Association considers the Scheme to be of enormous significance and we look forward to an imminent approval from Cabinet for the scheme and a timely commencement date.

*b) Strategic planning and management of the Injury Prevention and Management (IP&M) Programs*

The Association notes that consultation with stakeholders regarding the development of a three year strategic plan and evaluation framework for the program will only take place once the plan is complete. The Association would welcome the opportunity to review a draft document for final comment prior to the completion of the strategic plan.

*c) The Community Participation Program*

The Brain Injury Association would find it beneficial to have access to more detailed information regarding the trial of the Community Participation Program, jointly managed by the MAA and the Department of Ageing, Disability and Homecare. Despite the target group for the trial being people with spinal injury, the program may well provide a

suitable model for such service coordination to improve the community participation of people with an acquired brain injury.

**2) Issues for the Committee to examine or to consider raising with witnesses at the Public Hearing.**

The Brain Injury Association of NSW would like the Committee to consider the needs of people who have received a traumatic brain injury from motor vehicle accidents, were at fault for their accident and subsequently did not receive adequate compensation.

This group of people, many of whom currently reside inappropriately in nursing homes and boarding houses, receive limited support from Departments such as Disability, Ageing and Home Care and will not be eligible to receive services under the Life Time Care Scheme (LTCS) given that the scheme is not retrospective.

The Association considers that this group of people currently experiences severe inequity in service provision, inequity that will only become more pronounced with the introduction of the LTCS. There is and will be a two tier system for service provision. There are those who receive inadequate care and support because their injury predates the introduction of the LTCS and was non-compensable and those who will receive appropriate care and support as their injury follows the commencement of the LTCS alongside those who previously received compensation.

While the Brain Injury Association of NSW fully supports the introduction of the LTCS we encourage the Committee to consider this issue given the existence and potential for systemic discrimination to occur.

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