

**INQUIRY INTO THE EXERCISE OF THE FUNCTIONS OF  
THE LIFETIME CARE AND SUPPORT AUTHORITY AND  
THE LIFETIME CARE AND SUPPORT ADVISORY  
COUNCIL - FOURTH REVIEW**

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**Physical Disability Council of NSW**  
Ordinary People Ordinary Lives

Legislative Council: Standing Committee on Law and Justice

***Fourth Review of the  
Lifetime Care and Support Authority***

Submission prepared by  
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## **Introduction**

As part of its systemic advocacy role, the Physical Disability Council of NSW (PDCN) has provided feedback as part of the fourth review into the Lifetime Care and Support Authority for the Legislative Council – Standing Committee on Law and Justice.

## **Terms of Reference**

*1. That, in accordance with section 68 of the Motor Accidents (Lifetime Care and Support) Act 2006, the Standing Committee on Law and Justice be designated as the Legislative Council committee to supervise the exercise of the functions of the Lifetime Care and Support Authority of New South Wales and the Lifetime Care and Support Advisory Council of New South Wales under the Act.*

*2. That the terms of reference of the Committee in relation to these functions be:*  
*(a) to monitor and review the exercise by the Authority and Council of their functions,*  
*(b) to report to the House, with such comments as it thinks fit, on any matter appertaining to the Authority or Council or connected with the exercise of their functions to which, in the opinion of the committee, the attention of the House should be directed, and*  
*(c) to examine each annual or other report of the Authority and Council and report to the House on any matter appearing in, or arising out of, any such report.*

*3. That the committee report to the House in relation to the exercise of its functions under this resolution at least once each year.*

*4. That nothing in this resolution authorises the Committee to investigate a particular participant, or application for participation, in the Lifetime Care and Support Scheme provided for by the Motor Accidents (Lifetime Care and Support) Act 2006.*

## **Background information**

As stated in the 2009- 2010 Lifetime Care and Support Authority (LTCSA) Annual Report the vision/ mission of the LTCSA is that 'participants are treated with respect and dignity and given the best opportunities and choices in achieving quality of life. In achieving this, the Authority seeks to be an international leader in the delivery and development of disability services.'<sup>2</sup>

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<sup>1</sup> NSW Government – Legislative Council (Standing Committee on Law and Justice) Fourth Review of the Lifetime Care and Support Authority 2011

<sup>2</sup> NSW Government- Lifetime Care and Support Authority – Annual Report 2009- 10

PDCN supports the principles identified in the recent review of case management practices conducted by the LTCSA. This review clearly recognises the benefits of adopting the following principles to enhance the individual's independence:

- Empowerment
- Holistic
- Participant-centred
- Collaborative
- Fairness
- Realistic

The LTCSA determines on a case by case basis, treatment, rehabilitation and care services that it deems as 'reasonable and necessary'. It appears that the Productivity Commission has seen the credibility of these criteria, as it has been recommended to be part of future developments of a National Disability Insurance Scheme. These Guidelines for service providers provide a useful resource that clearly distinguishes between user needs and user wants using the following criteria:

#### The benefit to the participant

- There are goals, expected outcomes and an expected duration for the requested support or service
- There is evidence to show the requested support or service will benefit the participant. For example, the outcome will progress or maintain the participant's functionality

#### Appropriateness of the support or service request

- The service is in keeping with current clinical practice, evidence-based practice and/or clinical guidelines
- Other services or supports will not provide an improved or equal outcome
- The requested service or support is consistent with the participant's other supports and relates to their goals as outlined in their individual support plan
- The support request would meet the community's perception of what is appropriate

#### Appropriateness of the provider

- The provider is appropriately experienced to provide the support service (and *where appropriate* qualified and/or registered)
- The provider does not have conflicts of interest that may result in over servicing or direction of people to less effective supports or services
- The provider is appropriate considering the participant's age, ethnicity and any cultural and linguistic factors

#### Cost effectiveness considerations

- Consideration has been given to the long-term compared to the short-term benefits of the service, based on evidence-based practice, clinical experience or consensus
- The long-term and short-term benefits, including social benefits, and expected outcomes of the proposed support or service have been considered and are likely to outweigh the costs
- The cost of the proposed support or service is comparable to those charged by providers in the same geographical or clinical area
- The support or service represents the most cost-effective option of those available

The LTCSA Guidelines use the criteria identified above for the following service types:

- Medical treatment, including pharmaceuticals
- Dental treatment
- Rehabilitation
- Ambulance transportation
- Respite care
- Attendant care services
- Domestic assistance
- Aids and appliances
- Artificial members (limbs), eyes and teeth
- Educational and vocational training
- Home and transport modification
- Workplace and educational facility modifications

#### Discussion

As individuals move through rehabilitation and habilitation they increasingly become empowered with the ability to take greater control and skills in self- management. Currently information on the LTCSA website for scheme participants is limited to information about scheme eligibility, the role of a Lifetime Care and Support Coordinators, the attendant care program, and frequently asked questions. With the availability of additional information on a range of topics on rehabilitation and habilitation, individuals would be more likely to gain skills in self- management. As a consequence PDCN would recommend that the LTCSA develop additional resources based on the areas identified in these guidelines, in a variety of written and electronic formats for individuals using the service.

Internationally and within Australia, government departments and authorities have needed to become more familiar and recognise the implications of the Convention on the Rights of Persons with Disabilities, for planning, funding and service delivery. PDCN is aware that the LTCSA is already delivering personalised plans, but suggests that it provides mechanisms that facilitate personalised budgets and self- directed funding, consistent with international trends. These mechanisms enable individuals to have greater choice while directing their own services. Traditional disability service providers have had full responsibility for assessment, planning, administration, legal, and the contractual arrangements with the government department providing the funding. But under a system that provides self- directed funding, individuals with a disability may opt to take a greater responsibility over service planning, human resources, and/ or the contractual arrangements with the funding organisation.

Self-directed services and personal budgets can be responsive to user demand. They can shift away from inflexible, centralised, building- based services, such as day care centres and group homes, towards more flexible, informal and decentralised provision, often organised around a person's home in their community.<sup>3</sup>

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<sup>3</sup> Australian Government- FAHCSIA (2010) Occasional Paper 29 - Effectiveness of individual funding approaches for disability support

As a guide PDCN would recommend a number of resources already available on the Victorian Department of Human Services, Disability Services website for services developing self- directed funding packages including:

- Individual Support Package: general information
- Planning for my supports
- Individual Support Package funding administration arrangements
- Individual Support Package Handbook
- Individual Support Package Guidelines

PDCN commends the LTCSA for recent developments including the provision of information about community based advocacy services that provide service recipients with the ability to seek independent advice, implementation of case management principles, an enquiry into the treatment, care and rehabilitation of service recipients with very high support needs and the opening of offices in Parramatta and Newcastle to assist service users not living directly in Sydney.