

## **Part 19: Alternative expenditure option**

This Part of the Lifetime Care and Support Guidelines is made under the *Motor Accidents (Lifetime Care and Support) Act 2006* (the Act), including sections 11A, 11AA, 23, 28 and 58.

This version of Part 19 of the Lifetime Care and Support Guidelines (the Guidelines) takes effect on the date of gazettal in the NSW Government Gazette and applies to requests for the Lifetime Care and Support Authority (Lifetime Care) to make a contribution to alternative expenditure on and from that date in respect of any participant in the Scheme, whether interim or lifetime and whether accepted into the Scheme before or after the date of gazettal.

The Lifetime Care and Support Authority (Lifetime Care) may waive observance of any or parts of this Guideline. Waiving observance of all or part of this Guideline in any particular circumstances is not an indication that Lifetime Care will waive observance of this or any other Guideline in any other circumstances.

### **Relevant section of the legislation**

*Motor Accidents (Lifetime Care and Support) Act 2006*

#### **11AA Option of contribution to other cost-effective expenditure for meeting treatment and care needs**

- (1) The Authority has the option of satisfying its liability under this Part to pay for expenses incurred in relation to a participant's assessed treatment and care needs by contributing to alternative expenditure (incurred by or on behalf of the participant) that the Authority is satisfied will provide for those needs in a cost-effective manner.
- (2) The Authority's contribution to alternative expenditure is limited to the amount of a reasonable contribution to that expenditure and is not to exceed the amount for which the Authority would otherwise have been liable under this Part to pay for expenses incurred in relation to a participant's assessed treatment and care needs.
- (3) An assessment of the option of contributing to alternative expenditure under this section is part of the assessment of the treatment and care needs of a participant in the Scheme.

Note. Because an assessment of this option is part of the assessment of the treatment and care needs of a participant, Part 4 and the LTCS Guidelines extend to an assessment of that option.

- 1.1 Lifetime Care will consider making a contribution to alternative expenditure under section 11AA of the Act where the treatment, care, support or service outcome for the participant will achieve the same or better outcome that would result from paying expenses to meet the

initial assessed care need. *For example, the parents of a child participant request that Lifetime Care makes a contribution to enable the joint purchase of a second-hand wheelchair accessible van as an “alternative expenditure option”. This will be the same outcome for the participant that would result from Lifetime Care paying expenses to modify a new van for wheelchair access. This will enable the participant to access a wheelchair accessible van, more quickly than the modification of a new van.*

- 1.2 An alternative expenditure option may be requested by the participant or another person on their behalf.
- 1.3 Lifetime Care is not required to consider an alternative expenditure option as part of its assessment of needs under Part 5 of the Guidelines, but may suggest an alternative expenditure option, which is optional for the participant.
- 1.4 Lifetime Care must obtain agreement in writing from the participant, or their parent or legal guardian, if the participant is a minor or lacks legal capacity to make an agreement.
- 1.5 If the participant is a minor or lacks legal capacity to agree to a decision made in accordance with section 11AA of the Act and this Part, Lifetime Care must be satisfied that making a contribution to alternative expenditure is in their best interests.
- 1.6 Lifetime Care may need to seek agreement, or enter into a legal agreement, with a person other than the participant where the alternative expenditure is being made or contributed to by such other person.