

# Resolving Disputes about Eligibility

## What is a dispute about eligibility?

A dispute occurs when someone disagrees with the decision of the Lifetime Support Authority (LSA) about eligibility for either interim or lifetime participation in the Lifetime Support Scheme (the Scheme).

You may be eligible for the Scheme if you have had a moderate to severe brain injury, a spinal cord injury, severe burns, blindness, or an amputation from a motor vehicle accident in South Australia.

Your eligibility is assessed using the injury criteria in the LSS Rules. The process is the same for both interim and lifetime participation.

## How is my eligibility decided?

The LSA makes a decision about your eligibility based on the information provided in the application form submitted by you, someone acting on your behalf or an insurer.

## Who can lodge an eligibility dispute?

An eligibility dispute can be lodged by you, or someone acting on your behalf or an insurer.

## When can it be lodged?

A dispute can only be lodged after you've received a letter from the LSA with the decision about your eligibility. The dispute needs to be lodged within six months of receiving that letter.

## Who will assess it?

This will depend on what the dispute is about. If your dispute concerns a 'non-medical' matter, it will be reviewed by a review officer.

If your dispute is based on medical considerations, it will be referred to an Expert Review Panel (ERP).

## How do I lodge a dispute?

A dispute must be lodged in writing via the LSA website or in a letter or email to the LSA explaining why you disagree with the decision. You should include why you think you meet (or do not meet) the injury criteria in the LSS Rules.

To find out more, contact the LSA's Review Officer on 1300 880 849 or [lsareview@sa.gov.au](mailto:lsareview@sa.gov.au).

## What happens to the information I provide?

Your details are confidential and will only be given to those at the LSA or any other parties directly involved with your dispute.

## What will the review officer consider?

A review officer will consider non-medical matters such as:

- whether you suffered an injury
- whether the incident that resulted in your injury was caused by/arose out of the use of a motor vehicle
- whether your motor vehicle accident occurred in SA
- whether your application to join the Scheme was within the timeframe set in the LSS Rules.

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## How will the review officer make a decision?

The review officer will assess the information included in your original application. You will have the opportunity to provide information in person or in writing. The review officer may also:

- request that your treating health practitioners provide further information before the review can be assessed
- contact any other interested party who is directly involved.

Once the assessment has been completed, the review officer will make a decision about the dispute. They will advise you in writing of their decision and provide you with reasons.

## What disputes will the ERP consider?

The types of disputes the ERP will consider include:

- whether or not your injury is a result of a motor vehicle accident or is attributable to some other condition, event, incident or factor
- whether or not your injury satisfies the criteria for eligibility set out in the LSS Rules
- whether or not an injury is wholly or predominately related to your motor vehicle injury. In the case of multiple injuries, the ERP will review the relationship between these injuries.

The ERP process is governed by the 'ERP Guidelines' issued by the Minister for Health and Wellbeing and available on the LSA website at [www.lifetimesupport.sa.gov.au](http://www.lifetimesupport.sa.gov.au).

## Who is on the ERP?

The ERP will include up to three experts from the health, medical and disability sectors who have significant experience in working with people with severe injuries.

The members are independent from the LSA and are chosen by a Convenor, who is appointed by the Minister for Health and Wellbeing. Your treating health practitioners cannot be involved in a review of an assessment or decision made.

The LSA provides administrative support services to the ERP and may contact you on their behalf.

## How long will it take to reach a decision?

The time it takes to resolve a dispute about eligibility will vary, and will depend on access to relevant information in a timely manner, or the completion of assessments. The review officer or ERP may take time to come to a resolution and ensure the right decision is made.

## What if I disagree with the decision?

If you disagree with the decision of the review officer or the ERP, you may appeal to the South Australian Civil and Administrative Tribunal (SACAT) within 28 days of the date of the decision.

For more information contact the SACAT, on 1800 723 767 or at [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au).

**For more information contact the Lifetime Support Authority.**