

Lifetime Care and Support (Catastrophic Injuries) Attendant Care Services Guidelines 2025

Disallowable instrument DI2025 – 323

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (LTCS guidelines)

1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Attendant Care Services Guidelines 2025*.

2 Commencement

This instrument commences on the day after its notification.

3 Guidelines

I make the guidelines attached to this instrument. The guidelines are Part 8, Attendant Care Services, of the LTCS Guidelines made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

4 Revocation

The *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 8)* (DI2014-209) is revoked.

Nicola Clark
Lifetime Care and Support Commissioner of the ACT

20 November 2025

Part 8: Attendant care services

This Part of the Lifetime Care and Support Guidelines is made under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (the Act), and are also guidelines for sections 23, 27, 28 and 58.

Part 8 of the Lifetime Care and Support Guidelines (the LTCS Guidelines) applies to any assessment of treatment and care needs relating to attendant care services made on and from the date of commencement of the part in respect of any participant in the Lifetime Care and Support Scheme (the LTCS Scheme), whether interim or lifetime, and whether accepted into the LTCS Scheme before or after that date.

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

1 Reasonable and necessary attendant care services

1.1 The LTCS Commissioner considers attendant care services (also referred to support worker services) to be reasonable and necessary when the services:

- a) are required because of the motor accident injury or work accident;
- b) help the participant with everyday tasks, such as personal assistance, nursing, home maintenance and domestic services;
- c) assist the participant to maximise their independence;
- d) facilitate the participant's return to their former role or assist the participant to develop new functional skills and roles;
- e) are appropriate for the participant's age and circumstances, when compared with alternative options and models to meet their care needs;
- f) reduce or eliminate the risk of harm to the participant or others; and
- g) are the least restrictive response to meet the participant's injury related needs.

1.2 The LTCS Commissioner considers reasonable and necessary attendant care services do not include circumstances where the services:

- a) are for an injury, condition or circumstance that existed before the motor accident or work injury or that are not a result of the motor accident or work accident;
- b) are of no clear benefit to a participant;
- c) are for other members of the participant's family or household;
- d) replace parental responsibilities;

- e) expose the participant and/or attendant care worker to an unreasonable level of risk to their health and safety;
 - f) substitute or replace a participant's employment. *For example, an attendant care worker performing work tasks for a participant;* or
 - g) are used to facilitate unlawful and/or illegal activity.
- 1.3 The LTCS Commissioner may consider paying the reasonable expenses of a domestic service provider in place of an attendant care provider to complete domestic services to meet a participant's assessed care need that is related to the motor accident injury or work injury.

2 Personal assistance

- 2.1 The LTCS Commissioner considers attendant care services include assistance with the following tasks to assist the participant with daily living:
- a) showering, bathing, oral hygiene, dressing and grooming;
 - b) personal hygiene including bowel and bladder care;
 - c) eating and drinking;
 - d) taking medication;
 - e) fitting and use of aids and appliances (equipment), hearing and communication devices;
 - f) mobility and transfers; and
 - g) health maintenance, such as positioning, application of splints, wound care and applying dressings, regular and routine exercises or stretches.
- 2.2 The LTCS Commissioner considers attendant care services include assistance with the following tasks to assist the participant in the home and community:
- a) selecting and planning activities;
 - b) facilitating engagement in activities;
 - c) meal preparation and other domestic tasks;
 - d) caring for dependents;
 - e) support with banking and shopping;
 - f) personal care; and
 - g) attending rehabilitation or medical appointments.
- 2.3 The LTCS Commissioner considers attendant care services include assistance with the following tasks to assist the participant to engage in rehabilitation:
- a) attendant care for community-based treatment, rehabilitation or associated activities;
 - b) therapy support, to implement a therapy program under the guidance and supervision of a health professional; and
 - c) weekend leave while the participant is an inpatient in a hospital or rehabilitation facility.
- 2.4 The LTCS Commissioner considers the reasonable expenses in relation to the participant's assessed treatment and care needs in relation to personal assistance will not include:
- a) travel expenses for the participant, their family or attendant care workers except where the participant requires attendant care services to get to and from treatment and rehabilitation services approved by the LTCS Commissioner;

- b) additional personal care whilst the participant is an inpatient in a hospital or during inpatient rehabilitation; or
- c) general training for skills an attendant care worker would reasonably be expected to possess to gain or maintain employment.

3 Nursing

- 3.1 The LTCS Commissioner considers nursing services to be reasonable and necessary as part of an attendant care service when the participant needs direct care tasks that require the specialised skills, training or experience of a Registered Nurse.
- 3.2 The LTCS Commissioner adopts the guidelines developed by the Australian Community Industry Alliance, formerly known as the Attendant Care Industry Association (ACIA) that aim to guide best practice in the attendant care industry, including provision of paid attendant care and nursing in the community, when assessing reasonable and necessary needs for nursing. These guidelines are available from the Australian Community Industry Alliance <https://www.acia.net.au/>.

4 Home maintenance and domestic services

- 4.1 The LTCS Commissioner considers home maintenance services include assistance with the following tasks:
 - a) routine home maintenance for upkeep and to ensure safe and easy access. This may include annual cleaning of external gutters; removal of overhanging branches in the immediate vicinity of the home; and
 - b) episodic or seasonal home maintenance tasks. This may include annual window cleaning, changing light bulbs and smoke alarm batteries, and cleaning filters, exhausts and flyscreens.
- 4.2 The LTCS Commissioner considers domestic services include assistance with the following regular and routine tasks:
 - a) cleaning and similar tasks involved in the everyday operation and maintenance of a household;
 - b) gardening and lawn mowing to ensure safe and easy access of the immediate land around the house approximating the size of a suburban block;
 - c) car washing; and
 - d) swimming pool cleaning.
- 4.3 The LTCS Commissioner will provide home maintenance and domestic services only for the property currently lived in by the participant.
- 4.4 The LTCS Commissioner considers reasonable and necessary home maintenance and domestic services do not include circumstances where the service:
 - a) is for upkeep of extensive grounds and gardens or a farm beyond what is required for safe and easy access to the house and immediate garden/land area;
 - b) is for access to extensive grounds and gardens or a farm beyond what is required for safe

- and easy access to the house and immediate garden/land area;
- c) is for a farming activity such as planting crops or managing livestock;
- d) falls outside of routine upkeep such as decorative gardening and planting fruit and vegetable gardens;
- e) falls outside of routine home maintenance or domestic services and requires a tradesperson to perform;
- f) has been assessed by the attendant care provider as a work, health and safety issue or a task that would pose excessive risk to an attendant care worker undertaking the task;
- g) is at a frequency which exceeds what the LTCS Commissioner considers reasonable;
- h) is for internal or external home decoration or renovation, or other services intended for home improvement or to add value to a home; or
- i) is solely for other members of the household or it could be reasonably expected that other members of the household would contribute.

4.5 The LTCS Commissioner considers the reasonable expenses in relation to the participant's assessed treatment and care needs in relation to home maintenance and domestic services will not include:

- a) services that are included as part of a daily bed fee or residential care accommodation fee; or
- b) cleaning products, materials or equipment, waste removal or tip fees.

5 Home maintenance and domestic services when the participant is away from home

5.1 Information required by the LTCS Commissioner to assess a participant's treatment or care needs for home maintenance and domestic services if the participant is away from home for an extended period, including periods when the participant is hospitalised, include:

- a) the reason for the absence and the period that the participant will be away from home;
- b) the impact on upkeep and safe and easy access for the participant and other members of the household if the service was not continued;
- c) the reasonable capacity of other household members to perform these services when the participant is away from home; and
- d) the nature and extent of services that may subsequently be required if services are not continued.

6 Attendant care and domestic services for participants who have caring responsibilities

- 6.1 The LTCS Commissioner may pay reasonable and necessary expenses for attendant care for participants who have caring responsibilities, to assist them to perform their role as a parent or caregiver, when the need for this assistance is related to the motor accident injury or work injury.
- 6.2 Payment of attendant care expenses in these circumstances aims to maximise the participant's independence and support a participant in their role as a parent and/or caregiver. The role of the attendant care worker is to provide attendant care services to the participant. The presence of an attendant care worker does not replace parental or caregiver responsibility. *For example, an attendant care worker assisting a participant to travel with their children to and from school but will not be solely responsible for taking the children to and from school.*

7 Alternatives to attendant care service provision

- 7.1 The LTCS Commissioner may consider paying reasonable expenses of alternatives to attendant care services such as day programs, community-based groups, community access programs, school holiday programs and child care. This will be considered when such alternatives are age appropriate, provide appropriate support and increase independence. They are assessed as a suitable alternative to meet the participant's injury-related needs and are cost effective compared to attendant care.
- 7.2 The LTCS Commissioner will not pay for everyday activity costs that are not related to the need arising from the motor accident injury or work injury.

8 Participants who are children

- 8.1 Where the participant is a child, the LTCS Commissioner considers the reasonable and necessary attendant care provided for children will not include replacement of the usual care and supervision provided by a parent or paid for by a parent.
- 8.2 The LTCS Commissioner considers the role of the attendant care worker is to provide attendant care services to the participant and not to provide direct care or supervision to other family members such as the participant's siblings.
- 8.3 In the case of young children, the LTCS Commissioner may consider paying the reasonable expenses of domestic services in place of attendant care services to allow the parent to meet a participant's motor accident injury care need.
- 8.4 The LTCS Commissioner considers the role of an attendant care worker does not replace parental responsibility to supervise and provide non-injury related care to the child participant.
- 8.5 Documentation of the attendant care needs of a child participant, for tasks ordinarily provided

by a parent or family member as part of their parental responsibilities, must include clear justification for why these are an assessed care need.

9 Attendant care services when the participant is away from home

- 9.1 The LTCS Commissioner may pay the reasonable expenses of attendant care services for a participant when away from home. This may include when on holiday or away from their usual place of residence.
- 9.2 The LTCS Commissioner considers when a participant is away from home that attendant care service provision will be sourced locally where possible to meet the participant's treatment and care need.
- 9.3 The LTCS Commissioner requires additional documentation of the care needs of the participant and the level of care being requested to make an assessment of the need for attendant care when away from home in the following circumstances, when:
- a) attendant care hours in addition to the participant's current assessed care needs are being requested for the duration of the participant's absence;
 - b) the participant will use a different attendant care provider than the one engaged to provide their regular attendant care program;
 - c) the participant is travelling overseas; or
 - d) attendant care worker travel, accommodation or any other allowances are requested.
- 9.4 The LTCS Commissioner may consider additional expenses in relation to attendant care service provision to be reasonable and necessary when the participant is away from home, in circumstances including:
- a) when it can be demonstrated that a change in attendant care service provision would cause secondary care complications or behavioural complications;
 - b) when the participant requires attendant care support during travel to and from their destination that is beyond that provided by transport providers; or
 - c) where the participant's level of function, accommodation environment, unfamiliar surroundings, unfamiliar routine or need to access additional equipment creates an additional need for attendant care.
- 9.5 When additional expenses in relation to attendant care service provision are required during a participant's holiday, the LTCS Commissioner will generally consider that:
- a) 28 calendar days per calendar year is a reasonable period where additional attendant care service provision will be considered to be reasonable and necessary; and
 - b) the 28 calendar days per year can be taken in one block or made up of several trips in one calendar year;
- 9.6 The LTCS Commissioner considers the time limitations in 9.5 do not apply if there are no additional expenses in relation to attendant care service provision during a participant's

holiday.

- 9.7 When additional expenses in relation to attendant care service provision when a participant is away from home are required, the participant must provide reasonable notice to the LTCS Commissioner and the attendant care provider to ensure the participant's care needs are met. The LTCS Commissioner considers a reasonable notice period to be 3 months prior to the planned domestic travel, and at least 6 months prior to planned overseas travel.
- 9.8 To determine if additional expenses in relation to attendant care service provision when a participant is away from home are reasonable, the LTCS Commissioner may consider whether the participant has obtained medical clearance to travel.
- 9.9 The reasonable expenses in relation to the participant's assessed treatment and care needs when a participant is away from home will not include:
- a) expenses for recreational activities or recreational equipment;
 - b) expenses for the participant's entry to tourist attractions or other participation in activities relating to a holiday;
 - c) a participant's personal holiday expenses, such as travel costs, meals and accommodation;
 - d) the cost difference between economy class plane travel and premium economy or business class plane travel unless there is a clear injury-related need;
 - e) attendant care worker travel expenses to accompany a participant to and from their destination, where a participant is assessed as being able to travel without an attendant care worker present and with the support provided by transport providers;
 - f) general costs incurred by a participant that are associated with international travel, such as immunisation, passports or visas;
 - g) attendant care assistance for any tasks other than to meet an assessed care need;
 - h) travel insurance; or
 - i) other expenses associated with changes to travel plans for the participant.
- 9.10 If a participant has an injury-related need for plane travel at a class above economy class, the LTCS Commissioner will generally consider funding the cost difference between economy class travel and premium economy or business class travel in circumstances when:
- a) the participant's documented level of spinal cord lesion is at T1 or above and ASIA A or B; or
 - b) there is clinical evidence that the participant is at risk of deterioration of current function or developing a secondary health condition and evidence provided as to how the upgraded seat will mitigate these risks.
- 9.11 When additional expenses in relation to plane travel at a class above economy are required the LTCS Commissioner will generally consider that the cost difference of one domestic return flight and one international return flight per calendar year is a frequency considered to be reasonable and necessary.

10 Attendant care services when a participant is in hospital

10.1 The LTCS Commissioner will generally not pay for attendant care services while a participant is in hospital or inpatient rehabilitation. Any requests for attendant care, in addition to the support provided by the hospital or inpatient rehabilitation facility, must demonstrate that there are exceptional circumstances.

11 Expenses for attendant care providers when a participant is away from home

11.1 The LTCS Commissioner will consider funding the following expenses incurred by an attendant care provider relating to attendant care service provision while a participant is on holiday or away from home:

- a) the Australian Tax Office (ATO) rate for reasonable travel claims for domestic and overseas allowance expenses, including living away from home allowance to cover meals and incidentals if the relevant criteria are met and if these expenses have not been funded as part of the holiday cost that is inclusive of meals and accommodation, such as a cruise;
- b) the attendant care worker's airline ticket and for the attendant care worker to travel to provide support to the participant beyond that can be provided by airline cabin crew;
- c) transfers, visas, travel insurance and immunisations for overseas travel;
- d) entry fees for attendant care workers where these are not otherwise covered under programs such as the Companion Card when they are accompanying and providing support to the participant; and
- e) accommodation for an attendant care worker at a standard room rate.

12 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs for or in connection with attendant care services

12.1 The LTCS Commissioner's assessment of a participant's treatment and care needs for or in connection with attendant care services must:

- a) consider the participant's individual needs for attendant care in the context of other treatment and services provided, including equipment, home modifications and other items;
- b) be made in collaboration with the participant;
- c) consider the environment or environments in which attendant care services will be delivered; and
- d) consider the participant's injury-related needs and their ability to perform or be assisted with tasks.

12.2 Information required by the LTCS Commissioner to make an assessment may include:

- a) information relating to the motor accident injury or work injury, including nature and severity of injury;
- b) pre-existing or co-existing conditions that may also give rise to a care need,
- c) other treatment and care needs under section 9 of the Act, such as equipment and home

modifications;

d) environmental risk factors;

e) home ownership, in the case of domestic services and home maintenance, where a landlord or other home owner may be responsible for some aspects of home maintenance;

f) household arrangements and shared household responsibilities, in the case of domestic services and home maintenance;

g) standard schedule, in relation to frequency of services for gardening and home maintenance; or

h) the type and level of care or service, and the requested provider.

12.3 The LTCS Commissioner follows the below procedures when making an assessment:

a) an assessment of care needs is to be conducted by a health professional or team of professionals with recognised qualifications and relevant experience in assessing the need for attendant care services; and

b) an assessment of care needs is undertaken, where possible, in the environment in which care will be delivered.

12.4 The LTCS Commissioner adopts relevant guidelines and other publications including the *Guidance on the support needs for adults with spinal cord injury* ("Guidance"), when assessing the reasonable and necessary attendant care service needs of participants with spinal cord injury. The Guidance can be accessed on NSW Lifetime Care's website at www.icare.nsw.gov.au.

Applicable provisions of the LTCS Act	
Part 8 - LTCS Guidelines	LTCS Act reference
Attendant Care Services	Sections 9, 23, 27, 28 and 58