

Lifetime Care and Support (Catastrophic Injuries) Workplace and Education Facility Modifications Guidelines 2025

Disallowable instrument DI2025–324

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) Workplace and Education Facility Modifications 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 23, Workplace and Education Facility Modifications, of the LTCS Guidelines made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

Nicola Clark
Lifetime Care and Support Commissioner of the ACT

24 November 2025

Part 23: Workplace and education facility modifications

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 LTCS Act).

Part 23 of the Lifetime Care and Support Guidelines (the LTCS Guidelines) applies to any assessment of treatment and care needs relating to workplace and education facility modifications 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 part of the Guideline in other circumstances.

1 Modifications to a workplace or education facility

- 1.1 The LTCS Commissioner considers workplace and education facility modification to be reasonable and necessary when:
 - a) it has been confirmed that the proposed modifications are not available under another scheme or legislation, including any reasonable adjustments an employer or education provider may be obliged to make;
 - b) a suitably qualified occupational therapist has recommended the modifications to meet a participant's injury-related need in a workplace or education facility modifications report; and
 - c) the employer or education provider and the building owner (if different) both agree in writing to the modifications.
- 1.2 The LTCS Commissioner does not consider the following workplace or education facility modifications to be reasonable and necessary:
 - a) modifications to any workplace or education facility that constitute, are likely to constitute, or will result in, an illegal structure. An illegal structure is one that is contrary to relevant building and construction codes or local council planning guidelines, statutes and/or laws;
 - b) modifications that are undertaken without approval from the LTCS Commissioner;
 - c) modifications where the owner, body corporate or other responsible authority has not given permission for the modifications and such permission is required;
 - d) modifications required as a result of a condition that existed before the motor accident or work accident or that is not a result of the motor accident or work accident; and

e) modifications that provide no clear injury-related benefit to the participant.

1.3 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to workplace or education facility modifications will not include:

- a) additional costs or other modifications or renovations intended to add value to an existing workplace or education facility and are not related to the participant's motor accident or work accident;
- b) the cost of upgrades of any materials that are not required to meet injury-related needs;
- c) costs for the removal of modifications; and
- d) any loss of value of any property resulting from any modifications to, or removal of, modifications from the property.

2 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs for or in connection with workplace and education facility modifications

2.1 The LTCS Commissioner's assessment of a participant's treatment and care needs for or in connection with workplace or education facility modifications must:

- a) be made in collaboration with the participant;
- b) consider the physical and social environment of the workplace or education facility;
- c) take into account the participant's injury-related needs;
- d) consider whether the participant's needs for modification are stable or are likely to change; and
- e) consider the effects of aids or appliances, including wheelchairs, on the participant's ability to function within their work or education environment.

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

- a) Information about the safety of the participant, attendant care workers and other employees or students in the work or education environment;
- b) Information about ownership of the property; and
- c) consents required for modifications with any other parties such as a landlord, body corporate or local Council.

3 Workplace modifications

3.1 The LTCS Commissioner considers workplace modification to be reasonable and necessary when:

- a) the long-term impact of the participant's motor accident injury or work injury prevents them from performing their duties within the existing workplace environment without modification to the layout or fittings;
- b) there is an employer who has confirmed in writing they will provide permanent employment for the participant;

- c) the workplace modification is the most cost-effective means for enabling the participant to return to work and all other alternatives have been considered; and
 - d) a vocational assessment and/or workplace assessment has been conducted and the LTCS Commissioner has agreed to support the vocational/work goal.
- 3.2 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to workplace modifications will not include:
 - a) items that are standard workplace items such as furniture or whitegoods, smoke alarms, surge protectors, towel rails, fans, lights, hot water services, security doors and windows; and
 - b) items not directly related to the participant's injury related needs.
- 3.3 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to workplace modifications will not include workplace modifications for a participant where the LTCS Commissioner has already funded substantial modifications in the past 5 years.

4 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs for or in connection with workplace modifications

- 4.1 The LTCS Commissioner considers the following factors are relevant to determine whether a participant's need for workplace modification is reasonable and necessary in the circumstances:
 - a) any reasonable adjustments an employer may be required to make under State and Commonwealth legislation or law; and
 - b) whether the modifications could be funded partly or wholly under another scheme or by another payer.
- 4.2 Information required by the LTCS Commissioner to make an assessment may include:
 - a) the participant's entry to and exit from the workplace;
 - b) the participant's access to all necessary areas of the workplace; and
 - c) the cost and extent of the modifications when considered in relation to the likely benefit to the participant and alternative employment options.

5 Educational facility modifications

- 5.1 Costs for modifications to educational facilities are primarily the responsibility of the education facility.
- 5.2 The LTCS Commissioner may consider funding for an education facility modification to be reasonable and necessary when:
 - a) there is no other funding source and the modifications would not be provided under any other legislation or scheme;
 - b) the long-term impact of the participant's motor accident injury or work injury prevents them from learning within the existing education facility without modification to the layout or fittings;

- c) the education facility modification is the most cost-effective means for enabling the participant to participate in the education activity and all other alternatives have been considered; and
- d) for adult learners, the education program has been identified through a vocational assessment and the LTCS Commissioner has agreed to support the vocational/work goal.

5.3 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to education facility modifications will not include:

- a) items that are standard educational items such as furniture; and
- b) items that are not directly related to the participant's injury-related needs ; and
- c) modifications that may be considered an education provider's obligation as a type of reasonable adjustment under relevant State and Commonwealth legislation or law.

6 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs for or in connection with education facility modifications

6.1 The LTCS Commissioner considers the following factors are relevant to determine whether a participant's need for education facility modification is reasonable and necessary in the circumstances:

- a) the participant's ability to participate in educational activities as well as access to other facilities such as bathrooms; and
- b) whether the modifications could be funded partly or wholly by the education provider.

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

- a) the length of time the student is likely to remain in the education facility;
- b) reasonable adjustments available to timetable and class allocation;
- c) accessibility for the participant to all necessary areas of the facility; and
- d) the cost and extent of the modifications when considered in relation to the likely benefit to the participant and alternative options for education.

7 Repairs and maintenance to workplace or education facility modifications

7.1 The cost of repairs and maintenance for modifications funded by the LTCS Commissioner that are essential for the participant's access or safety will be considered a reasonable expense.

7.2 The LTCS Commissioner may fund the cost of repairs or maintenance proportional to the original costs paid, where the original modification was not fully funded by the LTCS Commissioner on the basis that this represents a reasonable expense. This is where an employer or property owner also contributed to the original cost of the modification.

7.3 The cost of repairs and maintenance as a result of normal wear and tear, for the upkeep of a workplace or education facility will not be considered a reasonable expense in relation to the participant's reasonable and necessary treatment and care needs.

- 7.4 The cost of repairs and maintenance when the participant is no longer attending the workplace or education facility is not a reasonable expense in relation to the participant's reasonable and necessary treatment and care needs.

Applicable provisions of the LTCS Act	
Part 23 - LTCS Guidelines	LTCS Act reference
Workplace and Education Facility Modifications	Sections 9, 23