Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Participants Living Overseas Guidelines 2026

Disallowable instrument DI2026 – 223

made under the

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

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1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Participants Living Overseas Guidelines 2026.*

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 11, Participants Living Overseas, 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 11)* (DI2014 - 212) is revoked.

Nicola Clark
Lifetime Care and Support Commissioner of the ACT

14 October 2026

Part 11: Participants living overseas

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 11 of the Lifetime Care and Support Guidelines (the LTCS Guidelines) applies to any assessment of treatment and care needs 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) living overseas, whether interim or lifetime and whether accepted into the LTCS Scheme before or after that date.

This Part should be read in conjunction with Parts 5, 6, 7 and 18 of the Guidelines.

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 Guideline in other circumstances.

1 Lifetime Care's assessment of treatment and care needs when the participant is living overseas

1.1 Wherever possible, Part 5 of the Guidelines applies in relation to assessment of treatment and care needs when a participant is living overseas.

1.2 In some circumstances, the LTCS Commissioner may waive part or all of its procedures, such as the need for information to be provided on the LTCS Scheme's forms, if it can otherwise be satisfied that a treatment or care need is reasonable and necessary and relates to the motor accident injury or work injury.

1.3 If there is insufficient information, the LTCS Commissioner may be unable to determine that the treatment and care need is reasonable and necessary and related to the motor accident injury or work injury, or that the expense incurred is reasonable.

2 Reasonable and necessary treatment and care needs

2.1 The LTCS Commissioner considers reasonable and necessary treatment and care needs when a participant is living overseas may include a brokerage service, case management service or other contracted service to assist with the administration of treatment and care services.

2.2 Section 32 of the Act requires an approved provider must provide certain treatment, care, support or services. As outlined in Part 18 of the Guidelines, the LTCS Commissioner may consider there are special circumstances in relation to the payment of non-approved providers in respect of services provided to a participant living overseas.

2.3 The LTCS Commissioner may enter into an agreement with a participant living outside Australia to pay expenses to the participant for a fixed period as a periodic payment in accordance with section 30A of the LTCS Act.

2.4 The LTCS Commissioner will seek to meet the participant's treatment and care needs in a way that is compatible with local service provision in the participant's resident country. The LTCS Commissioner can only fund services to meet treatment and care needs outlined in section 30 of the LTCS Act that are available in the country in which the participant resides.

2.5 Payments made by the LTCS Commissioner for treatment, care and support services will be in Australian dollars and will not exceed the costs that would be incurred if the participant were living in Australia.

2.6 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to participants living overseas will not include:

a) an expense that is unreasonable when compared to similar services provided in the ACT or Australia;
b) services where there is insufficient information about the participant's injury-related need for the item or service;
c) costs related to relocating to another country, such as visas, travel agent fees or immunisation;
d) repatriation, flight or accommodation costs for the participant to return to Australia; or
e) costs related to medical or allied health professionals travelling to the participant's resident country from another country to assess or treat the participant.

3 Lump sum payment – foreign national participant

3.1 At the discretion of the LTCS Commissioner, if a lifetime participant is *a foreign national participant* [1], the LTCS Commissioner may offer to pay the participant a lump sum payment under *a lump sum agreement* to cover the participant's expenses estimated for their ongoing reasonable and necessary treatment and care needs in accordance with section 30B of the LTCS Act.

3.2 The purpose of the lump sum agreement is to give foreign national participants an option to receive a lump sum payment to allow them to manage their lifelong treatment and care needs.

3.3 A lump sum payment agreement will only be offered if the participant meets the *eligibility criteria* (under clause 3.4) and the participant agrees to receive the lump sum payment in place of receiving ongoing future treatment and care benefits under

[1] Under section 30B of the LTCS Act 2014, a ***foreign national participant*** is a lifetime participant in the LTCS Scheme who is the national of a foreign country and who lives outside Australia permanently.

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the LTCS Scheme.

3.4 The LTCS Commissioner may consider a lump sum payment for a participant who:

a) is a lifetime participant in the LTCS Scheme and a *foreign national participant*;

b) resides permanently overseas;

c) has treatment and care needs that are sufficiently stable and predictable;

d) agrees to manage their future treatment and care needs through the lump sum payment provided under section 30B of the LTCS Act; and

e) agrees to the lump sum payment on the basis that they cease to be a participant in the LTCS Scheme when they receive a lump sum agreement.

3.5 Until a lump sum agreement is made, the LTCS Commissioner will continue to pay the foreign national participant's expenses in accordance with section 30.

3.6 In working out the lump sum amount the LTCS Commissioner may calculate the present value of the treatment and care over the preceding 12 months and the assumed life expectancy[2] of the participant (dollar x years). A discount rate is to be used in the calculation. The applicable discount rate is 5 per cent. The LTCS Commissioner may adopt a different discount rate declared by notifiable instrument. If a different discount rate is declared, this rate is to be used. The amount will be in Australian dollars.

3.7 A lump sum agreement may include that on acceptance of the payment that the foreign national participant is no longer eligible to claim treatment and care benefits or damages under the *Workers Compensation Act 1951* (for a work injury); or under the *Motor Accident Injuries Act 2019* (for a motor accident injury), and is to disclose the lump sum agreement to any other person they seek damages from for the same injuries.

3.8 When a lump sum payment is agreed and paid to an eligible foreign national participant, the participant ceases to be a participant in the LTCS Scheme. From that point, the participant ceases to be eligible for the LTCS Scheme treatment and care benefits for their motor accident injury or work injury.

Applicable provisions of the LTCS Act	
Part 11 - LTCS Guidelines	LTCS Act reference
Clauses 1 and 2	Section 30A
Clause 3	Section 30B

[2] Assumed life expectancy is 65 years of age, unless the person is older than this age, then based on information available to the LTCS Commissioner on the person's expected life expectancy.

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