

Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Guidelines (No 1)

Disallowable instrument DI2014–192

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (Making of Guidelines)

EXPLANATORY STATEMENT

These are the first LTCS Guidelines made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act) with the LTCS Scheme commencing on 1 July 2014.

Section 93 of the LTCS Act allows the Lifetime Care and Support Commissioner of the Australian Capital Territory (LTCS Commissioner) to make Guidelines.

Section 81(6) of the *Legislation Act 2001* applies to this instrument. This will allow these Guidelines to be in effect prior to the commencement of the LTCS Act on 1 July 2014.

The LTCS Act has been modelled on the NSW *Motor Accidents (Lifetime Care and Support) Act 2006*. In order to provide consistent treatment and care for persons catastrophically injured in motor accidents in the region, the LTCS Guidelines have largely adopted the NSW Guidelines, but with minor changes to reflect the differences contained in the LTCS Act.

The LTCS Guidelines have been developed to meet the minimum benchmarks established for the National Injury Insurance Scheme, which is a federated model of state and territory based no-fault schemes providing lifetime care and support for people who have sustained a catastrophic injury. Under the National Injury Insurance Scheme eligible persons suffering catastrophic injuries will have a minimum level of entitlement to receive reasonable and necessary treatment and care. The levels of treatment and care to be provided are specified in detail in these Guidelines.

Detailed explanation

Part 1 Eligibility criteria for participation in the Lifetime Care and Support Scheme

Section 15 of the LTCS Act sets out the types of injuries covered by the LTCS Scheme. These are:

- spinal cord injury
- brain injury
- an amputation of a limb
- burns
- permanent blindness

This Part sets out the detailed criteria for each of these injury types. It specifies the nature of the medical assessment that must be undertaken to determine whether the injury of a person who has had a motor accident to which this Act applies, qualifies for the Scheme.