

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

Disallowable instrument DI2025–277

made under the

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

EXPLANATORY STATEMENT

These guidelines update and remake the LTCS Guidelines (Part 10) made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act) from when the LTCS Scheme commenced on 1 July 2014.

Section 93 of the LTCS Act provides that the Lifetime Care and Support Commissioner of the Australian Capital Territory (LTCS Commissioner) may make Guidelines to give effect to the operation of the LTCS Scheme.

The LTCS Act was modelled on the NSW *Motor Accidents (Lifetime Care and Support) Act 2006*. This was to assist the ACT to enter into an arrangement with NSW to provide administration services and so provide consistent treatment and care for persons catastrophically injured in motor accidents and work injuries in the Capital Region. The LTCS Guidelines largely adopt the NSW guidelines, with minor changes made as necessary to reflect matters contained in the LTCS Act. As part of the adoption of the NSW guidelines, the ACT's guidelines are divided into parts that were numbered to match the NSW guidelines at the time. The updated guidelines now include within their heading the subject matter of the guidelines to assist identification.

The LTCS Scheme is part of the National Injury Insurance Scheme (NIIS), 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 motor accident or work injury. Under NIIS eligible persons suffering catastrophic injuries have a minimum level of entitlement to receive reasonable and necessary treatment and care. The support and levels of treatment and care to be provided are specified by the LTCS Act and Guidelines.

This Part provides practical guidance on respite care services that the LTCS Commissioner will fund as reasonable and necessary and sets out the methods and

criteria the LTCS Commissioner applies when assessing respite care services required by any participant in the LTCS Scheme whether interim or lifetime. These guidelines provide clarification in relation to the LTCS Commissioner's approach to respite care, and the distinction between respite care, and attendant care services and holidays. It is important to note holidays are not considered respite.

The Guidelines also provide more details about services that can be alternatives to respite care funded by the LTCS Scheme. It also includes a clarification if repeated requests for respite care services occur, this may necessitate a review of the person's needs with respect to attendant care, where this may be a more appropriate form of treatment and care.

Consistency with Human Rights

The guidelines are considered to promote human rights, by providing guidance on the reasonable and necessary treatment and care needs available to a participant in the LTCS Scheme. It is to be noted the Scheme provides universal cover for a person's lifetime care needs, while also allowing the Commissioner to assess needs against the individual circumstances of a participant. It is considered these guidelines positively engage with section 8, Recognition and equality before the law, and section 11, Protection of the family and children of the *Human Rights Act 2004*. Respite care services can be an important part of helping families, especially where respite will enhance the functioning of the family unit, including the sustainability of the regular care or support routine in place for the injured person.