

Lifetime Care and Support (Catastrophic Injuries) Prostheses Guidelines 2025

Disallowable instrument DI2025–278

made under the

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

EXPLANATORY STATEMENT

These guidelines update the LTCS Guidelines (Part 15) made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act) 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 for the principles the LTCS Commissioner will apply when requested to fund the cost of prostheses for a participant who has had an amputation as a result of the motor accident injury, where it is reasonable and

necessary. The previous guidelines were more focused on who could provide the prostheses and lacked clarity around maintenance/repairs. The new Guidelines also provide for when additional prostheses may be funded for recreational activities.

These guidelines adopt the NSW Guidelines for Prescribers – Assistive Technology, allowing the ACT guidelines to be less restrictive in who may prescribe prostheses than the 2014 guidelines. LTCS guidelines may apply, adopt, or incorporate an instrument under section 93(3) of the LTCS Act, and section 47 (5) and (6) do not apply to the adoption of the NSW Guidelines. A reference is included to the website where the guidelines can be located within the instrument to assist the reader to locate the guidelines.

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, of the *Human Rights Act 2004*.