

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 (Making of Guidelines)

EXPLANATORY STATEMENT

These guidelines are made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act).

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

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 to match the NSW guidelines.

Workplace and education facility modifications are included within section 9 of the LTCS Act as a treatment and care need. Part 23 has been drafted to mirror the NSW guidelines on workplace and education facility modifications. It sets out the criteria the LTCS Commissioner applies when assessing the workplace and education facility modifications benefits participants may be eligible to receive under the LTCS Scheme. While they are new guidelines, participants had their treatment and care needs relating to workplace and education facility modifications considered by reference to the general provisions of the Act. The guidelines provide greater clarity on the types of modifications to be funded by the LTCS Scheme.

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 NIS 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.

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*. It also ensures that a person's right to education and to work, protected by sections 27A and 27B, are not unduly interfered with because of an inability to access the facility to undertake education and work.