Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Payments under the Scheme (Approved Providers and Special Circumstances) Guidelines 2026

Disallowable instrument DI2026 – 227

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 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. The NSW Lifetime Care and Support Authority undertake regular reviews of their guidelines to resolve inconsistencies or ambiguity. The LTCS Commissioner is progressively updating guidelines following NSW's review process.

The ACT's guidelines continue to be divided into parts numbered to match the corresponding NSW guideline. The updated guidelines include within their heading the subject matter of the guidelines to assist identification while maintaining the part number within the instrument. This is to assist with administration when NSW is applying the ACT guidelines.

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.

Description of Part 18

Part 18 is a new guideline that outlines the types of approved providers in the LTCS Scheme, including case managers, approved providers for major home, workplace and education facility modifications and care needs assessor.

It also outlines the process and considerations for a non-approved provider to be approved by the LTCS Commissioner to deliver services to an individual participant. In special circumstances an approved provider may not be available or suitable.

Consistency with human rights

These guidelines engage positively with the principles contained in Section 10, of the *Disability Inclusion Act 2024*, and the *Disability Services Act 1991*, Schedule 1 and Schedule 2. Schedule 1, in particular, providers for the human rights principles to be further in relation to people with disabilities by ensuring they have an recognition and equality before the law, as provided by section 8 of the *Human Rights Act 2004*.

The guidelines are considered to promote human rights by requiring service providers to undertake a selection process and meet certain criteria relevant to the service category. Approval processes for service providers are required to ensure that all service providers adhere to the same benchmark for service delivery.

The services available to ACT LTCS Scheme participants should be of the highest possible standard and at the same time reflect the investment by the Territory by providing value for money. All services to scheme participants are required to demonstrate that they are delivered in a timely, meaningful and engaged manner, respectful of the rights of the individual.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au