Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Aids and Appliances (Equipment) Guidelines 2026

Disallowable instrument DI 2026–225

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 guidelines. 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 the Part

This Part provides practical guidance on the aids and appliances that the LTCS Commissioner will fund as reasonable and necessary and sets out the methods and criteria the LTCS Commissioner applies when assessing the aids and appliance needs required by any participant in the LTCS Scheme whether interim or lifetime. These guidelines provide clarification in relation to funding of the equipment that is considered a general household or personal item. The LTCS Scheme will not fund replacement if an equipment item would, under normal circumstances, be owned and replaced by the participant or their household.

Consistency with Human Rights

The guidelines are considered to promote human rights, by providing guidance on the aids and appliances (equipment) available to a participant in the LTCS Scheme. It is to be noted the Scheme provides cover for a person's lifetime care needs, while also allowing the Commissioner to assess needs against the individual circumstances of a participant.

Access to aids and appliances enable an individual with lifechanging injuries to overcome or adapt to barriers preventing participation in everyday life. It is considered these guidelines positively engage with section 8, Recognition and equality before the law, of the *Human Rights Act 2004.* It may also positively engage with section 13, Freedom of movement, section 27A, Right to education, section 28B, Right to work and other work-related rights, section 18(1), Right to liberty and security of person and section 11, Protection of the family and children. It also is cognisant of the principles of the *Disability Inclusion Act 2024.*

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