

**2014**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**LIFETIME CARE AND SUPPORT (CATASTROPHIC INJURIES) BILL  
2014**

**ASSEMBLY AMENDMENTS**

**EXPLANATORY STATEMENT**

**Presented by  
Mr Andrew Barr MLA  
Treasurer**

# LIFETIME CARE AND SUPPORT (CATASTROPHIC INJURIES) BILL 2014

## Outline

The purpose of the Lifetime Care and Support (Catastrophic Injuries) Bill 2014 is to implement the ACT Government's commitment to introduce a National Injury Insurance Scheme (NIIS) for those catastrophically injured in a motor accident in the ACT by 1 July 2014. The Bill introduces a Lifetime Care and Support (LTCS) Scheme consistent with the nationally agreed minimum benchmarks for a NIIS for motor accidents.

The following are Government Assembly Amendments to the Bill.

## Detailed explanation

### **Proposed new clause 23 (2A)**

#### **Page 16, line 13—**

This clause responds to comments of the Scrutiny Committee regarding the matters that are to be dealt with in the LTCS Guidelines under the Act, in particular, subclause 30(5) which allows the guidelines to make provision for determining which of an injured person's treatment and care are reasonable and necessary in the circumstances.

This amendment strengthens the Bill for determining what is 'reasonable and necessary' in the context of a participant's treatment and care needs by providing the principles to be considered and therefore reflected in the Guidelines.

In deciding whether the participant's treatment and care needs are 'reasonable and necessary' in the circumstances, the LTCS commissioner must consider, in the context of the participant's treatment and care needs, the benefit of the service to the participant; the appropriateness of a service; the appropriateness of the provider and the cost benefit of a service.

### **Clause 39 (3) (c)**

**Page 25, line 21—** After the words 'its decision' *insert* ', setting out the reasons for the decision'.

This amendment is in relation to comments of the Scrutiny Committee on section 39 of the Bill. The amended wording enhances the transparency of the review decision-making process, by increasing the onus on the eligibility review panel to explain the reasons for the review decision which is provided to the LTCS commissioner and the person who referred the decision for review.

This is consistent with the other provisions in the Bill for decisions in relation to disputes under part 7 of the Bill.