

2015

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**LIFETIME CARE AND SUPPORT (CATASTROPHIC INJURIES) REGULATION
2015**

SL2015–15

EXPLANATORY STATEMENT

Circulated by authority of
Mr Andrew Barr MLA
Treasurer

Lifetime Care and Support (Catastrophic Injuries) Regulation 2015

Overview of Regulation

Under section 99 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (the Act), the Executive may make regulations for the Act. Section 12 of the Act provides that the ACT Lifetime Care and Support (LTCS) Commissioner may delegate the Commissioner's functions under section 11 to an authorised person prescribed by regulation under section 12 (3)(b) of the Act.

The *Lifetime Care and Support (Catastrophic Injuries) Regulation 2015* prescribes the New South Wales Lifetime Care and Support Authority (the NSW Authority) and other persons authorised by the Authority under the *Motor Accidents (Lifetime Care and Support) Act 2006* (NSW) to perform services under the Act on behalf of the ACT LTCS Commissioner.

The regulation will enable the ACT LTCS Commissioner to delegate the necessary powers to the NSW Authority to enable the NSW Authority to administer specified functions of the ACT Lifetime Care and Support (LTCS) Scheme on behalf of the ACT LTCS Commissioner. An Intergovernmental Agreement which formalised an agreed framework for the delivery of services by the NSW Authority to ACT participants of the ACT LTCS Scheme was signed between ACT and NSW governments in February 2015.

Clause Notes

Clause 1 – Name of Regulation – states the title of the regulation as the Lifetime Care and Support (Catastrophic Injuries) Regulation 2015.

Clause 2 – Commencement – states that the regulation commences the day after its notification.

Clause 3 – Dictionary – makes clear that the dictionary in the regulation defines certain terms used in the regulation and forms part of the regulation.

Clause 4 – Notes – provides that notes in the regulation are explanatory only, and are not part of the regulation.

Clause 5 – Authorised people – Act, s 12 – provides that the NSW Authority (paragraph 5(a)) and the general manager of the NSW Authority (paragraph 5(b)) are prescribed as authorised persons under section 12 of the Act.

To ensure that the 'authorised persons' may sub-delegate a function delegated under section 12 of the Act, paragraph 5(c) prescribes as an authorised person under section 12 of the Act, those persons to whom the NSW Authority may sub-delegate its powers under section 41(3) of the *Motor Accidents (Lifetime Care and Support) Act 2006* (the NSW Act).