

## Lifetime Care for Catastrophic Workplace Injuries

The Bill provides for catastrophically injured workers to receive lifetime care and support under the Catastrophic Injuries Support Scheme administered by the Insurance Commission of Western Australia.

### Key Points

Bill ref: Part 15 Division 3

- The Bill provides for the Catastrophic Injuries Support Scheme (CISS) for motor vehicle accidents to be extended to cover catastrophically injured workers who have a compensable workers compensation claim.
- The CISS covers the following catastrophic injuries: spinal cord injury, traumatic brain injury, amputations, burns and permanent blindness.
- The lifetime care services are person-focused and include medical (including pharmaceutical), dental treatment, rehabilitation, ambulance services, respite care, attendant care, domestic assistance, aids and appliances, prosthesis, educational and vocational training, and home and transport modifications.
- The cost of injured worker participation in the CISS will be funded by an annual levy contribution by insurers and self-insurers, collected by WorkCover WA and paid to the Insurance Commission.

### Questions & Answers

**Q. What happens to the compensation claim and entitlements if a person participates in the CISS?**

**A.** Participation in the CISS does not affect a worker's claim and right to receive income compensation under the Act, but an employer's obligation to pay medical, health and miscellaneous expenses compensation will cease upon participation in the CISS.

Also, a settlement agreement in the workers compensation scheme cannot include any provision for medical and health, or miscellaneous expenses compensation if a worker is participating in the CISS (because these services are being provided under the CISS).

**Q. Does participation in the CISS affect common law rights?**

**A.** No. The 15% impairment threshold and election process for commencing common law proceedings will continue to apply. However, damages cannot be awarded for lifetime care costs while the injured person is a CISS participant (to avoid double recovery). No limits apply to the awarding of other heads of damages.

