

Lifetime Care for Catastrophic Workplace Injuries

The **WCIMA23** 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

Act ref: Part 15 Division 3

- The **WCIMA23** 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.

