

## Lifetime Care for Catastrophic Workplace Injuries

The *Workers Compensation and Injury Management Act 2023 (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 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 is funded by an annual levy contribution by insurers and self-insurers.
- Insurers and self-insurers are required to provide the following notifications to the Insurance Commission:
  - within 7 after liability to pay compensation is accepted or determined, for an injury that is or appears likely to be a catastrophic injury
  - within 7 days after an election has been registered for an injury that is a catastrophic injury, or within 7 days after any amount of damages is awarded or settled if the payment includes an amount for future treatment, care and support needs.

### 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.

#### **Q. Where are the CISS notification forms and where must they be sent?**

**A.** The 3 notification forms are published on the websites of WorkCover WA and Insurance Commission at [workcover.wa.gov.au](http://workcover.wa.gov.au) and [icwa.wa.gov.au](http://icwa.wa.gov.au) and must be sent to: [mvcisupport@icwa.wa.gov.au](mailto:mvcisupport@icwa.wa.gov.au).