

Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 12)

Disallowable instrument DI2014–213

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (Making of Guidelines)

1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 12)*.

2 Delegation

In the LTCS Guidelines any reference to the LTCS Commissioner includes any delegate of the LTCS Commissioner.

3 Commencement

This instrument commences on the day after its notification.

4 Guidelines

The Guidelines at Schedule 1 are Part 12 of the LTCS Guidelines made under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

Karen Doran

Lifetime Care and Support Commissioner of the Australian Capital Territory

3 July 2014

PART 12 - Modifications to a motor vehicle

This part of the Lifetime Care and Support Guidelines is issued under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act).

To avoid requirements that might be unreasonable in the circumstances on any participant, the LTCS Commissioner may waive observance of any part or parts of these LTCS Guidelines.

Policy

The LTCS Commissioner will fund the reasonable and necessary costs of modifications to a motor vehicle where a participant reasonably requires modifications to access, travel as a passenger or drive a motor vehicle as a result of the motor accident injury.

Background

The LTCS Commissioner recognises that some participants may reasonably require modifications to a motor vehicle as a consequence of the motor accident injury. In order to fund motor vehicle modifications, the LTCS Commissioner will obtain advice on all suitable transport options, including costing of identified options.

Eligibility for modifications

Participants eligible for modifications to a motor vehicle:

- have a physical, sensory and/or cognitive disability as a result of a motor accident which prevents them from safely driving, accessing or travelling as a passenger in an unmodified motor vehicle,
- own or have access to a motor vehicle on a regular basis; and
- have been assessed by a driver trained occupational therapist as requiring modifications to a motor vehicle.

Participants may require certification in writing from their medical practitioner that they are medically fit and competent to drive in order to satisfy Road User Services requirements to obtain or retain a driver's licence. The LTCS Commissioner will only fund modifications to a motor vehicle for the participant who intends to obtain or retain their licence when the participant's medical practitioner or treating team have confirmed in writing their medical fitness for driving, and suitability for driving assessment.

1. Motor vehicle modifications funded by the LTCS Commissioner

All services require prior approval in writing. The LTCS Commissioner will fund the cost of the process of motor vehicle modifications when:

- the participant's doctor or a member of the treating health care team has confirmed in writing their suitability to drive;
- assessment has been completed by a driver trained occupational therapist; and
- modifications have been completed to the satisfaction of ACT Road User Services.

The LTCS Commissioner will fund the reasonable and necessary cost of:

- assessment conducted by a driver trained occupational therapist;
- modifications to a motor vehicle assessed as necessary by a driver trained occupational therapist and carried out to the satisfaction of ACT Road User Services;
- training the driver in the safe and correct use of vehicle modifications once fitted;
- maintaining, repairing, transferring and replacing modifications; and
- any additional insurance costs which are directly related to the participant's needs as a result of the motor accident injury.

When considering motor vehicle modifications, the safety of the participant and driver or passenger/s of the vehicle is paramount. The LTCS Commissioner will not fund modifications to a motor vehicle that do not comply with the applicable Australian Standards, Australian Design Rules or the *Road Transport (Vehicle Registration) Act 1999*.

The LTCS Commissioner will fund the reasonable and necessary modifications to:

- the participant's own motor vehicle,
- the guardian's motor vehicle, in the case of a dependant child,
- a shared-use motor vehicle where, prior to the accident, the use and costs of a motor vehicle were shared with a spouse or family member, or
- a work motor vehicle if, prior to the motor vehicle accident, the participant had the use of a work motor vehicle, and the participant has returned to work post-accident and requires the use of the work motor vehicle, subject to the LTCS Commissioner receiving written permission from the owner of the motor vehicle.

The LTCS Commissioner will consider funding modifications to more than one motor vehicle, if assessed as being reasonable and necessary.

2. Minor modifications to a motor vehicle

Minor modifications are changes that do not alter the structure or safety of the motor vehicle and do not require certification by a Road User Services recognised signatory. They may be temporary or permanent changes. Examples include a seatbelt buckle cover to enable a participant to travel safely in a vehicle or panoramic mirrors and fish eye mirrors or Steering Wheel Spinner Knob (manual type).

3. Major modifications to a motor vehicle

Permanent changes that alter the motor vehicle are classified as major modifications and require certification by a Road User Services recognised signatory. Examples include alternative controls for brake and accelerator, wheelchair hoist system, wheelchair restraining devices or wheelchair access ramp.

The LTCS Commissioner will only fund modifications to a motor vehicle that are commercially available features, for example, automatic transmission or electric windows when required as a result of the motor accident injury and the participant's motor vehicle does not already have this feature.

Vehicles modified under this policy must continue to comply with the requirements of the *Road Transport (Vehicle Registration) Regulation 2000* to be accepted for continuing registration in the ACT. This includes continuing compliance with all applicable Australian Vehicle Safety Rules originally certified for the vehicle by the vehicle manufacturer.

4. Maintenance of motor vehicle modifications

The modified motor vehicle remains the property of the owner. All costs normally associated with motor vehicle ownership, including running costs and servicing, are the owner's responsibility.

The LTCS Commissioner will only fund the reasonable and necessary cost of additional maintenance, repair and replacement of those motor vehicle modifications required or installed as a result of the motor accident.

5. Frequency of funding modifications to a motor vehicle

If the owner of a motor vehicle which has previously been modified wishes to purchase a replacement motor vehicle, then the LTCS Commissioner considers it reasonable to transfer the modifications that are not commercially available to this replacement motor vehicle if appropriate. The LTCS Commissioner considers it reasonable to fund modifications to a motor vehicle not more often than every 8 years, unless there is a change in the participant's medical condition which prevents the participant accessing the previously modified motor vehicle.

When considering frequency of funding modifications to a motor vehicle the LTCS Commissioner will consider:

- the participant's needs as a result of the motor accident injury;
- suitability of the vehicle for modification; and
- the participant's current and future transport needs.

The LTCS Commissioner will not fund:

- any costs normally associated with motor vehicle ownership including running costs, registration and insurance. The LTCS Commissioner will only fund additional costs related to the motor vehicle modification such as the difference in insurance costs;
- modifications to a motor vehicle for a circumstance or condition that existed before a motor accident or that is not a result of a motor accident;
- modifications to a motor vehicle that are of no clear benefit to a participant; or
- the outright purchase of a motor vehicle.