

Australian Capital Territory

Motor Accident Injuries (Treatment and Care) Guidelines 2021

Disallowable instrument DI2021-281

made under the

Motor Accident Injuries Act 2019, section 487 (MAI guidelines)

EXPLANATORY STATEMENT

Section 487 of the *Motor Accident Injuries Act 2019* (MAI Act) enables the MAI Commission to make guidelines (the MAI guidelines) about any matter required or permitted by the MAI Act to be included in guidelines.

The guidelines provide guidance to insurers about their obligations to pay treatment and care benefits including making decisions about whether the treatment and care is reasonable and necessary, in relation to a recovery plan, and verifying treatment and care expenses.

The guidelines have been updated to:

- provide additional flexibility for medical appointments during a public health emergency, and the process and timeframes for giving a recovery plan;
- include an exceptional circumstance for back-paying late applications due to insurer delays;
- Provide further clarity about when travel expenses can be paid for a carer; and
- clarify that clinical guidelines issued by professional bodies or government agencies can be applied when determining whether treatment and care is appropriate for an injury.

Provision has also been made in the guidelines to ensure collaboration between insurers when preparing recovery plans for concurrent applications under the MAI Scheme.

The 2019 guidelines were made before the MAI Scheme commenced. The updates are intended to ensure operations of the scheme are optimal. The 2019 guidelines will be revoked on the commencement of the new guidelines.