

Motor Accident Injuries (Treatment and Care) Guidelines 2025

Disallowable instrument DI2025-158

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 clarify some matters. These include highlighting the guidelines are legislative requirements. Further the guidelines provide context on:

- the role of treating health practitioners in informing health assessments and treatment and care decisions;
- requirements for practitioners conducting health assessments;
- the need to consider treatment and care for injuries unrelated to the motor accident in developing a recovery plan;
- the role of an external rehabilitation provider in developing a recovery plan;
- an insurer can consider the extent an injury relates to the exacerbation of a pre-existing injury in making a treatment and care decision;
- an insurer is to pay the reasonable costs of medical reports relevant to making a treatment and care decision; and
- the application of a national clinical framework to treatment and care decisions.

The 2023 guidelines will be revoked on the commencement of the new guidelines.

Human Rights

The treatment and care guidelines give effect to the scheme's principles and key processes with respect to guidance given to insurers about their obligations to pay

treatment and care benefits. This includes making decisions about whether the treatment and care is reasonable and necessary, and verifying these expenses.

The guidelines are being remade to reflect the matters listed above. Human rights issues have previously been assessed during the guidelines and the updates are not considered to engage significantly any human rights.

Consultation on the proposed approach

Consultation was undertaken with relevant stakeholders in updating the guidelines. Comments were incorporated where appropriate.