Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Transport Modification Motor Vehicle Guidelines 2026

Disallowable instrument DI2026–224

made under the

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

EXPLANATORY STATEMENT

These guidelines are made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (LTCS Act).

Section 93 of the LTCS Act provides that the Lifetime Care and Support Commissioner of the Australian Capital Territory (LTCS Commissioner) may make Guidelines to give effect to the operation of the LTCS Scheme.

The LTCS Act was modelled on the NSW *Motor Accidents (Lifetime Care and Support) Act 2006*. This was to assist the ACT to enter into an arrangement with NSW to provide administration services and so provide consistent treatment and care for persons catastrophically injured in motor accidents and work injuries in the Capital Region.

The LTCS Guidelines largely adopt the NSW guidelines, with minor changes made as necessary to reflect matters contained in the LTCS Act. The NSW Lifetime Care and Support Authority undertake regular reviews of their guidelines to resolve inconsistencies or ambiguity. The LTCS Commissioner is progressively updating guidelines following NSW's review process.

The ACT's guidelines continue to be divided into parts numbered to match the corresponding NSW guideline. The updated guidelines include within their heading the subject matter of the guidelines to assist identification while maintaining the part number within the instrument. This is to assist with administration when NSW is applying the guidelines.

The LTCS Scheme is part of the National Injury Insurance Scheme (NIIS), which is a federated model of state and territory based no-fault schemes providing lifetime care and support for people who have sustained a catastrophic motor accident or work injury. Under NIIS eligible persons suffering catastrophic injuries have a

minimum level of entitlement to receive reasonable and necessary treatment and care. The support and levels of treatment and care to be provided are specified by the LTCS Act and Guidelines.

Description of Part 12

Part 12 is a new guideline that provides additional detail and clarifications on the criteria used to assess reasonable and necessary cost of transport modification associated with a motor vehicle, including clarification of the funding for driver rehabilitation. It also clarifies funding for subsequent modifications, after a vehicle modification has already been funded by the LTCS Commissioner.

Consistency with Human Rights

The guidelines are considered to promote human rights, by providing guidance on the reasonable and necessary treatment and care needs available to a participant in the LTCS Scheme. It is to be noted the Scheme provides cover for a person's lifetime care needs, while also allowing the Commissioner to assess needs against the individual circumstances of a participant. It is considered these guidelines positively engage with section 8, Recognition and equality before the law, of the *Human Rights Act 2004.* It may also positively engage with section 13, Freedom of movement, by facilitating the participant to freely move within the ACT through supportive modifications to a motor vehicle. It also is cognisant of the principles of the *Disability Inclusion Act 2024.*