

Australian Capital Territory

# Road Transport (Third Party Insurance) Early Payment Guidelines 2016 (No 1)

**Disallowable instrument DI2016–279**

made under the

**Road Transport (Third-Party Insurance) Act 2008, s 75A (Early Payment Guidelines)**

## **EXPLANATORY STATEMENT**

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These guidelines are made for the purposes of section 75A of the *Road Transport (Third-Party Insurance) Act 2008* (the CTP Act). The guidelines provide guidance regarding the early payment for medical expenses entitlement under Chapter 3 of the CTP Act.

The guidelines replace guidelines previously made in 2013 (Road Transport (Third-Party Insurance) Early Payment Guidelines 2013 (No 2) DI2013-88). The guidelines have been updated after a review of the CTP claim forms and guidelines.

The guidelines provide for the administration of the early payment scheme under chapter 3 of the CTP Act. The objective of the early payment scheme is to encourage people injured in motor accidents to seek medical treatment and rehabilitation services early by minimising monetary barriers and facilitate a faster return to health. A person is entitled to up to \$5,000 for their medical expenses (an insurer is not limited to this amount).

The guidelines required updating in referring to the approved forms. Previously, a Motor Accident Medical Report (MAMR) was required to be completed twice – for the Motor Accident Notification Form (MANF) and for the Notice of Claim Form (NOC). A MANF is required for early payment and a NOC is required to commence a claim under the CTP Act. It was found that medical practitioners were completing a MAMR only once when it was required twice - for the MANF and the NOC. To address this, the MAMR has been combined with the MANF, with applicants only required to submit one MAMR. If a person chooses not to submit a MANF/MAMR to access the early payment and proceeds to a claim, the NOC requires the MANF/MAMR to be completed as part of the application process.

Section 4 of the guidelines has been revised in light of insurers' experience with the claims process. Guidance is provided in relation to the submission of the MANF/MAMR. Section 72 of the CTP Act provides that a MANF is to be provided to the injured person's insurer. Section 68 provides that an insurer is a CTP insurer or

the Nominal Defendant. Guidance is also provided on the circumstances where an 'at-fault' insurer is identified so that this can be submitted to that insurer.

Schedule 1 has been updated. This schedule provides for the serious traffic offences that an insurer can have regard to in determining whether an offence materially contributed to the person's injury. The update follows a number of amendments to the road transport legislation since 2013.