

Motor Accident Injuries (Defined Benefit Application) Guidelines 2019

Disallowable instrument DI 2019– 238

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 about making and handling applications for defined benefits under part 2.3, 2.7 and 2.8 of the MAI Act. This includes guidelines about an insurer providing information and support to applicants for defined benefits, accepting applications and administering payments for treatment and care, income replacement and funeral and death benefits.

Specifically, the guidelines in schedule 1 make provision for:

- Information and support the insurer is to give a person enquiring about making an application for defined benefits;
- Medical expenses incurred by an applicant before making an application for which can be reimbursed;
- Applications for personal injury, funeral and death defined benefits;
- Actions to be taken by an insurer following receipt of an application for defined benefits;
- Allowable expenses the insurer must pay for treatment and care during the initial application period;
- Procedures to be undertaken by the insurer and information to be given to the ACT Civil and Administrative Tribunal in relation to an application for death benefits;
- Expenses that can be included as funeral expenses; and
- Information to be given, and actions to be taken on accepting liability for an application for defined benefits.

The ACT Government consulted with insurers and other relevant stakeholders in preparing the guidelines.