

Motor Accident Injuries (Significant Occupational Impact Assessment Referral) Guidelines 2025

Disallowable instrument DI2025–160

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 set out an insurer's obligations in obtaining consent and providing information and support to an injured person when preparing a referral for a Significant Occupational Impact (SOI) assessment. This includes the procedures to be followed when arranging a referral for a SOI assessment, and the information that should accompany a SOI assessment referral.

The guidelines have been updated to:

- set a time frame for an injured person to consent to SOI assessment;
- clarify the exception to the procedure for selecting an authorised IME provider based on an injured person's proximity to a provider only applies if the person resides at an interstate or overseas location; and
- require a referral for a SOI assessment to use an MAI Commission form, if one is available.

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

Human Rights

Noting that the guidelines have previously been made, during the development of the guidelines the right to privacy (section 12, *Human Rights Act 2004*) was considered. Personal information, in the form of work and employment information, needs to be provided to enable the independent assessor to complete a SOI assessment. The MAI Act and the guidelines require that consent is obtained for a

referral for a SOI assessment, so that a person is fully informed and can engage in the assessment. The guidelines utilise the reasonable and objective criteria and adopt the least restrictive means to achieve their purpose.

Consultation on the proposed approach

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