

Motor Accident Injuries (Quality of Life Benefit) Guidelines 2025

Disallowable instrument DI2025- 308

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 requirements for quality of life benefit applications including for giving information and support to applicants, the arrangement of whole person impairment (WPI) assessments, the handling of WPI reports and for offers of quality of life benefits.

The guidelines have been updated to address matters that have arisen in relation to WPI assessments and offers during the operation of the MAI Scheme.

The new guidelines clarify:

- the guidelines are legislative requirements;
- requirements for seeking an assessment of primary psychological injuries;
- processes an insurer is to follow before making a referral for a WPI assessment, including the handling of applications requesting separate assessments of physical and psychological injuries and those involving multiple physical body systems;
- the procedure for referral for an assessment where the injured person resides at an interstate or overseas location;
- the requirement for a referral to use a WPI referral form made available by the MAI Commission;
- the process for validating a WPI assessment report by a MAI insurer;
- the process for an insurer to seek corrections or clarifications on receipt of a first WPI report from an authorised IME provider; and
- an injured person's responsibilities in deciding to obtain a second WPI report and in providing a valid report to an insurer. A second WPI report is where an

individual chooses to obtain their own report in response to a first WPI report, which was provided in response to the quality of life benefit application.

The new guidelines also make provision for an insurer's responsibilities in relation to second WPI reports including matters an insurer can consider in making a final offer WPI and for giving reasons for a final offer WPI.

The 2023 guidelines will be revoked on the commencement of the new guidelines. The commencement of the guidelines has been delayed to late January 2026 to allow for changes in systems, processes and training by MAI insurers.

Given the nature of the changes made, the 2025 guidelines will apply to applications received after commencement of the guidelines. An MAI insurer may, however, find assistance from the new guidelines in processing and finalising a quality of life benefit application prior to commencement.

Human Rights

Noting that these guidelines have previously been made, during the review and updating of the guidelines the right to privacy (section 12, *Human Rights Act 2004*) was again considered. Personal information and health information needs to be provided to commence a quality of life benefits application, and these guidelines give effect to the type of information that is collected for the form that is made for this purpose by the MAI Commission. By necessity, a person's health information is required to be collected by the MAI insurer if not already held by them and shared with an authorised IME provider. Appropriate protections are required to be in place by the MAI insurer and the authorised IME Provider.

In relation to a second WPI report, an injured person will need to make the appropriate enquiries of their own relating to the protection of their right to privacy from the service provider. The MAI Commission does not have oversight of private organisations that provide a report that is sought in response to the first WPI report.

Consultation on the proposed approach

The MAI Commission undertook two rounds of consultation with relevant stakeholders in relation to the updates made to the guidelines. Comments were incorporated where appropriate.