



Australian Capital Territory

# **Motor Accident Injuries (Premiums and Administration) Regulation 2019**

**SL2019-28**

made under the

**Motor Accident Injuries Act 2019**

**Republication No 2**

**Effective: 3 April 2020 – 1 February 2021**

Republication date: 3 April 2020

Last amendment made by [SL2020-11](#)

## About this republication

### The republished law

This is a republication of the *Motor Accident Injuries (Premiums and Administration) Regulation 2019*, made under the *Motor Accident Injuries Act 2019* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 3 April 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 3 April 2020.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Motor Accident Injuries (Premiums and Administration) Regulation 2019

made under the

**Motor Accident Injuries Act 2019**

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Australian Capital Territory

# Motor Accident Injuries (Premiums and Administration) Regulation 2019

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made under the

**Motor Accident Injuries Act 2019**

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R2  
03/04/20

Motor Accident Injuries (Premiums and Administration)  
Regulation 2019

page 1

Effective: 03/04/20-01/02/21

## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Motor Accident Injuries (Premiums and Administration) Regulation 2019*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*input tax credit*—see the [A New Tax System \(Goods and Services\) Act 1999](#) (Cwlth), section 195-1 (Dictionary).’ means that the term ‘input tax credit’ is defined in that section and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.



## 5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2 Important concepts

### 6 Average weekly earnings series—Act, s 17, def *average weekly earnings*

The series known as *Persons: fulltime adult total earnings series—seasonally adjusted* for the ACT in *Average Weekly Earnings, Australia* (State and Territory Earnings), issued by the Australian statistician, is prescribed.

*Note* *Average Weekly Earnings, Australia* is issued in May and November and is available at [www.abs.gov.au](http://www.abs.gov.au).

### 7 Indexation day—Act, s 18, def *AWE indexed*, par (b)

- (1) The indexation days for each amount mentioned in the following sections of the [Act](#) that is to be AWE indexed are 1 April and 1 October:
  - (a) section 96 (Amount of income replacement benefits—first payment period);
  - (b) section 97 (Amount of income replacement benefits—second payment period);
  - (c) section 103 (Income replacement benefits—interim weekly payments).
- (2) The indexation day for each amount mentioned in the following sections of the [Act](#) that is to be AWE indexed is 1 October:
  - (a) section 139 (5) (a) (Insurer believes injuries stable but no permanent impairment);
  - (b) section 167 (1) (Amount of quality of life benefits payable);
  - (c) section 174 (Amount of death benefits payable);
  - (d) section 181 (Funeral benefits—maximum amount payable);

- (e) section 243 (Quality of life damages—amount that may be awarded);
- (f) section 244 (2) (Quality of life damages—amount that may be awarded for children);
- (g) section 276 (1) (Costs—awards of damages over \$50 000).

*Note* Also, the indexation day for an amount that is to be AWE indexed mentioned in the *Motor Accident Injuries (ACAT Costs Orders) Regulation 2020*, s 6 (3) is 1 October (see that [regulation](#), s 5).

- (3) The indexation day for the amount mentioned in section 13C (c) that is to be AWE indexed is 1 October.
- (4) Despite subsection (1), the first indexation day after the commencement of the Act for each amount to which subsection (1) applies is 1 October 2020.
- (5) Subsection (4) and this subsection expire 12 months after the day this section commences.

## **8 AWE indexation factor—income replacement benefits— Act, s 19 (3), def *AWE indexation factor***

- (1) This section applies to an amount to be AWE indexed (an *AWE indexed amount*) on an indexation day for the amount under the following sections of the [Act](#):
  - (a) section 96 (Amount of income replacement benefits—first payment period);
  - (b) section 97 (Amount of income replacement benefits—second payment period);
  - (c) section 103 (Income replacement benefits—interim weekly payments).

- (2) The AWE indexation factor for an AWE indexed amount on an indexation day is the factor worked out using the following formula and applying subsections (4) and (5):

$$\frac{AWE^1}{AWE^2}$$

*AWE<sup>1</sup>* means the AWE published for the period ending immediately before the indexation day.

*AWE<sup>2</sup>* means the AWE published for the period ending 6 months before the indexation day.

- (3) However, if, on an indexation day for an AWE indexed amount, the effect of a negative adjustment is to be offset against an increase in line with an adjustment in the AWE, the AWE indexation factor for the amount is worked out using the following formula and applying subsections (4) and (5):

$$\frac{AWE^1}{AWE^3}$$

*AWE<sup>1</sup>* means the AWE published for the period ending immediately before the indexation day.

*AWE<sup>3</sup>* means the AWE published for the period ending 6 months before an indexation day when a negative adjustment that has not been offset first occurred.

**Example—offsetting of negative adjustment**

The following AWE amounts are published in 2020, 2021 and 2022:

- (a) for May 2020—\$1 680;
- (b) for November 2020—\$1 700;
- (c) for May 2021—\$1 690;
- (c) for November 2021—\$1 695;
- (d) for May 2022—\$1 750.

For the indexation day on 1 October 2021, the AWE indexation factor is \$1 690/\$1 700. Because the AWE indexation factor would be less than 1, the AWE indexation factor for 1 October 2021 is 1.

A negative adjustment applies for the indexation day on 1 April 2022. The indexation factor is \$1 695/\$1 700. Because the AWE indexation factor would be less than 1, the AWE indexation factor for 1 April 2022 is 1.

A negative adjustment also applies for the indexation day on 1 October 2022. The indexation factor is \$1 750/\$1 700. The negative adjustment is now fully offset and the AWE indexation factor for 1 October 2022 is 1.02941 rounded to 1.029.

*Note* The [Act](#), s 18 sets out what happens if an amount to be AWE indexed would, if adjusted in line with a negative adjustment to the AWE, become smaller.

- (4) The AWE indexation factor for the AWE indexed amount must be—
  - (a) worked out to 3 decimal places; and
  - (b) if the 4th decimal place is 5 or more—rounded up.
- (5) If the AWE indexation factor worked out under subsection (2) or (3) would be less than 1, the AWE indexation factor is 1.

**9 AWE indexation factor—amounts indexed annually—Act, s 19 (3), def *AWE indexation factor***

- (1) This section applies to an amount to be AWE indexed (an *AWE indexed amount*) on an indexation day for the amount under the following sections of the [Act](#):
  - (a) section 139 (5) (a) (Insurer believes injuries stable but no permanent impairment);
  - (b) section 167 (1) (Amount of quality of life benefits payable);
  - (c) section 174 (Amount of death benefits payable);
  - (d) section 181 (Funeral benefits—maximum amount payable);
  - (e) section 243 (Quality of life damages—amount that may be awarded);
  - (f) section 244 (2) (Quality of life damages—amount that may be awarded for children);

- (g) section 276 (1) (Costs—awards of damages over \$50 000).
- (2) This section also applies to an AWE indexed amount mentioned in the following sections:
- (a) section 13C (c);
  - (b) *Motor Accident Injuries (ACAT Costs Orders) Regulation 2020*, section 6 (3).
- (3) The AWE indexation factor for an AWE indexed amount on an indexation day is the factor worked out using the following formula and applying subsections (5) and (6):

$$\frac{AWE^1}{AWE^2}$$

*AWE<sup>1</sup>* means the AWE published for the period ending immediately before the indexation day.

*AWE<sup>2</sup>* means the AWE published for the period ending 12 months before the indexation day.

- (4) However, if, on an indexation day for an AWE indexed amount, the effect of a negative adjustment is to be offset against an increase in line with an adjustment in the AWE, the AWE indexation factor for the amount is worked out using the following formula and applying subsections (5) and (6):

$$\frac{AWE^1}{AWE^3}$$

*AWE<sup>1</sup>* means the AWE published for the period ending immediately before the indexation day.

**AWE<sup>3</sup>** means the AWE published for the period ending 12 months before an indexation day when a negative adjustment that has not been offset first occurred.

*Note* The [Act](#), s 18 sets out what happens if an amount to be AWE indexed would, if adjusted in line with a negative adjustment to the AWE, become smaller.

- (5) The AWE indexation factor for the AWE indexed amount must be—
  - (a) worked out to 3 decimal places; and
  - (b) if the 4th decimal place is 5 or more—rounded up.
- (6) If the AWE indexation factor worked out under subsection (3) or (4) would be less than 1, the AWE indexation factor is 1.

#### **10 Adjustment day—Act, s 94 (1), def *AWE adjusted*, par (b)**

- (1) The adjustment days for a person’s pre-injury income are 1 April and 1 October.
- (2) Despite subsection (1), the first adjustment day after the commencement of the Act is 1 October 2020.
- (3) Subsection (2) and this subsection expire 12 months after the day this section commences.

#### **11 AWE adjustment factor—Act, s 95 (3), def *AWE adjustment factor***

- (1) The AWE adjustment factor for an amount of pre-injury income to be adjusted on an adjustment day is the factor worked out using the following formula and applying subsections (3) and (4):

$$\frac{AWE^1}{AWE^2}$$

**AWE<sup>1</sup>** means the AWE published for the period ending immediately before the adjustment day.

**AWE<sup>2</sup>** means the AWE published for the period ending 6 months before the adjustment day.

- (2) However, if, on an adjustment day for an amount of pre-injury income to be adjusted, the effect of a negative adjustment is to be offset against an increase in line with an adjustment in the AWE, the AWE adjustment factor is the factor worked out using the following formula and applying subsections (3) and (4):

$$\frac{AWE^1}{AWE^3}$$

**AWE<sup>1</sup>** means the AWE published for the period ending immediately before the adjustment day.

**AWE<sup>3</sup>** means the AWE published for the period ending 6 months before an adjustment day when a negative adjustment that has not been offset first occurred.

*Note* The [Act](#), s 94 sets out what happens if an amount to be AWE adjusted would, if adjusted in line with a negative adjustment to the AWE, become smaller.

- (3) The AWE adjustment factor for the amount must be—
- (a) worked out to 3 decimal places; and
  - (b) if the 4th decimal place is 5 or more—rounded up.
- (4) If the AWE adjustment factor worked out under subsection (1) or (2) would be less than 1, the AWE adjustment factor is 1.



## Part 3                      Income replacement benefits

### 12            **Amount of interim weekly payment—prescribed percentage—Act, s 103 (3)**

The amount of the interim weekly payment is 22.5% of \$2 250 AWE indexed.

### 13            **Notice of changed circumstances—Act, s 106 (3)**

- (1) Notice may be given orally or in writing.

*Note*        For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (2) If an injured person gives notice orally, the injured person must confirm the notice, in writing, within 10 business days after giving the oral notice.

## Part 3A Quality of life benefits

### 13A WPI taken to be 10% in certain circumstances— prescribed requirements—Act, s 133 (1) (b) (i)

The injured person must—

- (a) have a current recovery plan under which the injured person requires ongoing treatment and care; and
- (b) be undergoing treatment and care that has been approved by the relevant insurer in accordance with the Act.

#### **Example—treatment and care that is ongoing**

regular occupational therapy and speech pathology sessions

*Note* Under the [Act](#), s 124, an injured person's recovery plan must state the treatment and care approved by the relevant insurer as reasonable and necessary treatment and care for the person.

## Part 3B Medical treatment

### 13B Medical treatment—Act, s 221, def *medical treatment*

- (1) Treatment provided by a health practitioner is prescribed, other than the following treatment:
  - (a) dental treatment not provided by a dentist registered as a dental specialist with the Dental Board of Australia;
  - (b) optometry other than post-operative treatment following surgery by a registered medical practitioner;
  - (c) paramedicine.

*Note* **Health practitioner**—see the [Legislation Act](#), dictionary.  
**Medical practitioner**—see the [Legislation Act](#), dictionary.

- (2) In this section:

**Dental Board of Australia** means the National Health Practitioner Board continued for the dental health profession under the [Health Practitioner Regulation National Law Regulation 2018](#), section 4.

## **Part 3C Motor accident claims**

### **13C Mandatory final offer accepted—costs—Act, s 266 (2)**

If a mandatory final offer for at least \$30 000 but not more than \$50 000 is accepted, costs (including disbursements) must—

- (a) be worked out on a party and party basis; and
- (b) be paid by the insurer; and
- (c) not exceed \$5 000 AWE indexed.

## Part 4 MAI premiums

### 14 Definitions—pt 4

In this part:

*annual MAI premium*, for an MAI policy, means the premium payable for insurance under the MAI policy for 1 year.

*MAI premium class* means a class mentioned in an item in schedule 1, part 1.2, consisting of—

- (a) a class number mentioned in column 2 for the item; and
- (b) a kind of motor vehicle or trader's plate mentioned in column 3 for the item; and
- (c) a case (if any) mentioned in column 4 for the item; and
- (d) an entitlement to an input tax credit mentioned in column 5 for the item.

### 15 Licensed insurers to have annual MAI premium approved for MAI premium classes

A licensed insurer must have an annual MAI premium approved by the MAI commission under the [Act](#), part 6.7 (MAI premiums), for each MAI premium class.

**16 MAI premium if vehicle or plate in multiple classes**

- (1) This section applies if a motor vehicle or trader's plate fits into 2 or more MAI premium classes.
- (2) The maximum MAI premium payable for an MAI policy for the vehicle or plate is the higher of the maximum premiums that apply to the vehicle or plate.

**Example**

Phillipe uses his ute for car sharing. This means the ute fits into both MAI premium class 3 (goods vehicle) and class 25B (personal share vehicle). If the MAI premium is higher for class 25B than class 3, Phillipe must pay the class 25B premium.

**17 MAI premiums for policies for less than 1 year**

- (1) This section applies if a person—
  - (a) registers a motor vehicle for less than 1 year; or
  - (b) renews the registration of a motor vehicle for less than 1 year; or
  - (c) is issued with a trader's plate for less than 1 year; or
  - (d) enters into an MAI policy for a light rail vehicle for less than 1 year.

*Note* An MAI premium for an MAI policy must be paid when—

- (a) registering a vehicle (see [Act](#), s 298); and
  - (b) renewing the registration of a vehicle (see [Act](#), s 299); and
  - (c) applying for a trader's plate (see [Act](#), s 300); and
  - (d) intending to use a light rail vehicle (see [Act](#), s 301).
- (2) The maximum MAI premium payable for an MAI policy for the vehicle or plate must be worked out in accordance with the MAI guidelines.

**18 Additional MAI premium payable if change in construction or use of vehicle**

- (1) This section applies if—
  - (a) an MAI premium (the *original premium*) has been paid for an MAI policy for a motor vehicle; and
  - (b) a change is made in the construction or use of the motor vehicle; and
  - (c) because of the change, a higher MAI premium than the original premium would be payable if a new MAI policy were issued for the motor vehicle.
- (2) The owner of the motor vehicle is liable to pay an additional MAI premium, starting on the day the change happens, worked out in accordance with the MAI guidelines.

## Part 5 Nominal defendant

### Division 5.1 Nominal defendant's liabilities

#### 19 Circumstances in which motor vehicle has sufficient connection with ACT—Act, s 326 (4)

A motor vehicle has sufficient connection with the ACT if the motor vehicle—

- (a) is usually used and garaged in the ACT; or
- (b) is usually used for a business that has its principal place of business in the ACT; or
- (c) is in the ACT at the time of the motor accident and there is no place outside the ACT where a claim in relation to personal injury could be made against a nominal defendant in relation to the motor accident.

### Division 5.2 Nominal defendant fund

#### 20 Collections for nominal defendant fund—prescribed person—Act, s 331 (1) (a)

The following people (each of whom is a *prescribed person*) are prescribed:

- (a) each licensed insurer;
- (b) the Territory;
- (c) the Commonwealth.



**21 Collections for nominal defendant fund—arrangements—  
Act, s 331 (1) (b)**

- (1) This section applies if the MAI commission decides an amount to be collected for a financial year under the [Act](#), section 331 (2).
- (2) The MAI commission must decide what proportion of the amount is to be paid by each prescribed person each quarter.
- (3) In deciding a prescribed person's proportion for a quarter, the MAI commission must have regard to—
  - (a) for a licensed insurer—the income received by the insurer for MAI policy premiums in the previous quarter; and
  - (b) for the Territory—the premiums that would have been payable for territory government vehicles in the previous quarter if the vehicles had been insured under MAI policies; and
  - (c) for the Commonwealth—the premiums that would have been payable for commonwealth government vehicles in the previous quarter if the vehicles had been insured under MAI policies.
- (4) In this section:

*commonwealth authority* means a body, whether or not incorporated, established under a Commonwealth Act.

*commonwealth government vehicle* means a motor vehicle usually used in the ACT and owned by the Commonwealth or a commonwealth authority.

*territory government vehicle* means a motor vehicle usually used in the ACT and owned by the Territory or a territory authority.

*Note* *territory authority*—see the [Legislation Act](#), dictionary, pt 1.

**22 Collections for nominal defendant fund—collection notice—Act, s 331 (1) (b)**

- (1) The MAI commission must give written notice (a *collection notice*) of a decision under the [Act](#), section 331 (2) to each prescribed person.
- (2) The collection notice must state—
  - (a) the amount payable by the prescribed person; and
  - (b) that the amount must be paid to the nominal defendant fund not later than a stated date (the *due date*).
- (3) The MAI commission may amend or revoke a prescribed person’s collection notice by giving written notice to the prescribed person before the due date.
- (4) The due date for a prescribed person’s collection notice, or an amended collection notice, must be at least 42 days after the day the collection notice is given to the prescribed person.

**23 Offence—failure to pay contribution—Act, s 331 (1) (b)**

- (1) A licensed insurer commits an offence if—
  - (a) a collection notice is in force for the licensed insurer; and
  - (b) the licensed insurer does not pay the amount stated in the notice to the nominal defendant fund on or before the due date stated in the collection notice.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) If the Magistrates Court convicts a licensed insurer, or finds a licensed insurer guilty, of an offence against this section, the court may order the insurer to pay any unpaid amount to the nominal defendant fund.
- (4) An order under subsection (3) is in addition to a penalty imposed for the offence.

- (5) For the enforcement of payment of the order and the calculation of interest in relation to a judgment, the order is taken to be a final judgment of the Magistrates Court for the amount stated in the order.

## Part 6 MAI insurer licences

### 24 What must be included in an insurance industry deed— Act, s 360 (2)

(1) The MAI commission must approve the required content for the insurance industry deed.

(2) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(3) The insurance industry deed must be substantially in accordance with the content approved under this section.

### 25 Application requirements—Act, s 362 (2)

An application for an MAI insurer licence must—

(a) include the following information:

(i) the applicant's trading name;

(ii) the address of the applicant's registered office;

(iii) the applicant's ABN;

(iv) details of reinsurance arrangements proposed to be made for reinsurance for MAI policies to be issued by the applicant; and

(b) be accompanied by the following:

(i) a copy of the applicant's authority to carry on an insurance business under the [Insurance Act 1973](#) (Cwlth);

(ii) if the applicant is licensed to carry on business as a CTP insurer in another Australian jurisdiction—a copy of the licence from the other jurisdiction;

- (iii) if the applicant is not licensed to carry on business as a CTP insurer in another Australian jurisdiction—
  - (A) a copy of all documents given to APRA in applying for authority to carry on an insurance business under the *Insurance Act 1973* (Cwlth); and
  - (B) a copy of the applicant's latest annual financial accounts and annual statement lodged with ASIC; and
  - (C) a copy of all reports and returns lodged with APRA under reporting and prudential standards applying to the applicant's general insurance business in relation to the 12 months before the date of the application.

## Schedule 1 MAI premium classes

(see s 14)

### Part 1.1 Definitions

#### 1.1 Definitions—sch 1

In this schedule:

***ambulance*** means a motor vehicle built to transport sick or injured people.

***breakdown vehicle*** means a tow truck within the meaning of the [Road Transport \(Vehicle Registration\) Regulation 2000](#).

***bus*** means a motor vehicle used to carry paying passengers but does not include the following:

- (a) a demand responsive service vehicle;
- (b) a taxi;
- (c) a private hire car;
- (d) a restricted hire car;
- (e) a rideshare vehicle;
- (f) a light rail vehicle.

***car rental service*** means a business operating a fleet of 5 or more motor vehicles, under common ownership or management, for hire.

***demand responsive service vehicle***—see the [Road Transport \(Public Passenger Services\) Act 2001](#), section 81.

***drive-yourself vehicle***—

- (a) means a motor vehicle let for hire, without the services of a driver, by a car rental service; but
- (b) does not include a motor vehicle let for hire under a lease or hire-purchase agreement.

***firefighting vehicle*** means a motor vehicle used mainly for firefighting.

***goods vehicle*** means a motor vehicle built mainly to transport goods.

***GVM***, of a vehicle—see the [Road Transport \(Vehicle Registration\) Act 1999](#), dictionary.

***hire car***—see the [Road Transport \(Public Passenger Services\) Act 2001](#), section 67.

***historic vehicle***—see the [Duties Act 1999](#), section 217 (3).

***implement***—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

***input tax credit entitlement*** means an entitlement to an input tax credit for the MAI premium for an MAI policy.

***miscellaneous vehicle*** means a tractor or implement but does not include a primary producer's tractor.

***mobile crane*** means a motor vehicle built mainly as a crane but does not include—

- (a) a breakdown vehicle; or
- (b) a tractor.

***motorbike***—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

***motorcycle*** means a motorbike or motortrike.

**motortrike**—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

**passenger vehicle** means a motor vehicle built mainly to carry people but does not include the following:

- (a) an ambulance;
- (b) a bus;
- (c) a demand responsive service vehicle;
- (d) a drive-yourself vehicle;
- (e) a motorcycle;
- (f) a police vehicle;
- (g) a private hire car;
- (h) a rideshare vehicle;
- (i) a personal share vehicle;
- (j) a taxi;
- (k) a light rail vehicle.

**personal share vehicle**—

- (a) means a passenger vehicle, a goods vehicle with a GVM not over 4.5t or a motorcycle let for hire without the services of a driver; but
- (b) does not include a vehicle let for hire by a car rental service.

**police vehicle**—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

**primary producer's tractor** means a tractor used by a primary producer for the producer's operations as a primary producer.

**private hire car** means a hire car that is not a restricted hire car.



**restricted hire car**—see the *Road Transport (Public Passenger Services) Act 2001*, section 68.

**rideshare vehicle**—see the *Road Transport (Public Passenger Services) Act 2001*, section 60A.

**tractor**—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

**undertaker's vehicle** means a motor vehicle used only as an undertaker's hearse.

**veteran vehicle**—see the *Duties Act 1999*, section 217 (3).

**vintage vehicle**—see the *Duties Act 1999*, section 217 (3).

## Part 1.2 MAI premium classes

column 1 item	column 2 class number	column 3 kind of motor vehicle or trader's plate	column 4 case (if any)	column 5 input tax credit entitlement
1	1	passenger vehicle		not entitled
2	1	passenger vehicle		entitled
3	3	goods vehicle	GVM not over 4.5t	not entitled
4	3	goods vehicle	GVM not over 4.5t	entitled
5	4	goods vehicle	GVM over 4.5t	not entitled
6	4	goods vehicle	GVM over 4.5t	entitled
7	5A	bus or demand responsive service vehicle	vehicle has seating for more than 16 adults (including driver)	not entitled
8	5A	bus or demand responsive service vehicle	vehicle has seating for more than 16 adults (including driver)	entitled
9	5B	bus or demand responsive service vehicle	vehicle has seating for not more than 16 adults (including driver)	not entitled
10	5B	bus or demand responsive service vehicle	vehicle has seating for not more than 16 adults (including driver)	entitled
11	6	taxi		not entitled
12	6	taxi		entitled
13	7	private hire car		not entitled
14	7	private hire car		entitled

<b>column 1 item</b>	<b>column 2 class number</b>	<b>column 3 kind of motor vehicle or trader's plate</b>	<b>column 4 case (if any)</b>	<b>column 5 input tax credit entitlement</b>
15	8	drive-yourself vehicle		not entitled
16	8	drive-yourself vehicle		entitled
17	9A	motorcycle	engine capacity over 600cc	not entitled
18	9A	motorcycle	engine capacity over 600cc	entitled
19	9B	motorcycle	engine capacity over 300cc but not over 600cc	not entitled
20	9B	motorcycle	engine capacity over 300cc but not over 600cc	entitled
21	9C	motorcycle	engine capacity not over 300cc	not entitled
22	9C	motorcycle	engine capacity not over 300cc	entitled
23	9D	motorcycle	electrically powered motor	not entitled
24	9D	motorcycle	electrically powered motor	entitled
25	10	firefighting vehicle		not entitled
26	10	firefighting vehicle		entitled
27	11	undertaker's vehicle		not entitled
28	11	undertaker's vehicle		entitled
29	12	breakdown vehicle		not entitled
30	12	breakdown vehicle		entitled
31	14	miscellaneous vehicle		not entitled
32	14	miscellaneous vehicle		entitled

**Schedule 1**  
**Part 1.2**

MAI premium classes  
MAI premium classes

<b>column 1 item</b>	<b>column 2 class number</b>	<b>column 3 kind of motor vehicle or trader's plate</b>	<b>column 4 case (if any)</b>	<b>column 5 input tax credit entitlement</b>
33	15	primary producer's tractor		not entitled
34	15	primary producer's tractor		entitled
35	16	mobile crane		not entitled
36	16	mobile crane		entitled
37	17	trader's plate	to be attached to a motorcycle	not entitled
38	17	trader's plate	to be attached to a motorcycle	entitled
39	18	trader's plate	to be attached to a motor vehicle other than a motorcycle	not entitled
40	18	trader's plate	to be attached to a motor vehicle other than a motorcycle	entitled
41	18D	trader's plate	to be attached to a registrable vehicle other than a motor vehicle	not entitled
42	18D	trader's plate	to be attached to a registrable vehicle other than a motor vehicle	entitled
43	19	veteran vehicle		not entitled
44	19	veteran vehicle		entitled
45	20	vintage vehicle		not entitled
46	20	vintage vehicle		entitled
47	21	historic vehicle		not entitled

<b>column 1 item</b>	<b>column 2 class number</b>	<b>column 3 kind of motor vehicle or trader's plate</b>	<b>column 4 case (if any)</b>	<b>column 5 input tax credit entitlement</b>
48	21	historic vehicle		entitled
49	22	ambulance		not entitled
50	22	ambulance		entitled
51	23	police vehicle		not entitled
52	23	police vehicle		entitled
53	25A	rideshare vehicle		not entitled
54	25A	rideshare vehicle		entitled
55	25B	personal share vehicle		not entitled
56	25B	personal share vehicle		entitled
57	26	light rail vehicle		not entitled
58	26	light rail vehicle		entitled

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- Commonwealth
- Criminal Code
- disallowable instrument (see s 9)
- in relation to
- quarter
- the Territory.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Motor Accident Injuries Act 2019](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Motor Accident Injuries Act 2019](#), dict:

- APRA
- ASIC
- AWE (see s 17)
- AWE adjusted
- AWE indexed
- Commonwealth authority
- defined benefits (see s 33)
- income replacement benefit payment
- insurance industry deed (see s 359)
- insurer
- licensed insurer
- MAI commission
- MAI guidelines
- MAI insurer (see s 287)
- MAI policy (see s 286)
- MAI premium (see s 314)
- motor accident (see s 10)

- motor accident claim (see s 228)
- nominal defendant (see s 16).

*Note 4* The *Road Transport (General) Act 1999* contains definitions relevant to this Regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- driver
- jurisdiction
- light rail vehicle
- motor vehicle
- taxi
- trader's plate
- vehicle.

***ambulance***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***annual MAI premium***, for an MAI policy, for part 4 (MAI premiums)—see section 14.

***breakdown vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***bus***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***car rental service***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***collection notice***—see section 22.

***demand responsive service vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***drive-yourself vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***due date***—see section 22.

**firefighting vehicle**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**goods vehicle**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**GVM**, of a vehicle, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**hire car**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**historic vehicle**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**implement**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**input tax credit**—see the [A New Tax System \(Goods and Services\) Act 1999](#) (Cwlth), section 195-1 (Dictionary).

**input tax credit entitlement**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**MAI premium class**, for part 4 (MAI premiums)—see section 14.

**miscellaneous vehicle**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**mobile crane**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**motorbike**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**motorcycle**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

**motor trike**, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.



***passenger vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***personal share vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***police vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***prescribed person***—see section 20.

***primary producer's tractor***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***private hire car***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***restricted hire car***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***rideshare vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***tractor***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***undertaker's vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***veteran vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

***vintage vehicle***, for schedule 1 (MAI premium classes)—see schedule 1, section 1.1.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Motor Accident Injuries (Premiums and Administration) Regulation 2019 SL2019-28**

notified LR 17 October 2019

s 1, s 2 commenced 17 October 2019 (LA s 79 (1))

remainder commenced 1 February 2020 (s 2 and see [Motor Accident Injuries Act 2019](#) A2019-12, s 2 (1) and [CN2019-13](#))

as amended by

#### **Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2020 (No 1) SL2020-11**

notified LR 2 April 2020

s 1, s 2 commenced 2 April 2020 (LA s 79 (1))

s 4, s 7 commenced 3 April 2020 (s 2 (2) (b))

remainder commenced 3 April 2020 (s 2 (1))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Indexation day—Act, s 18, def *AWE indexed*, par (b)

s 7 am [SL2020-11](#) s 4, s 5; ss renum R2 LA  
(4), (5) exp 1 February 2021 (s 7 (5))

#### AWE indexation factor—amounts indexed annually—Act, s 19 (3), def *AWE indexation factor*

s 9 am [SL2020-11](#) s 7; ss renum R2 LA

#### Adjustment day—Act, s 94 (1), def *AWE adjusted*, par (b)

s 10 (2), (3) exp 1 February 2021 (s 10 (3))

#### Quality of life benefits

pt 3A hdg ins [SL2020-11](#) s 8

#### WPI taken to be 10% in certain circumstances—prescribed requirements—Act, s 133 (1) (b) (i)

s 13A ins [SL2020-11](#) s 8

#### Medical treatment

pt 3B hdg ins [SL2020-11](#) s 8

#### Medical treatment—Act, s 221, def *medical treatment*

s 13B ins [SL2020-11](#) s 8

#### Motor accident claims

pt 3C hdg ins [SL2020-11](#) s 8

#### Mandatory final offer accepted—costs—Act, s 266 (2)

s 13C ins [SL2020-11](#) s 8

#### Offence—failure to pay contribution—Act, s 331 (1) (b)

s 23 am [SL2020-11](#) s 9; ss renum R2 LA

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 1 Feb 2020	1 Feb 2020– 2 Apr 2020	not amended	new regulation

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