

Australian Capital Territory

Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2020 (No 1)

Subordinate Law SL2020-11

The Australian Capital Territory Executive makes the following regulation under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), the [Motor Accident Injuries Act 2019](http://www.legislation.act.gov.au/a/2019-12), the [Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77) and the [Road Transport (Public Passenger Services) Act 2001](http://www.legislation.act.gov.au/a/2001-62).

Dated 27 March 2020.

Andrew Barr

Minister

Gordon Ramsay

Minister



Australian Capital Territory

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[Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22) and the [Motor Accident Injuries Act 2019](http://www.legislation.act.gov.au/a/2019-12%22%20%5Co%20%22A2019-12) and the [Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77) and the [Road Transport (Public Passenger Services) Act 2001](http://www.legislation.act.gov.au/a/2001-62)

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1 Name of regulation

This regulation is the *Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2020 (No 1)*.

2 Commencement

 (1) This regulation (other than sections 4 and 7) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

 (2) Sections 4 and 7 commence on the later of—

 (a) the commencement of the Motor Accident Injuries (ACAT Costs Orders) Regulation 2020, section 3; and

 (b) the commencement of this regulation, section 3.

3 Legislation amended

This regulation amends the [Motor Accident Injuries (Premiums and Administration) Regulation 2019](https://www.legislation.act.gov.au/sl/2019-28/).

Note This regulation also amends other legislation (see sch 1).

4 Section 7 (2), new note

insert

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).

5 New section 7 (2A)

insert

 (2A) The indexation day for the amount mentioned in section 13C (c) that is to be AWE indexed is 1 October.

6 New section 9 (1A)

insert

 (1A) This section also applies to an AWE indexed amount mentioned in section 13C (c).

7 Section 9 (1A)

substitute

 (1A) 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).

8 New parts 3A to 3C

insert

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](https://www.legislation.act.gov.au/a/2019-12/), 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](http://www.legislation.act.gov.au/a/2001-14), dictionary.
Medical practitioner—see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), 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](https://www.legislation.act.gov.au/sl/2018-166/), 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.

9 New section 23 (1A)

insert

 (1A) An offence against this section is a strict liability offence.

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Financial Management Regulation 2005

[1.1] Section 5

insert

 CTP regulator

Part 1.2 Road Transport (Offences) Regulation 2005

[1.2] Schedule 1, part 1.2E

substitute

Part 1.2E Motor Accident Injuries (Premiums and Administration) Regulation 2019

| column 1item | column 2offence provision | column 3short description | column 4offence penalty (pu) | column 5infringement penalty ($) | column 6demerit points |
| --- | --- | --- | --- | --- | --- |
| 1 | 23 (1) | licensed insurer not pay amount in collection notice on/before due date | 20 |  |  |

Part 1.3 Road Transport (Public Passenger Services) Regulation 2002

[1.3] Section 164B (4), definitions of ambulance and bus

substitute

ambulance—see the [Motor Accident Injuries (Premiums and Administration) Regulation 2019](https://www.legislation.act.gov.au/sl/2019-28/), schedule 1, section 1.1.

bus—see the [Motor Accident Injuries (Premiums and Administration) Regulation 2019](https://www.legislation.act.gov.au/sl/2019-28/), schedule 1, section 1.1.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2 April 2020.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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