



Australian Capital Territory

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

Subordinate Law SL2020-11

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The Australian Capital Territory Executive makes the following regulation under the *Financial Management Act 1996*, the *Motor Accident Injuries Act 2019*, the *Road Transport (General) Act 1999* and the *Road Transport (Public Passenger Services) Act 2001*.

Dated 27 March 2020.

ANDREW BARR  
Minister

GORDON RAMSAY  
Minister





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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](#), 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*.

*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](#), 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.

### **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**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 short description</b>	<b>column 4 offence penalty (pu)</b>	<b>column 5 infringement penalty (\$)</b>	<b>column 6 demerit points</b>
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*, schedule 1, section 1.1.

*bus*—see the *Motor Accident Injuries (Premiums and Administration) Regulation 2019*, schedule 1, section 1.1.

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### Endnotes

**1                      Notification**

Notified under the [Legislation Act](#) 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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