



Australian Capital Territory

Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-37

The Australian Capital Territory Executive makes the following regulation under
the *Motor Accident Injuries Act 2019*.

Dated 12 December 2023.

ANDREW BARR
Chief Minister

CHRIS STEEL
Minister



Australian Capital Territory

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Subordinate Law SL2023-37

made under the

[Motor Accident Injuries Act 2019](#)

1 Name of regulation

This regulation is the *Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2023 (No 1)*.

2 Commencement

This regulation 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)).

3 Legislation amended

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

4 New section 26

insert

**26 Financial penalties—matters that must be considered—
Act, s 394D (1) (c)**

- (1) The MAI commission must consider the following matters before deciding to impose a financial penalty on a licensed insurer in relation to conduct of the insurer that constitutes a ground for financial penalty:
 - (a) any adverse effect, or likely adverse effect, of the conduct on the insurer's payment of any amount to which a person is entitled, including the payment of defined benefits or an award of damages to a person in a proceeding related to a motor accident claim;
 - (b) any adverse effect, or likely adverse effect, of the conduct on a person's recovery from a personal injury sustained as a result of a motor accident;
 - (c) whether the insurer reported the conduct to the MAI commission;
 - (d) any action taken by the insurer to—
 - (i) investigate the nature and extent of the conduct; and
 - (ii) remediate the conduct; and
 - (iii) remove or mitigate the risk of similar conduct happening;

- (e) whether the conduct was caused, or likely to have been caused, by a failure of the insurer's systems or procedures;
- (f) whether the insurer has contravened—
 - (i) a direction given to the insurer under the [Act](#), section 394G (Directions to licensed insurers—general) in relation to the conduct or any similar conduct; or
 - (ii) a direction given to the insurer under the [Act](#), section 394I (Directions to licensed insurers—remediation plans) in relation to the conduct or any similar conduct; or
 - (iii) a remediation plan approved under the [Act](#), section 394I (5) (a) in relation to the conduct or any similar conduct;
- (g) any effect, or likely effect, of the conduct on the insurer, including—
 - (i) any adverse effect, or likely adverse effect, on public confidence in the insurer; and
 - (ii) any effect, or likely effect, on the operation of the insurer's business as an MAI insurer; and
 - (iii) any financial implications, or likely financial implications, for the insurer;
- (h) any adverse effect, or likely adverse effect, of the conduct on competition between MAI insurers;
- (i) any adverse effect, or likely adverse effect, of the conduct on the operation of the Act;
- (j) any adverse effect, or likely adverse effect, of the conduct on public confidence in the operation of the Act;

- (k) any similar conduct, including—
 - (i) whether the insurer reported the similar conduct to the MAI commission; and
 - (ii) any action taken by the insurer to—
 - (A) investigate the nature and extent of the similar conduct; and
 - (B) remediate the similar conduct; and
 - (C) remove or mitigate the risk of further similar conduct happening;
- (l) any other matter the MAI commission considers relevant.

- (2) In this section:

similar conduct means any conduct of the licensed insurer that is the same as or similar to the conduct constituting the ground for financial penalty.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 14 December 2023.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
