

Motor Accident Injuries (Income Replacement Benefit) Guidelines 2019

Disallowable instrument DI2019–243

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 provide guidance to insurers about their obligations to pay income replacement benefits including making decisions about entitlements to these benefits, and when these benefits should start, reduce or stop and how to work out the amount of a benefit payment.

Specifically, the guidelines make provision for matters to be taken into account when determining:

- What is, or not taken, to be paid work;
- Whether a person is capable, or not capable, of being paid work;
- A person's pre-injury weekly income or earnings capacity;
- Payment of increments for an apprentice, trainee or young person; and
- A person's post-injury earning capacity;

The guidelines also make provision for:

- Exceptional circumstances for a late application for back-paying income replacement benefits;
- Interim weekly payments;
- Fitness for work certificates and work declarations; and
- The conduct of fitness for work assessments.

The ACT Government consulted with insurers and other relevant stakeholders in preparing the guidelines.