

# Motor Accident Injuries (Insurer Information Collection) Regulation 2020

Subordinate law SL2020–7

made under the

***Motor Accident Injuries Act 2019 (S 492)***

## EXPLANATORY STATEMENT

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### Overview

The *Motor Accident Injuries Act 2019* (the Act) replaced the at-fault common law scheme operating under the *Road Transport (Third-Party Insurance) Act 2008* with a new improved motor accident injuries scheme (MAI scheme). The Act commenced on 1 February 2020 and applies to motor accidents in the ACT from that date. The MAI scheme provides defined benefits to anyone injured in a motor accident and provides additional common law benefits to people more seriously injured and whose injury was caused by someone else's fault.

The Act also established the MAI commission to regulate and monitor the MAI scheme, including compliance by licensed insurers with provisions of the Act. To facilitate this, the MAI commission must keep a register of applications for defined benefits and motor accident claims (see section 472 of the Act).

The Motor Accident Injuries (Insurer Information Collection) Regulation 2020 provides for the information a licensed insurer must give to the MAI commission about applications and claims. The regulation sets out requirements for licensed insurers to provide a monthly return about defined benefit applications and motor accident claims handled by the insurer. The regulation also requires licensed insurers to provide other prescribed information about their business or financial position after a request from the MAI commission or an event occurring.

## **Details**

**Clause 1** names the regulation as the Motor Accident Injuries (Insurer Information Collection) Regulation 2020.

**Clause 2** provides for the commencement of the regulation to be on 1 March 2020.

**Clause 3** inserts a dictionary at the end of the regulation.

**Clause 4** provides a note included in the regulation is explanatory and is not part of the regulation.

**Clause 5** contains requirements for a monthly return from a licensed insurer about each application for defined benefits and each motor accident claim received or managed by an insurer for a given month. The return must include the information set out in schedule 1 of the regulation. A monthly return must also be in a form approved by the MAI commission and must be lodged no later than 7 days after the end of each month. A monthly return must also include details updating information included in previous returns.

**Clause 6** provides that if a claim manager is acting for multiple respondents there is no requirement to provide information about a claim to the MAI commission if the information has already been provided by another insurer. This is included to clarify the responsibility for including information on the register is met if it has been provided by another insurer.

**Clause 7** sets out information a licensed insurer must provide the MAI commission that is relevant to the administration of the MAI Act.

Subclause (1) relates to a request for information or explanation from a Commonwealth financial regulator (such as APRA or ASIC). The information that is to be provided to the MAI commission is in relation to a matter that may have a material impact on the insurer's MAI insurance business. This acknowledges that an insurer may receive requests for information or explanations as a corporation that do not affect the MAI insurance business. Where it may have a material impact, the information must be provided within 1 month of the request.

Subclause (2) provides that the MAI commission may ask for an actuarial report of an insurer's financial position and the insurer must give the report to the MAI commission no later than 3 months after the request. Subclauses (3) and (4) provide for information about transactions that may affect the control of a licensed insurer, or about a change of the manager responsible for managing an insurer's MAI business. One month also applies to advising the MAI commission of the transaction or change happening.

**Schedule 1** sets out information to be included in a monthly return from an insurer relating to defined benefit applications and motor accident claims.

This return will be electronically lodged by insurers to a MAI commission database. This will facilitate the insurers being able to manage the obligation to provide information in a systematic manner and will inform the MAI commission on insurers' ongoing management of applications and motor accident claims.

**Dictionary** provides for terms relevant to the regulation.