

Motor Accident Injuries (Income Replacement Benefit) Guidelines 2021

Disallowable instrument DI2021-280

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.

The guidelines have been updated to:

- provide further clarity on gathering evidence of work and pay arrangements, calculating pre-injury income for the self-employed, and fitness for work certificate requirements;
- include an exceptional circumstance for back-paying late applications due to insurer delays;
- require interim benefit entitlements to be paid when an insurer is awaiting further information to work out payment amounts; and
- provide flexibility for medical appointments during a public health emergency.

A new section also makes provision for the calculation of income replacement payments for concurrent applications being managed under the MAI Scheme, so double counting of income does not occur.

The 2019 guidelines were made before the MAI Scheme commenced. The updates are intended to ensure operations of the scheme are optimal. The 2019 guidelines will be revoked on the commencement of the new guidelines.