

Australian Capital Territory

Motor Accident Injuries (Significant Occupational Impact Assessment) Guidelines 2023

Disallowable instrument DI2023–243

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 are to be used by a suitably qualified and experienced assessor to evaluate whether a person's injuries arising from a motor accident have had a Significant Occupational Impact (SOI) on their ability to work. A report confirming a SOI can provide a pathway for an injured person to access damages in common law if they were not at-fault in a motor accident.

Specifically, the guidelines set out the legal framework and principles which underpin the SOI assessment, requirements for a SOI assessor, as well as detailing procedures to be followed by a SOI assessor in carrying out an assessment. The SOI assessment can only be carried out if the injured person meets the requirements of section 209 of the MAI Act and provides their consent to the insurer. Only an insurer can make a referral to the IME provider to arrange for a SOI assessment.

Consultation on the proposed approach

Public consultation through the MAI Commission's website was undertaken in preparing the guidelines. Comments were incorporated where appropriate.