



Australian Capital Territory

# Motor Accident Injuries (Lawyer Information Collection) Regulation 2021

Subordinate Law SL2021-23

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

Dated 13 October 2021.

ANDREW BARR  
Minister

CHRIS STEEL  
Minister

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[Motor Accident Injuries Act 2019](#)

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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**1 Name of regulation**

This regulation is the *Motor Accident Injuries (Lawyer Information Collection) Regulation 2021*.

**2 Commencement**

This regulation commences on the 45th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

**5 Information to be given to MAI commission by lawyers—  
Act, s 469**

- (1) This section applies to a lawyer who represented a client in an ACAT application or a motor accident claim for all or part of the relevant period.

*Note* An applicant for defined benefits may make more than 1 ACAT application (see [Act](#), div 2.10.3).

- (2) The *relevant period* is—
- (a) for an ACAT application—the period beginning when the application was made and ending when the ACAT made an order deciding or dismissing the application; and
  - (b) for a motor accident claim—the period beginning when the notice of claim was given to the insurer and ending when—
    - (i) the payment for an award of damages or offer of settlement was made; or
    - (ii) in any other case—the court gave judgment in a proceeding on the claim.
- (3) The lawyer must give the MAI commission reportable information about the ACAT application or claim.
- (4) The reportable information must be given to the MAI commission—
- (a) within—
    - (i) 28 days after the end of the relevant period; or
    - (ii) if the lawyer stopped representing the client before the end of the relevant period—28 days after the lawyer stopped representing the client; and
  - (b) in the way stated on the MAI commission’s website.

**Example—par (b)**

electronic lodgment using a portal on the MAI commission’s website

- (5) Failure to comply with this section by a lawyer can be professional misconduct or unsatisfactory professional conduct under the *Legal Profession Act 2006*, chapter 4 (Complaints and discipline).

(6) In this section:

**ACAT application** means an application for external review of an ACAT reviewable decision.

**law practice**—see the *Legal Profession Act 2006*, dictionary.

**reportable information**, in relation to an ACAT application or motor accident claim, means the following information:

- (a) an estimate of the total amount of costs and disbursements at the start of the application or claim, including amounts for party and party costs;
- (b) the amount of costs and disbursements associated with making the application or lodging the claim;
- (c) the amount of costs and disbursements billed by the lawyer or law practice representing the client and payable by the client, including the following:
  - (i) any repayment to the client's private health insurer;
  - (ii) any advance payment to the client;
  - (iii) any deductions from the amount—
    - (A) ordered to be paid; or
    - (B) awarded to the client;
  - (iv) client to solicitor fees;
  - (v) party and party costs;
  - (vi) fees paid to any lawyer who previously represented the client;
  - (vii) barrister fees;
  - (viii) any fees paid for attending appointments with medical or other health professionals;

- (ix) any fees paid for medical or other health professional reports;
- (x) any fees paid to other experts;
- (xi) any other fees paid;

**Examples—other fees**

- for an interpreter
  - for travel
- (d) the amount of costs and disbursements for any fees for medical or other health professional reports included, or likely to be included, in an application for costs in relation to the application or claim;
  - (e) the distribution of funds ordered to be paid, or awarded, to the client.



## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- barrister
- Criminal Code
- in relation to
- lawyer
- penalty unit (see s 133)
- solicitor.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Motor Accident Injuries Act 2019](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Motor Accident Injuries Act 2019](#), dict:

- ACAT reviewable decision (see s 192)
- claimant (see s 229)
- defined benefits (see s 33)
- MAI commission
- motor accident claim (see s 228).

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 19 October 2021.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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