



Australian Capital Territory

Motor Accident Injuries (Lawyer Information Collection) Regulation 2021

SL2021-23

made under the

Motor Accident Injuries Act 2019

Republication No 1

Effective: 3 December 2021

Republication date: 3 December 2021

Regulation not amended

About this republication

The republished law

This is a republication of the *Motor Accident Injuries (Lawyer Information Collection) Regulation 2021*, made under the *Motor Accident Injuries Act 2019* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 3 December 2021. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Motor Accident Injuries (Lawyer Information Collection) Regulation 2021

made under the

Motor Accident Injuries Act 2019

Contents

	Page
1 Name of regulation	2
3 Dictionary	2
4 Notes	2
5 Information to be given to MAI commission by lawyers—Act, s 469	2
Dictionary	6
Endnotes	
1 About the endnotes	7

R1 Motor Accident Injuries (Lawyer Information Collection) contents 1
03/12/21 Regulation 2021
Effective: 03/12/21

Contents

		Page
2	Abbreviation key	7
3	Legislation history	8
4	Amendment history	8



Australian Capital Territory

Motor Accident Injuries (Lawyer Information Collection) Regulation 2021

made under the

Motor Accident Injuries Act 2019

R1
03/12/21

Motor Accident Injuries (Lawyer Information Collection)
Regulation 2021

page 1

Effective: 03/12/21

1 Name of regulation

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

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).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Motor Accident Injuries (Lawyer Information Collection) Regulation 2021 SL2021-23

notified LR 19 October 2021

s 1, s 2 commenced 19 October 2021 (LA s 75 (1))

remainder commenced 3 December 2021 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

© Australian Capital Territory 2021