

Schedule 1 - Amendment of Motor Accident Injuries Act 2017 No 10			
	Section	Change	Commencement
[1]	Section 1.3	Omit “minor injuries” from section 1.3(2)(d). Insert instead “soft tissue injuries and psychological or psychiatric injuries that are not recognised psychiatric illnesses”.	1 April 2023
[2]	Section 1.4 Definitions	Omit the definition of <i>minor injury</i> from section 1.4(1).	1 April 2023
[3]	Section 1.4(1)	Insert in alphabetical order— threshold injury —see section 1.6.	1 April 2023
[4]	Section 1.6, heading	Omit the heading. Insert instead— 1.6 Meaning of “threshold injury”	1 April 2023
[5]	Section 1.6 Meaning of “minor injury”	Omit section 1.6(1). Insert instead— (1) For the purposes of this Act, a threshold injury is, subject to this section, one or more of the following— (a) a soft tissue injury, (b) a psychological or psychiatric injury that is not a recognised psychiatric illness	1 April 2023
[6]	Section 1.6(3)	Omit the subsection	1 April 2023
[7]	Section 1.6(4)(a)	Omit “soft tissue injury or from being a minor psychological or psychiatric injury” Insert instead “threshold injury”	1 April 2023
[8]	Section 1.6(4)(b)	Omit “soft tissue injury or as a minor psychological or psychiatric injury” Insert instead “threshold injury”	1 April 2023
[9]	Section 1.6(5)	Omit “minor injury”. Insert instead “threshold injury”	1 April 2023
[10]	Section 1.10A Insert after section 1.10—	1.10A Liability of Nominal Defendant The provisions of this Act relating to the liability of the Nominal Defendant in connection with a motor accident apply to a claim for statutory benefits in the same way as they apply to a claim for damages, subject to— (a) necessary modifications, and (b) modifications prescribed by the regulations.	28 Nov 2022
[11]	Section 2.25 Adjustment of premiums and Fund levies in cases of excess profits or excess losses	Insert “or minimise” after “avoid” wherever occurring in section 2.25(1)-(5)	28 Nov 2022

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[12]	Section 2.25	Insert after section 2.25(2)— (2A) The Motor Accident Guidelines may include provision for the adjustment of premiums and Fund levies under Division 10.4 for the purposes of this clause to take into account innovations implemented by insurers to promote the objects of this Act.	28 Nov 2022
[13]	Section 2.27 Nominal Defendant	Insert at the end of the section— Note— See section 1.10A for the application of this Division to statutory benefits.	28 Nov 2022
[14]	Section 2.28 Application of Division to statutory benefits	Omit the section	28 Nov 2022
[15]	Section 3.11, heading	Omit the heading. Insert instead— 3.11 Cessation of weekly payments after 52 weeks to injured persons most at fault or with threshold injuries	1 April 2023
[16]	Section 3.11(1)	Omit “26 weeks”. Insert instead “52 weeks”.	1 April 2023
[17]	Section 3.11(1)(b)	Omit “minor injuries” Insert instead “threshold injuries”	1 April 2023
[18]	Section 3.11 note	Omit “26 weeks”. Insert instead “52 weeks”	1 April 2023
[19]	Section 3.24 Entitlement to statutory benefits for treatment and care	Insert at the end of the section - (3) The Motor Accident Guidelines may provide for - (a) circumstances in which the costs of treatment and care is taken to be reasonable for the purposes this section, and (b) circumstances in which treatment and care is taken to be reasonable Note— See Part 7 and Schedule 2 for provisions relating to disputes about whether treatment and care, or the cost or treatment and care, provided or to be provided to an injured person is reasonable and necessary	28 Nov 2022
[20]	Section 3.28, heading	Omit the heading. Insert instead—3.28 Cessation of statutory benefits after 52 weeks to injured adult persons most at fault or to injured persons with threshold injuries	1 April 2023
[21]	Section 3.28(1)	Omit “26 weeks”. Insert instead “52 weeks”.	1 April 2023

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[22]	Section 3.28(1)(b)	Omit “minor injuries”. Insert instead “threshold injuries”.	1 April 2023
[23]	Section 3.28(3)	Omit the subsection.	1 April 2023
[24]	Section 3.31 Limits under Guidelines on statutory benefits for particular treatment and care	Omit “attendant care” from section 3.31(1)(c)	28 Nov 2022
[25]	Section 3.31(1)(c)	Insert instead “, or who otherwise meet the requirements of the Motor Accident Guidelines” after “approved competencies”.	28 Nov 2022
[26]	Section 3.38, heading	Omit “6 months”. Insert instead “12 months”.	1 April 2023
[27]	Section 3.38(1)	Omit “26 weeks”. Insert instead “52 weeks”.	1 April 2023
[28]	Section 4.4, heading	Omit the heading. Insert instead— 4.4 No damages for threshold injuries	1 April 2023
[29]	Section 4.4	Omit “minor injuries”. Insert instead “threshold injuries”	1 April 2023
[30]	Section 6.13 Time for making of claims for statutory benefits	Insert “unless permitted by the regulations” after “claim is made” in section 6.13(2)	28 Nov 2022
[31]	Section 6.14 Time for making of claims for damages	Omit section 6.14(1).	28 Nov 2022
[32]	Section 6.19 Acceptance of liability of claim for statutory benefits	Omit “26 weeks” wherever occurring in section 6.19(1) and (2). Insert instead 52 weeks	1 April 2023

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[33]	Section 6.19(2) and (3)	Omit “3 months” wherever occurring. Insert instead “9 months”	1 April 2023
[34]	Section 6.23 Restrictions on settlement of claim for damages	Omit section 6.23(1)	28 Nov 2022
[35]	Section 6.27 Medical and other examination of claimant assessments for the purposes of subsection (1)(b) or (c).	Insert after section 6.27(1)— (1A) However, the claimant is not required to undergo an assessment for the purposes of subsection (1)(b) or (c) unless the assessment is conducted by a person authorised by the Motor Accident Guidelines. (1B) The Motor Accident Guidelines may make provision for or in relation to the appointment of persons authorised to conduct	28 Nov 2022
[36]	Section 6.27(2)	Omit “Any such examination or assessment”. Insert instead “An examination or assessment under subsection (1)”.	28 Nov 2022
[37]	Section 7.19 Internal review required before medical assessment	Insert after section 7.19(2)— (2A) This section does not apply to a medical dispute about the degree of permanent impairment of the injured person that has resulted from injury caused by the motor accident.	28 Nov 2022
[38]	Section 7.33 Time limits for referring claims and making assessment	Omit the section	28 Nov 2022
[39]	Section 9.10 Imposition of civil penalty on or censure of licensed insurer	Insert “, or in addition to,” after “instead of” in section 9.10(1).	28 Nov 2022
[40]	Section 9.10(2) and (3)	Omit the subsections. Insert instead-	28 Nov 2022

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		(2) Before imposing a civil penalty, the Authority must give the licensed insurer a reasonable opportunity to make submissions in relation to the alleged contravention	
[41]	Section 9.14 Administrative reviews of licensing decisions by Civil and Administrative Tribunal	Omit “fine” from section 9.14(1)(f). Insert instead “civic penalty”	28 Nov 2022
[42]	Section 10.12 Motor Accidents	Operational Fund (the SIRA Fund) Insert after section 10.12(3)(h1) — (h2) expenditure incurred by the Authority in the provision of a trauma support service established under section 11.1A, (h3) the amount of legal costs the Authority determines are to be reimbursed to claimants who are parties to court proceedings significantly impacting the sustainability and affordability of the motor accidents scheme under this Act,	28 Nov 2022
[43]	Section 10.15 Assessment by Lifetime Care and Support Authority of amount to be contributed to MAITC Benefits Fund	Insert at the end of the section— (2) The regulations may make provision in relation to the determination of amounts for the purposes of subsection (1)(b) to be set aside for the exercise of the functions of the Lifetime Care and Support Authority relating to the administration of this Act as the relevant insurer under section 3.2(3). (3) Without limiting subsection (2), the regulations may— (a) require the Lifetime Care and Support Authority to disclose to the Authority information relating to— (i) payments of statutory benefits for treatment and care that the Lifetime Care and Support Authority is required to make under Division 3.4, and (ii) other significant matters that are likely to have a material financial impact on the motor accidents scheme under this Act, and (add more)	28 Nov 2022
[44]	Section 11.1A I insert before section 11.1— 11.1A Trauma support service	(1) The Authority may establish in association with its operations a trauma support service for members of the family of persons who have been injured or who have died as a result of motor accidents. (2) The trauma and support service is to provide support immediately after a motor accident to members of the family of persons who have been injured or who have died as a result of the motor accident.	28 Nov 2022
[45]	Section 11.13 Review of Act	Omit section 11.13(2). Insert instead—	28 Nov 2022

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		(2) A review under this section is to be undertaken— (a) as soon as practicable after the period of 3 years from the commencement of the Motor Accident Injuries Amendment Act 2022, and (b) every 5 years after the period of 3 years referred to in paragraph (a). (2A) A report of the outcome of each review is to be tabled in each House of Parliament within 12 months after the end of the period for undertaking the review	
[46]	Schedule 2 Matters for purposes of Part 7	Omit clause 1(l) and (m)	1 April 2023
[47]	Schedule 2, clause 2(c)	Omit “26 weeks to injured adult persons most at fault or to injured persons with minor injuries”. Insert instead “52 weeks to injured adult persons most at fault or to injured persons with threshold injuries”.	1 April 2023
[48]	Schedule 2, clause 2(e)	Omit “minor injury”. Insert instead “threshold injury”.	1 April or a later day as proclaimed
[49]	Schedule 2, clause 3(d)	Omit “to injured persons most at fault or with minor injuries after 26 weeks) the motor accident concerned was caused by the fault of another”. Insert instead “after 52 weeks to injured persons most at fault or with threshold injuries) the motor accident concerned was caused wholly or mostly by the fault of the injured”.	1 April 2023
[50]	Schedule 2, clause 3(e)	Omit “26 weeks to injured adult persons most at fault or to injured persons with minor injuries) or 3.36 (No statutory benefits for at-fault driver or owner if vehicle uninsured) the motor accident was caused”. Insert instead “52 weeks to injured adult persons most at fault or to injured persons with threshold injuries) or 3.36 (No statutory benefits for at-fault driver or owner if vehicle uninsured) the motor accident was caused wholly or”	1 April 2023
[51]	Schedule 2, clause 3(g)	Omit “6 months”. Insert instead “12 months”.	1 April 2023
[52]	Schedule 2, clause 3(k)	Insert “, including statutory benefits for a period before a claim is made,” after “payment of statutory benefits”	28 Nov 2022

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[53]	Schedule 4 Savings, transitional and other provisions	<p>Insert at the end of the Schedule with appropriate Part and clause numbering—</p> <p>Part Provisions consequent on enactment of Motor Accident Injuries Amendment Act 2022</p> <p>Definition</p> <p>In this Part—</p> <p>2022 amending Act means the Motor Accident Injuries Amendment Act 2022.</p> <p>Application of amendments</p> <p>Except as provided by this Part or the regulations, an amendment made to this Act by the 2022 amending Act extends to—</p> <p>(a) a motor accident occurring before the commencement of the amendment, but not before 1 December 2017, and</p> <p>(b) a claim for statutory benefits or damages made before the commencement of the amendment, but not before 1 December 2017,</p> <p>And (c) proceedings pending before a merit reviewer, a medical assessor, a claims assessor or a court immediately before the commencement of the amendment.</p> <p>Statutory benefits after 26 weeks</p> <p>An amendment made to this Act by the 2022 amending Act, Schedule 1[16], [18], [21], [23], [26], [27] or [51] or Schedule 2[7] does not apply to a motor accident occurring before the commencement of the amendment.</p> <p>Acceptance of liability</p> <p>An amendment made to this Act by the 2022 amending Act, Schedule 1[32] or [33] does not apply to a motor accident occurring before the commencement of the amendment.</p> <p>Internal review</p> <p>The amendment made to this Act by the 2022 amending Act, Schedule 1[37] does not apply to a decision of an insurer made before the commencement of the amendment about the degree of permanent impairment of an injured person.</p>	28 Nov 2022
Schedule 2 - Amendment of Motor Accident Injuries Regulation 2017			
[1]	Clause 4 Meaning of “minor injury”	Omit the heading to clause 4. Insert instead— Meaning of “threshold injury”, section 1.6(4) of the Act	1 April 2023

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[2]	Clause 4(2)	Omit “minor psychological or psychiatric injury”. Insert instead “threshold injury”.	1 April 2023
[3]	Clause 4(2), note	Omit “minor injury”. Insert instead “threshold injury”.	1 April 2023
[4]	Clause 18 Medical matters subject to evidence restriction (section 7.52 (4))	Omit “minor injuries” from clause 18(b). Insert instead “threshold injuries”	1 April 2023
[5]	Clause 18(d)	Omit “minor injury”. Insert instead “threshold injury	1 April 2023
[6]	Schedule 1 Maximum costs for legal services	Omit “minor injuries” wherever occurring in Schedule 1, Part 1, clause 3(2)(d) and (e). Insert instead “threshold injury”	1 April 2023
[7]	Schedule 1, Part 1, clause 3(2)(g)	Omit “6 months”. Insert instead “12 months”.	1 April 2023