

Motor Accident Injuries (MAI) Scheme

Making your application for an ACT accident

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1. Introduction & overview

This document provides basic information about making an application to the Motor Accident Injuries (MAI) Scheme.

The MAI Scheme offers defined benefits to people injured in motor accidents that occur in the Australian Capital Territory (ACT) regardless of fault.

The Scheme supports injured persons to recover by funding reasonable and necessary treatment and care needs, as well as providing income replacement for those unable to work. These are known as defined benefits. The funding can take the form of payments to you or on your behalf to doctors and treatment providers.

The benefits offered by the Scheme are known as “defined benefits” because they are defined and limited to a specific period (up to five years).

For people who have a permanent impairment from their injuries because of the motor accident, the Scheme also offers access to a lump sum payment known as a Quality-of-life Benefit. This is subject to meeting certain criteria.

More seriously injured people may be able to apply for ongoing monetary support, in addition to their defined benefits. The insurer will provide you with information on the process if you meet the requirements. This includes not being at-fault for the accident.

In the event of a death caused by a motor accident, the Scheme also provides funeral benefits and financial support to dependants.

The MAI Scheme is funded by compulsory MAI insurance purchased as a part of motor registration in the ACT.

2. Eligibility

Anyone who sustains injury in a motor accident is eligible to apply to the MAI Scheme. You do this by lodging an application to an MAI insurer. See section 5 for more detail. The accident must have occurred in the ACT.

Direct family members may also apply for funeral and/or dependant benefits following a death due to a motor accident.

Important notes

If the injury occurred outside the ACT, you need to visit the Scheme Regulator's website for the State or Territory where the accident occurred. This will provide you with information on how to apply according to that State or Territory's rules.

You may be excluded from receiving benefits from the MAI Scheme at a later time if:

- you are receiving workers' compensation in relation to the same accident
- your injuries are self-inflicted or you were engaged in unlawful conduct at the time of the motor accident resulting in conviction by a court.

3. Types of support available

It is important that you get treatment for your injuries. You will be reimbursed for the costs of any treatment you received for your injuries, even if this treatment was received before submitting an MAI application.

To receive money back, you must make an application to the scheme for support. There are two stages. Stage one is application acceptance and early treatment and care. Stage two is liability accepted and ongoing management of all your defined benefits entitlements.

"Liability" means that an insurer accepts they are the correct insurer and they accept you have injuries that occurred in a motor accident.

Treatment & Care

Stage One

An insurer is given time to assess your application. While the insurer is doing this, the insurer must provide you with reimbursement for up to four (4) GP consultations and up to eight (8) allied health treatment sessions. An example of "allied health treatment" is physiotherapy. Your GP may refer you to other treatment providers to help you with your injuries. The insurer may call this stage, "allowable expenses". These are expenses the insurer cannot claim back from you if liability is not accepted.

Stage Two

Once your insurer accepts liability, you are eligible for reasonable and necessary treatment related to your injuries for a period of up to five (5) years. Prior approval from your insurer is required before treatment costs can be funded. The funding may be paid through direct payment to your treatment provider or reimbursement to you where direct payment is not possible. All treatment and care should be discussed with your General Practitioner (GP) and treating health care practitioners.

Income Replacement

Income support is available to support you while you are unable to work. This needs to be certified by your Doctor on an MAI Medical Certificate included with your application.

If you require more time off work, ask your doctor for an ongoing Fitness for Work Certificate. You will also need to complete part of this certificate. The certificate is provided to the insurer to support your request for income support.

There are 3 different levels of support that are available for up to 5 years, subject to your need to be off work.

Weekly pay thresholds	First 13 weeks from date of accident	14 weeks up to 5 years
Below \$800	100% plus SG	100% plus SG
\$800 - \$1,000	95%	95%
\$1000, and above up to \$2,250 cap	95%	80%

SG – Superannuation Guarantee percentage at time of the accident.

The figures above are those stated in the *Motor Accident Injuries Act 2019*. To find out more detail on income support please refer to the MAI Commission website or contact the Defined Benefits Information Service (DBIS). The figures change twice a year.

If you are over 15 years of age and a student, or work as a casual, the insurer can help you to work out your eligibility.

All income replacement payments are subject to ongoing eligibility requirements, including certificates regarding your fitness to work.

Quality of Life Benefit

A Quality-of-life benefit payment may be available where a person sustains a significant and permanent impairment because of a motor accident. This is available only when your injuries have stabilised.

An application for a permanent impairment assessment to determine eligibility for the Quality-of-life benefit is after 26 weeks from the date of the accident. Your insurer will provide further information once your Defined Benefit Application has been accepted and closer to the 26 weeks.

Other benefits: Funeral, Dependant

Where a motor accident results in death, the MAI Scheme provides support for funeral and related expenses. The scheme also offers benefits to eligible dependants (referred to as death or dependant benefits).

You may receive a referral to the Defined Benefits Information Service (DBIS) by ACT Police or through Supportlink. Consider calling the DBIS for help during this difficult time. The DBIS can help with social supports and work with you on the application form.

4. Before you apply

Seek immediate medical attention for your injuries. Expenses for treatment related to injuries sustained in the motor accident may either be reimbursed under allowable expenses or once your insurer has accepted your application.

If Police did not attend the scene and provided an incident number, ensure the accident is reported within 24 hours through Access Canberra's Crash Report and record the issued report number for your records and to include on the application form. You can use the free text field to provide other information.

5. How to apply

Step 1 – Complete the required forms

- Personal Injuries Application
- MAI Medical Report (completed by your doctor)

Each injured person from the motor accident must have a separate application.

For Funeral and Dependant Benefits, refer to the DBIS or the MAI Commission website for the details on applying.

Step 2 – Send your application

Submit your documents by email or post to the MAI insurer of the vehicle **most at fault** within 13 weeks of the accident. If your application is after these 13 weeks, you will have to provide a clear reason for the late application. A late application can be made up to two years for personal injuries.

You can look up the registration status of the at-fault vehicle through the Access Canberra website to find their MAI insurer. If you are not sure of the vehicle most at-fault then submit the application to your own MAI insurer.

If you were not in a motor vehicle when you were injured, you can send the application to the MAI insurer of the vehicle that the collision was with.

Step 3 – Confirmation of receipt

The insurer will contact you within 5 business days to acknowledge that they have received your application and Medical Report. If all the required documents are provided, the insurer will issue a Receipt Notice. If it is not a complete application, the insurer will state what it needs to start the application process.

A “Receipt Notice” is a formal document required to be sent by the insurer.

Step 4 – Assessment

The insurer is required to determine if they are the correct insurer within 28 days of issuing the Receipt Notice, and they will either accept or deny liability. The insurer may also advise your application may need to be transferred to the correct insurer. The insurer will take care of this.

If the insurer denies liability and does not transfer your application, the DBIS can explain the options to you on seeking a review of the decision.

“Liability” means that an insurer accepts they are the correct insurer and they accept you have injuries that occurred in a motor accident.

6. Application forms checklist

Forms required to lodge your application:

- Personal Injuries Application
- MAI Medical Report (by your doctor)

Forms that may be required after the insurer accepts liability:

- MAI Fitness for Work Certificate (*ongoing income support*)

Other forms that may be required:

- Quality of Life Benefit Application (*permanent impairment*) - after 26 weeks
- Funeral Benefits Application (*if applicable*)
- Dependant Benefits Application (*if applicable*)

The forms can be located at “www.treasury.act.gov.au/maic/forms”.

7. What happens after your application is accepted

The insurer will start preparing for you a draft recovery plan. This plan will outline the treatment and care that is recommended by your GP and other treatment providers. It

will outline what is approved treatment and how you can apply for other treatment that is identified for you.

The insurer may also ask you to provide additional information or documentation to support your application.

8. Help & useful contacts

For more information on the topics outlined in this guide, please visit the MAI Scheme website: www.treasury.act.gov.au/maic

Defined Benefits Information Service (DBIS)

Free help and support is available to help you understand the Scheme and complete the application forms:

 **1300 209 642**

 DBIS@carefcs.org

(Weekdays, 9am–5pm)

MAI Insurers & contact details

Insurer contact information and email addresses are available on the MAI Scheme website, located at the end of the Forms page (see link above).

The ACT Nominal Defendant manages applications where an uninsured or unidentified motor vehicle is at fault. After your best efforts to identify the relevant MAI insurer, you can send your application to the Nominal Defendant.