

TASMANIA

**ECONOMIC REGULATOR (MAIB PREMIUMS)
ORDER 2021**

STATUTORY RULES 2021, No. 79

CONTENTS

1. Short title
 2. Commencement
 3. Interpretation
 4. Escalator index
 5. Maximum annual premium in first year
 6. Maximum annual premium in second year
 7. Maximum annual premium in third year
 8. Maximum annual premium in fourth year
 9. Maximum quarterly and half-yearly premiums
 10. Maximum premium for pensioners, &c.
 11. Expiry of order
- Schedule 1 – Motor Vehicles Class and Maximum Premiums

**ECONOMIC REGULATOR (MAIB PREMIUMS)
ORDER 2021**

I make the following order under section 36 of the *Economic Regulator Act 2009*.

Dated 15 September 2021.

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

This order may be cited as the *Economic Regulator (MAIB Premiums) Order 2021*.

2. Commencement

This order takes effect 61 days after the day on which its making is notified in the *Gazette*.

3. Interpretation

(1) In this order, unless the contrary intention appears –

Average Weekly Earnings means the *Average Weekly Earnings* (ABS Catalogue No. 6302.0) published by the Australian Bureau of Statistics;

AWOTE means the dollar figure for full-time adult ordinary time earnings for persons

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 3

set out in that part of the *Average Weekly Earnings* that is under the heading “AVERAGE WEEKLY EARNINGS Australia: Original”;

Board means the Motor Accidents Insurance Board;

class means a class specified in Schedule 1;

commencement day means the day on which this order takes effect;

escalator index means the escalator index calculated in accordance with clause 4;

first year means the period of 12 months commencing on the commencement day;

fourth year means the period of 12 months commencing at the end of the third year;

heavy vehicle has the same meaning as in the *Heavy Vehicle National Law (Tasmania) Act 2013*;

hire and drive passenger service has the same meaning as in the *Passenger Transport Services Act 2011*;

luxury hire car has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

luxury hire car service has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

pensioner means a person who is –

- (a) the holder of a current health care card issued in accordance with the *Social Security Act 1991* of the Commonwealth; or
- (b) the holder of a current pensioner concession card issued in accordance with the *Social Security Act 1991* of the Commonwealth or as a fringe benefit under the *Veterans' Entitlements Act 1986* of the Commonwealth; or
- (c) the holder of a current Gold Card or White Card issued in accordance with the *Veterans' Entitlements Act 1986* of the Commonwealth;

public passenger vehicle means a motor vehicle that is used to operate a passenger transport service within the meaning of the *Passenger Transport Services Act 2011*;

reduced period means a period of less than 12 months;

registered means registered under the *Vehicle and Traffic Act 1999*;

Registrar means the Registrar of Motor Vehicles appointed or employed under

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 3

section 5 of the *Vehicle and Traffic Act 1999*;

ride-sourcing software means a computer software system that enables –

- (a) requests, for passengers to be carried on journeys in motor vehicles, to be received; and
- (b) such requests to be communicated to, and accepted by, drivers of motor vehicles; and
- (c) such passengers to provide to such drivers financial consideration, for carriage on such journeys, only by way of the electronic transfer of funds by a system that is provided; and
- (d) identification of, and recording of the details of, such drivers and vehicles and the origin, destination and duration of such journeys; and
- (e) satisfaction rating services to be provided –

only by means of the software;

ride-sourcing vehicle means a motor vehicle that is used, by a person in whose name the vehicle is registered, to carry on journeys passengers who –

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 3

(a) arrange, by means of ride-sourcing software, to be so carried; and

(b) provide to the person financial consideration for such journeys only by means of a system for electronic transfer of funds that is provided as part of the software;

second year means the period of 12 months commencing at the end of the first year;

severe disability means a permanent disability which, in the Registrar's opinion, prevents a person from using public transport without assistance;

special-interest vehicle has the same meaning as in the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*;

taxi has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

taxi service has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

third year means the period of 12 months commencing at the end of the second year.

(2) A reference in this order to a publication includes a reference to –

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 3

- (a) that publication as amended from time to time; and
 - (b) a publication published in substitution for that publication.
- (3) Unless the contrary intention appears, an expression used in this order has the same meaning as it has in the *Motor Accidents (Liabilities and Compensation) Act 1973*.
- (4) For the purposes of this order, ride-sourcing software enables satisfaction rating services to be provided only by means of the software if the software –
 - (a) enables a person, who has been, pursuant to a request communicated by the software to a driver, carried on a journey in a motor vehicle driven by the driver, to record by means of the software the person's degree of satisfaction in relation to the driver and the journey; and
 - (b) automatically aggregates such records in relation to such drivers and such journeys; and
 - (c) enables a rating, of a driver, derived from such records to be able to be made available to a person whose request to be carried on a journey in a motor vehicle is accepted by the driver.
- (5) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were by-laws.

- (6) Premiums calculated under this order –
- (a) include GST within the meaning of the *New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
 - (b) do not include duty payable under the *Duties Act 2001*.

4. Escalator index

- (1) In this clause –

May reference period means the 6-month period that commences on the first day of December in any year.

- (2) The escalator index for the second year, third year or fourth year in respect of a motor vehicle of any class is to be calculated in accordance with the following formula:

$$E = \frac{A}{B}$$

where –

E is the escalator index for the second year, third year or fourth year, as the case requires;

A is the AWOTE for the May reference period immediately preceding the second year, third year or fourth year, as the case requires;

B is the AWOTE for the May reference period for the year immediately preceding the year referred to in the definition of ***A***.

5. Maximum annual premium in first year

The maximum premium for a 12-month period that the Board may determine to be payable at any time in the first year in respect of a motor vehicle of any class is the maximum premium specified in Schedule 1 for that class of motor vehicle.

6. Maximum annual premium in second year

- (1) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the second year in respect of a motor vehicle of any class (other than class 4, 5, 7, 17, 18, 20 or 23) is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium specified in Schedule 1 for that class of motor vehicle; and
 - (b) the escalator index for the second year.
- (2) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the second year in respect of a motor vehicle of class 4, 5 or 20 is the product, rounded to the nearest whole dollar, of –

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 6

- (a) the maximum premium specified in Schedule 1 for that class of motor vehicle; and
 - (b) the sum of the escalator index for the second year and 0.05.
- (3) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the second year in respect of a motor vehicle of class 7 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium specified in Schedule 1 for that class of motor vehicle; and
 - (b) the sum of the escalator index for the second year and 0.0198.
- (4) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the second year in respect of a motor vehicle of class 17 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium specified in Schedule 1 for that class of motor vehicle; and
 - (b) the sum of the escalator index for the second year and 0.0378.
- (5) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the second year in respect of a motor

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c.7

vehicle of class 18 is the product, rounded to the nearest whole dollar, of –

- (a) the maximum premium specified in Schedule 1 for that class of motor vehicle; and
 - (b) the sum of the escalator index for the second year and 0.0295.
- (6) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the second year in respect of a motor vehicle of class 23 is the product, rounded to the nearest whole dollar, of –
- (a) the maximum premium specified in Schedule 1 for that class of motor vehicle; and
 - (b) the sum of the escalator index for the second year and 0.0678.
- (7) An amount that is dollars and a number of cents is rounded to the nearest dollar –
- (a) if the number of cents is 50 or more, by increasing that amount to the next whole dollar; or
 - (b) if the number of cents is less than 50, by deducting those cents from that amount.

7. Maximum annual premium in third year

- (1) The maximum premium for a 12-month period that the Board may determine to be payable at

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c.7

any time in the third year in respect of a motor vehicle of any class (other than class 4, 5, 7, 17, 18, 20 or 23) is the product, rounded to the nearest whole dollar, of –

- (a) the maximum premium that may be determined to be payable in the second year in respect of that motor vehicle; and
 - (b) the escalator index for the third year.
- (2) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the third year in respect of a motor vehicle of class 4, 5 or 20 is the product, rounded to the nearest whole dollar, of –
- (a) the maximum premium that may be determined to be payable in the second year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the third year and 0.05.
- (3) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the third year in respect of a motor vehicle of class 7 is the product, rounded to the nearest whole dollar, of –
- (a) the maximum premium that may be determined to be payable in the second year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the third year and 0.0198.

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c.7

- (4) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the third year in respect of a motor vehicle of class 17 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the second year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the third year and 0.0378.
- (5) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the third year in respect of a motor vehicle of class 18 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the second year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the third year and 0.0295.
- (6) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the third year in respect of a motor vehicle of class 23 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the second year in respect of that motor vehicle; and

- (b) the sum of the escalator index for the third year and 0.0678.
- (7) An amount that is dollars and a number of cents is rounded to the nearest dollar –
 - (a) if the number of cents is 50 or more, by increasing that amount to the next whole dollar; or
 - (b) if the number of cents is less than 50, by deducting those cents from that amount.

8. Maximum annual premium in fourth year

- (1) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the fourth year in respect of a motor vehicle of any class (other than class 4, 5, 7, 17, 18, 20 or 23) is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the third year in respect of that motor vehicle; and
 - (b) the escalator index for the fourth year.
- (2) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the fourth year in respect of a motor vehicle of class 4, 5 or 20 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the third year in respect of that motor vehicle; and

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 8

- (b) the sum of the escalator index for the fourth year and 0.05.
- (3) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the fourth year in respect of a motor vehicle of class 7 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the third year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the fourth year and 0.0198.
- (4) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the fourth year in respect of a motor vehicle of class 17 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the third year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the fourth year and 0.0378.
- (5) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the fourth year in respect of a motor vehicle of class 18 is the product, rounded to the nearest whole dollar, of –

- (a) the maximum premium that may be determined to be payable in the third year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the fourth year and 0.0295.
- (6) The maximum premium for a 12-month period that the Board may determine to be payable at any time in the fourth year in respect of a motor vehicle of class 23 is the product, rounded to the nearest whole dollar, of –
 - (a) the maximum premium that may be determined to be payable in the third year in respect of that motor vehicle; and
 - (b) the sum of the escalator index for the fourth year and 0.0678.
- (7) An amount that is dollars and a number of cents is rounded to the nearest dollar –
 - (a) if the number of cents is 50 or more, by increasing that amount to the next whole dollar; or
 - (b) if the number of cents is less than 50, by deducting those cents from that amount.

9. Maximum quarterly and half-yearly premiums

- (1) The maximum premium for a 3-month period that the Board may determine to be payable at any time in a year in respect of a heavy vehicle registered for such reduced period is the sum of

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 9

the following amounts, rounded to the nearest 5 cents:

- (a) the amount calculated in accordance with the following formula:

$$\frac{\text{Maximum premium for 12 months} \times \text{number of days in the 3 – month period}}{365}$$

- (b) 6% of the amount calculated under paragraph (a).

- (2) The maximum premium for a 6-month period that the Board may determine to be payable at any time in a year for a motor vehicle is the sum of the following amounts, rounded to the nearest 5 cents:

- (a) the amount calculated in accordance with the following formula:

$$\frac{\text{Maximum premium for 12 months} \times \text{number of days in the 6 – month period}}{365}$$

- (b) 3% of the amount calculated under paragraph (a).

- (3) If a premium payable under this clause is not exactly divisible by 5, the remainder of that premium after dividing by 5 is to be –

- (a) if the number of cents remaining is 2.5 or more but less than 5, rounded up to the nearest amount exactly divisible by 5; or
- (b) if the number of cents remaining is less than 2.5 but more than 0, rounded down

to the nearest amount exactly divisible by 5.

10. Maximum premium for pensioners, &c.

(1) In this clause –

eligible asylum seeker means a person who is –

- (a) the registered operator of a motor vehicle; and
- (b) one of the following persons:
 - (i) the holder of a Bridging (Class WE) (Subclass 050 or 051) visa issued under section 73 of the *Migration Act 1958* of the Commonwealth;
 - (ii) a person who is subject to a residence determination that has been made under section 197AB of the *Migration Act 1958* of the Commonwealth;

eligible pensioner means a person who is –

- (a) the registered operator of a motor vehicle; and
- (b) one of the following persons:
 - (i) a pensioner;

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

c. 11

- (ii) a person who has a severe disability;
 - (iii) a parent or guardian of a person who has a severe disability and has not attained the age of 16 years.
- (2) The maximum premium that the Board may determine to be payable at any one time during the first year, second year, third year or fourth year in respect of one class 1 or class 2 motor vehicle of an eligible asylum seeker or eligible pensioner is 80% of the premium that, but for this clause, would be payable in respect of that motor vehicle.
- (3) In relation to any other class 1 or class 2 motor vehicle of the eligible asylum seeker or eligible pensioner, the maximum premium payable in respect of that vehicle is the premium that would be payable in respect of that motor vehicle if the registered operator were not an eligible asylum seeker or eligible pensioner.

11. Expiry of order

This order ceases to have effect at the end of the period of 4 years commencing on the commencement day.

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

sch. 1

**SCHEDULE 1 – MOTOR VEHICLES CLASS AND
MAXIMUM PREMIUMS**

Clauses 3, 5 and 6

Class No.	Class and class description	Maximum premium \$
1.	<p>Motor Car</p> <p>A motor vehicle (including a campervan) that –</p> <p style="padding-left: 40px;">(a) is constructed principally for the carriage of persons; and</p> <p style="padding-left: 40px;">(b) is not included in any other class</p>	282
2.	<p>Light Goods Vehicle</p> <p>A motor vehicle that –</p> <p style="padding-left: 40px;">(a) is constructed principally for the carriage of goods; and</p> <p style="padding-left: 40px;">(b) has a gross vehicle mass not exceeding 4.5 tonnes</p>	282
3.	<p>Heavy Goods Vehicle</p> <p>A motor vehicle (including a special-purpose vehicle) that –</p> <p style="padding-left: 40px;">(a) is constructed principally for the carriage of goods; and</p> <p style="padding-left: 40px;">(b) has a gross vehicle mass exceeding 4.5 tonnes</p>	446
4.	<p>Medium Motor Cycle</p> <p>A motor cycle that –</p>	487

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

sch. 1

Class No.	Class and class description	Maximum premium \$
5.	<p>(a) has an engine capacity exceeding 125cc but not exceeding 250cc; or</p> <p>(b) is an electric motorcycle with a nominal output exceeding 11kw but not exceeding 30kw</p> <p>Large Motor Cycle</p> <p>A motor cycle that –</p> <p>(a) has an engine capacity exceeding 700cc; or</p> <p>(b) is an electric motorcycle with a nominal output exceeding 80kw</p>	487
6.	<p>Taxi or Luxury Hire Car</p> <p>(1) A taxi that is used to operate a taxi service under the <i>Taxi and Hire Vehicle Industries Act 2008</i></p> <p>(2) A luxury hire care that is used to operate a luxury hire car service under the <i>Taxi and Hire Vehicle Industries Act 2008</i></p>	981
7.	<p>Large Public Passenger Vehicle</p> <p>A public passenger vehicle that has 17 or more seats</p>	744
8.	<p>Hire and Drive Vehicle</p> <p>A motor vehicle that is used to operate a hire and drive passenger service –</p> <p>(a) in this State only; or</p>	730

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

sch. 1

Class No.	Class and class description	Maximum premium \$
	<p>(b) in both this State and one or more of the following jurisdictions:</p> <p style="padding-left: 40px;">(i) Australian Capital Territory</p> <p style="padding-left: 40px;">(ii) New South Wales</p> <p style="padding-left: 40px;">(iii) Northern Territory</p> <p style="padding-left: 40px;">(iv) Queensland</p> <p style="padding-left: 40px;">(v) South Australia</p> <p style="padding-left: 40px;">(vi) Victoria</p> <p style="padding-left: 40px;">(vii) Western Australia</p>	
9.	<p>Caravan, Horse Float, Plant and Machinery (non-self-propelled)</p> <p>A caravan, horse float or plant and machinery (other than a trailer) that –</p> <p style="padding-left: 40px;">(a) has a mass exceeding half a tonne when not carrying a load; and</p> <p style="padding-left: 40px;">(b) is designed to be drawn by a motor vehicle</p>	28
10.	<p>Heavy Trailer</p> <p>A trailer that has an unladen mass exceeding half a tonne</p>	71
11.	<p>Mobile Crane</p> <p>A mobile crane (other than a tow truck)</p>	299

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

sch. 1

Class No.	Class and class description	Maximum premium \$
12.	<p>Restricted Registration Vehicles, including Farm Motor Cycles</p> <p>A vehicle (including a ride-on lawn mower capable of exceeding 10km/h) that –</p> <p style="padding-left: 40px;">(a) is an off-road vehicle or restricted registration vehicle; and</p> <p style="padding-left: 40px;">(b) is not included in class 15 or 18</p>	39
13.	<p>Plant and Machinery (self-propelled)</p> <p>A tractor (other than a farm tractor), road roller, motor street flusher, tar sprayer, tar roller, motor eductor, street sweeper, excavator, traction engine, road grader, forklift truck, motor end loader, traxcavator, trench digger, bulldozer, earth-moving machine or any similar kind of vehicle not included in any other class</p>	85
14.	<p>Motor Trade Plate</p> <p>A motor vehicle that is used under the authority of a trade plate issued under the <i>Vehicle and Traffic Act 1999</i></p>	282
15.	<p>Farm Tractor</p> <p>A tractor that –</p> <p style="padding-left: 40px;">(a) is registered or unregistered; and</p> <p style="padding-left: 40px;">(b) is used only for agricultural purposes</p>	71
16.	<p>Medium Public Passenger Vehicle</p>	353

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

sch. 1

Class No.	Class and class description	Maximum premium \$
17.	<p>A public passenger vehicle (other than a taxi, ride-sourcing vehicle or luxury hire car) that has no more than 16 seats</p> <p>Small Motor Cycle</p> <p>A motor cycle that –</p> <ul style="list-style-type: none"> (a) has an engine capacity not exceeding 125cc; or (b) is an electric motorcycle with a nominal output not exceeding 11kw 	164
18.	<p>Off-road and Recreational Vehicle</p> <p>A trail bike, mini-bike, 4-wheel recreational vehicle, dune buggy or any other off-road or recreational vehicle that –</p> <ul style="list-style-type: none"> (a) is registered on conditions restricting its operation or use; or (b) is not required to be registered 	258
19.	<p>Short Term Unregistered Vehicle</p> <p>A vehicle that is subject to a short term unregistered vehicle permit</p>	28
20.	<p>Medium-Large Motor Cycle</p> <p>A motor cycle that –</p> <ul style="list-style-type: none"> (a) has an engine capacity exceeding 250cc but not exceeding 700cc; or 	487

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

sch. 1

Class No.	Class and class description	Maximum premium \$
	(b) is an electric motorcycle with a nominal output exceeding 30kw but not exceeding 80kw	
21.	Vintage Motor Vehicle or Street Rod A vehicle that is registered as a vintage motor vehicle or street rod	28
22.	Special-Interest Vehicle A vehicle that is a special-interest vehicle	56
23.	Ride-Sourcing Vehicle A vehicle that is a ride-sourcing vehicle	301

Economic Regulator (MAIB Premiums) Order 2021
Statutory Rules 2021, No. 79

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 1 October 2021.

This order is administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the order)

This order specifies the maximum premiums chargeable by the Motor Accidents Insurance Board under the *Motor Accidents (Liabilities and Compensation) Act 1973*, during the period of 4 years from the day on which this order takes effect.