



August 2022

Motor Vehicle Accidents

Injured in a motor vehicle accident?

Many Australians are injured every day as a result of motor vehicle accidents. If you've been injured in an accident involving a motor vehicle, you may be entitled to compensation for your injuries. Your injuries could be caused by a car, bus, motorbike or truck. Compensation is available for passengers, pedestrians, bike riders, motorbike riders or drivers.

Can I make a claim?

You are entitled to claim compensation where another driver is at fault, or partially at fault for the accident. If you suffered catastrophic injuries, you may have entitlements under the Lifetime Support Scheme even if you were at fault for the accident or where no one is to blame.

You may be entitled to claim the following:

- Pain and suffering (non-economic loss);
- Loss of income;
- Loss of superannuation;
- Medical expenses;
- Care and assistance around the home and garden;
- Voluntary services;

Thresholds and discounts apply to a number of these entitlements, so it's important to get legal advice on what you are entitled to claim in your particular circumstances.

Who is responsible for paying the compensation?

All registered motor vehicles have, as part of the registration fee, CTP (compulsory third party) insurance which is intended to provide compensation for injuries arising from the use of a motor vehicle. Any entitlement to compensation under the CTP insurance scheme is paid by the insurer of the vehicle that is at fault for the accident, not by the driver of the at fault vehicle.

As of 1 July 2022, South Australia has five CTP insurers - AAMI, NRMA, Allianz, QBE and Youi. To find out which insurer is responsible, you need to know the registration number of the vehicle at fault.

How long do I have to make a claim?

It is important to be aware of the relevant time limits that apply for making a motor vehicle accident claim in South Australia. Generally, it is a good idea to seek advice as soon as possible to protect your legal rights and preserve evidence.

A claim form should be lodged with the appropriate insurance company within six months of the accident. If the claim has not been resolved within three years, legal proceedings must be lodged in Court to protect your entitlements to compensation.

If the claim involves a child who is under 18 at the time of the accident, the 3-year time limit begins once the child turns 18 and they therefore have until they are 21 years of age to lodge the claim in Court. However, even in such circumstances the claim form should be lodged within 6 months of the accident.

There are a number of pre-action steps that must be taken prior to issuing proceedings. It is therefore important to see a lawyer as soon as possible after the accident to avoid any penalties which may apply for non-compliance with the pre-action steps.

When should I see a lawyer?

It is important to contact a lawyer as soon as possible after you have seen a doctor. A lawyer can assist in completing the claim form and advise you on how to proceed with a claim.

You should not accept any offer of settlement from the insurer without first obtaining advice on the offer from a lawyer.

At Andersons, we have a team of dedicated personal injury lawyers who are experts in motor vehicle compensation claims and all of the processes and procedures required to successfully pursue any claim that may result in compensation for personal injury or death.

For more information on motor vehicle accidents and all things related to personal injury claims, please visit our website:

andersons.com.au/services/motor-vehicle-accidents