

If you're injured in a Motor Vehicle Accident



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Injured in a Motor Vehicle Accident?

The majority of the Australian public understands that compensation may be available for injuries and disabilities that are caused by a motor vehicle accident.

However, many people do not understand the procedure and steps that are undertaken by lawyers and the courts to ensure that appropriate compensation is awarded to those who suffer injuries and disabilities from such an accident. At Andersons, we try to make the process easier for you by providing the right information and working with you through the claim process.

This brochure is a guide about your rights and entitlements when you've been injured in a motor vehicle accident. If you think you have a claim, contact Andersons for a free initial consultation.

Can I Make a Claim?

If you've been involved in a motor vehicle accident and suffered a personal injury either as a driver, passenger, pedestrian, cyclist or other road user, you may be eligible to make a claim for compensation.

You can claim compensation for a physical injury or a psychological injury or both when they have been caused by a motor vehicle accident.

If the motor vehicle accident results in death, the deceased person's spouse, parents, or children may be able to make a claim for compensation.

See 'What Might I Be Entitled To', in this brochure for more details.

How Long do I Have to Make a Claim?

There is a time limit of three years to make and settle a claim with the Motor Accident Commission ("MAC") or alternatively, to issue proceedings in Court. The three year period starts on the date of the accident. If you fail to commence an action within the three year period, your claim will become 'time barred'. This means you have run out of time to commence an action and you will not be able to claim compensation for your injuries unless the Court orders an extension of time to commence an action.

If you are under the age of 18 years at the time of the accident, a parent or guardian may instruct a solicitor to start proceedings on your behalf. If, at the time of the motor vehicle accident you are under 18 years, then the three year time limit does not start until you turn 18 years old.

What Might I Be Entitled To?

You may be entitled to 'Damages' as a result of being injured in a motor vehicle accident. 'Damages' are the monetary compensation for injuries and disabilities caused by the accident.

There are several categories of damages:

1. Special Damages are out-of-pocket expenses such as medical fees including ambulance and hospital expenses, pharmaceutical expenses, physiotherapy and psychiatry expenses. Special damages also include the expense of travelling to and from related medical appointments.

2. General Damages can be claimed normally under the following broad heads of claim:

◆ *Non-Economic Loss*

You may be entitled to damages for injuries suffered, pain and suffering arising from the injuries, the loss of enjoyment of life and any permanent disability.

◆ *Economic Loss*

You may be entitled to damages for any loss of income you have suffered in the past and which you may suffer in the future or any loss of earning opportunities, as a result of the injuries. In addition, you may be entitled to claim any loss of past and future superannuation.

◆ *Future Medical Expenses*

You may be entitled to claim any medical expenses you are likely to incur in the future.

◆ *Voluntary Services*

You may be entitled to claim an amount for the voluntary assistance and/or help provided to you by your spouse, parent or child on account of injuries arising from the accident.

◆ *Special Care Services*

You may be entitled to claim the past and future costs of any special care that you may need now or in the future as a result of the accident.

In addition to the above, you may be entitled to claim a contribution to your legal costs and the cost of obtaining medical reports, factual investigation reports, accident reconstruction reports and other expenses incurred when pursuing a claim.

What Do I Need to Know?

It is important to know that if you receive any award of damages for your injuries, you will have to repay the following from those damages:

1. *Centrelink Benefits*

If you have received Centrelink benefits during the time you were incapacitated for work as a result of your motor vehicle accident, you will have to repay those benefits.

2. *Medicare*

If your doctor has charged fees on Medicare to provide you with medical services, you will have to repay this money to Medicare.

3. *Private Health*

If you have a private health insurer and they have contributed or paid for medical services, then they may seek reimbursement of that contribution.

Remember, the Motor Accident Commission has different interests to your interests regarding your claim.

You should contact Andersons Solicitors at your earliest convenience; the earlier you contact us, the easier it is for us to achieve the best possible outcome for you. Remember, time limits apply. You should arrange a free initial consultation to ensure you're getting the best advice and assistance you can in relation to your motor vehicle accident claim for compensation.



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ADELAIDE 185 Victoria Square, Telephone (08) 8238 6666
PORT ADELAIDE 110 Lipson Street, Telephone (08) 8447 4911
MURRAY BRIDGE 11a Seventh Street, Telephone (08) 8532 3141
PORT LINCOLN 26 Lewis Street, Telephone 1800 653 655
CHRISTIES BEACH 116 Beach Road, Telephone 1800 653 655
VICTOR HARBOR 163 Hindmarsh Road, Telephone (08) 8552 9633
Mt GAMBIER Shop 8 Ripley Arcade, Commercial Street West, Telephone 1800 653 655

For further information please contact us at enquiry@andersons.com.au

www.andersons.com.au