



Can You Claim Compensation for PTSD, Anxiety or Depression After an Accident?

In South Australia, compensation claims are not limited to physical injuries. You may also be entitled to claim for psychological or psychiatric injuries that arise from a compensable accident.

Can You Claim for Psychological Injury?

Yes – psychological injuries can form part of a personal injury claim. The law recognises two main types of mental harm: psychological injury linked to a physical injury, and psychological injury that occurs on its own.

Psychological Injury Linked to a Physical

Injury

This type of claim arises where a psychological condition develops as a result of a physical injury.

For example, someone who suffers a serious back injury may later experience depression, anxiety, or an adjustment disorder due to ongoing pain, reduced mobility, or being unable to work and enjoy daily activities. In these cases, the psychological injury is directly connected to the physical injury.

Psychological Injury Without a Physical Injury

Psychological injury can also occur without any physical harm. This is sometimes referred to as “nervous shock.” It may arise from situations such as:

- Witnessing a traumatic event
- Being involved in an accident where you feared for your life
- Experiencing negligent medical treatment, such as a delayed diagnosis

What Do You Need to Prove?

To make a successful claim, you must have a diagnosed psychological condition. This could include:

- Post-traumatic stress disorder (PTSD)
- Depression
- Anxiety
- Adjustment disorder

Grief alone, even after losing a loved one, is not enough. There must be a recognised psychiatric condition in addition to the grief.

Why Medical Evidence Is Important

Medical evidence plays a key role in these claims. This usually involves:

- An assessment by a psychiatrist or psychologist
- Reports from your treating practitioners
- In some cases, an independent medical examination

You will also need to show how the psychological injury relates to the accident, and how it affects your daily life, relationships, and ability to work.

How Is Compensation Assessed?

The value of a psychological injury claim depends on:

- The severity of your condition
- Whether it results in ongoing or permanent impairment
- How it impacts your ability to work and function day-to-day

Time Limits Apply

Strict time limits apply to personal injury claims. In most cases, court proceedings must be commenced within three years of the accident. For this reason, it is important to seek legal advice as early as possible.

How Andersons Can Help

If you are unsure whether you can claim for a psychological injury, our experienced personal injury team can assess your circumstances, explain your entitlements, and guide you through the process.

To contact our team, call **8238 6666** or send us an enquiry <https://www.andersons.com.au/contact/>