

Common myths about CTP Claims

CTP (Compulsory Third Party) claims, which are personal injury claims arising from a car accident, are often misunderstood due to a number of myths about this type of claim. In this article we will explore some of these more common myths around CTP claims.

1. Myth: You cannot make a compulsory third party insurance claim if you were at fault

In South Australia, even if you are partially at fault for the car accident, you may still be entitled to accident compensation. Fault needs to be attributable to another party but there may be shared fault in an accident resulting in both parties being entitled to some compensation depending on the circumstances of the accident.

On top of this, if you suffer catastrophic injuries, you may be entitled to claim on the **Lifetime Support Scheme**, even if you were at fault for the accident.

2. Myth: CTP claims are only for serious injuries

CTP claims in South Australia cover a range of injuries from minor, moderate to severe. Injuries can include both physical injuries as well as psychological trauma. It is important that you consult an

experienced CTP lawyer who can advise on the types of compensation that may be available to you in your circumstances.

3. Myth: CTP claims are a lengthy process

The length of a claim largely depends on the seriousness of the injury and how long it takes for you to have the required treatment and your injuries to stabilise. The majority of cases will resolve by negotiation with the insurer and without the need to go to court, especially when **liability** is clear.

4. Myth: You can only claim for medical expenses

It is important that a claim is lodged as soon as possible and within 6 months of a car accident so that medical expenses and other out of pocket expenses can be claimed. However, medical expenses are not the only type of expense covered by a CTP claim.

There are various **heads of damage** an injured person may be entitled to including lost income, rehabilitation costs, personal care, assistance in and around the home and garden and pain and suffering.

5. Myth: You must accept the first offer

You are entitled to negotiate your car accident compensation claim and no offers should be accepted without seeking appropriate legal advice from an experienced CTP lawyer. The first offer will in most circumstances not represent your entitlement to compensation.

6. Myth: Only drivers can claim

Anyone injured in a car accident such as passengers, pedestrians, cyclists and other road users can make a CTP claim if they are injured in a car accident. Dependents of a person killed in a car accident may also be entitled to compensation, known as a **dependency claim**.

7. Myth: CTP claims cover property damage

CTP insurance is the insurance that attaches to the registration of a motor vehicle specifically to cover personal injury arising out of a car accident and covers personal injury not property damage.

Property damage to a car is covered by insurance taken out by owners of the vehicle which can be either comprehensive or third party property damage and this is a separate claim to a CTP claim.

8. Myth: It’s too costly to engage a lawyer

Many lawyers who handle CTP claims work on a no win no fee or contingency basis, or on a deferred billing arrangement where legal costs are not payable until the conclusion of the claim. This means that no legal fees are payable up front for an experienced lawyer to represent you in your CTP claim.

9. Myth: If I make a claim and engage a lawyer I will need to go to court

Many, in fact most CTP claims are settled outside of court by way of negotiated settlements between the parties involved.

It can be a confusing and stressful time after a car accident but don’t be afraid to contact an experienced CTP lawyer to understand your rights to compensation from someone who is knowledgeable about the intricacies of CTP claims in South Australia.

How Can Andersons Help?

Andersons Solicitors has been representing South Australians in **car accident insurance claims** for over 50 years.

We offer a first free 30 minute, no obligation interview which can be in person or by telephone to explain your entitlements and the claims process.

Contact us today to arrange your first free 30 minute interview.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.