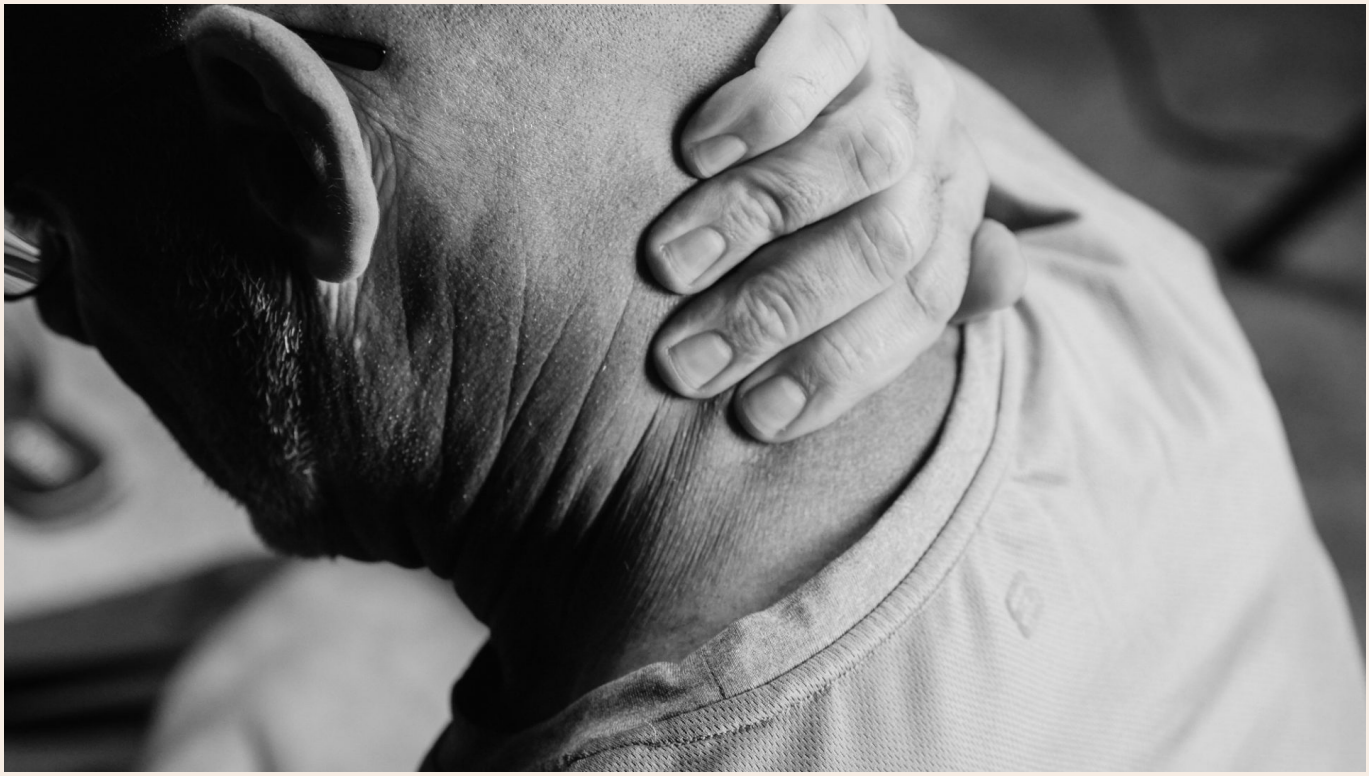


I had a car accident whilst working – should I make a Workers' Compensation or CTP claim?

You may be able to lodge both a **Workers Compensation Claim** and **Compulsory Third Party (CTP) claim**; however, it must be noted that if you lodge a Workers Compensation Claim and a CTP claim, then there is likely to be a recovery issued by **Return to Work SA**. This means that you would need to get a higher than the recovery amount in order to make any motor vehicle accident claim viable.

Below we review both types of claims.

Workers Compensation Claims

In order to have a **Workers Compensation Claim**, the accident must occur in the course of your employment. Notice of the injury should be made as soon as possible, with a claim for compensation to be made within 6 months of the entitlement to the compensation arising.

Under the Workers Compensation Scheme you may be eligible for:

1. Income Support payments (wages) based on your ability to perform work duties as a result of the injury; and

2. Payment of reasonable medical expenses;

3. Lump sum payment for economic loss and/or non-economic loss (subject to meeting threshold requirements).

By lodging a work cover claim you do not have to establish that someone else – as in another driver was responsible or at fault for the accident.

Motor Vehicle Accident Claim/Compulsory Third Party Claim

A **motor vehicle accident claim** must be lodged within 6 months of the accident date and You must establish that the accident was caused by the fault of another driver.

There are a number of thresholds which must be met for you to receive any form of compensation.

Generally speaking, you may be eligible for the following forms of accident compensation:

1. Non -economic loss (pain and suffering);

2. Loss of earnings (past and future);

3. Reasonable medical expenses (past and future);

4. Care and assistance (past and future)

5. Superannuation.

There is a 3 year limitation date, if you decide to lodge a compulsory third party insurance claim. A claim needs to be filed in Court to protect your interest from running out of time i.e. statute-barred.

Regardless of the path you decide to take on making a claim, both schemes are very different, and we recommend that you obtain legal advice to understand your rights.

How can Andersons Help?

Andersons Solicitors offer a free, first 30-minute consultation which will help us to understand your personal circumstances and provide you with initial advice and expected fees if you wish to proceed. You are under no obligation to engage the lawyer after this meeting so you really have nothing to

lose.
To discuss your personal situation with one of Andersons' **personal injury lawyers**, please **contact us here**.
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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.