

Making a Claim for Injuries Sustained in a Car Accident

In South Australia, the number of people making **CTP (compulsory third party) claims for injuries** suffered in car accidents has been decreasing over the last eight years. Unfortunately, the number of car accidents and injuries sustained in these accidents, have not seen a similar decrease.

Who Can Claim for Motor Vehicle Injury Compensation?

It is concerning that so many people who suffer injuries in car accidents receive no compensation for their injuries, or assistance with paying their medical expenses. Often people don't realise they could be entitled to compensation or, the process of making a claim can seem daunting and people can be put off by this.

If you are injured in a car, bike or pedestrian accident and the accident was caused at least in part by

another driver, you are entitled to make a CTP claim for compensation for your injuries.

Who Pays Compulsory Third Party Compensation?

It is important to note that compensation is paid by the compulsory third party insurer of the vehicle that was at fault for the accident. All vehicles that are registered are required to have compulsory third party insurance. It is therefore common to make a claim for compensation even when the person who caused the accident was a family member or friend.

What Is the Process For a Car Accident Claim?

The claim process is started by completing the Claim form and submitting it to the relevant insurer. At Andersons, we can help with completing the claim form and in identifying the appropriate insurer.

Once the insurer receives the claim form, they will investigate the cause of the accident and advise whether they accept responsibility for the accident. This is referred to as accepting liability. If liability is accepted, the insurer will generally agree to pay approved medical expenses throughout the claim.

What Happens If My Accident Claim is Denied?

Where the insurer believes that their insured driver is not at fault, the insurer must advise the injured person that they do not accept liability and what they have based their decision on. In this situation it is imperative to instruct a lawyer as soon as possible to assist in investigating the claim and proving negligence.

What Will a Lawyer Do if Liability is Denied?

At Andersons, where liability is denied, we will undertake steps to prove liability, by doing things such as:
– obtaining court orders for the full police file;
– interviewing witnesses;
– obtaining collision reconstruction reports as required.

It is important that these investigations are undertaken by an experienced lawyer as quickly as possible, to assist in preserving evidence, locating witnesses and taking statements from them whilst their memory is still clear.

Do I Need a Lawyer Where Liability is Admitted and the Insurer is Paying My Medical Expenses?

Even where liability is admitted, it is important to consult a lawyer to assist with your claim. Whilst the insurer may make payments of medical expenses throughout your claim, it is in their interest to pay out as little to you as possible. A lawyer on the other hand will act in your best interests and will advise you on your full entitlements.

Once your injuries stabilise, a lawyer can organise thorough medical assessments of your condition and ensure that your doctors advise of any future medical treatment you may require, whether your condition may deteriorate in time, whether your condition could impact on your future employment opportunities and whether there are tasks around the home and garden that you can no longer perform as a result of your accident.

We often see injured people who have received offers from the insurer that do not include appropriate compensation for these future expenses. Often the doctor who has assessed them has not even been asked to comment on these things. In these situations, we are able to ensure that the injured person's medical condition has been fully explored and obtain compensation that is significantly higher than the amount offered by the insurer.

How Much Will It Cost to Engage a Lawyer for My Car Accident?

In most matters, we do not require payment of our legal fees until you receive your compensation from the insurer.

If the value of your claim is over $25,000 including medical costs, the insurer is required to make a contribution towards your legal fees. At our first meeting we will run through the likely fees and can advise you whether the insurer is likely to be responsible for part of your legal fees.

In many situations, even where the insurer is not required to contribute to your legal fees, you will end up with more compensation even after paying legal fees, as the lawyer can help negotiate a significantly higher settlement.

How can Andersons help?

At Andersons, we offer all clients a free 30 minute first interview. During this time, we can discuss your matter with you and let you know whether we think you have a case. You can contact one of our expert **motor vehicle accident lawyers** here.