

Video: Car Accident Insurance Claims: What to do when you receive a settlement offer

In this video, Matthew Fuss explains what to do when you receive a motor vehicle accident insurance claim settlement offer.

Watch YouTube video here

TRANSCRIPT:

If you're involved in a **motor vehicle accident** in South Australia whether you're a driver of a motor vehicle, cyclist, motor bike rider or even a pedestrian, you may be able to make a claim under the compulsory third party insurance scheme.

Any claim will be against the driver of the other vehicle, through that compulsory third party insurer.

If your claim is accepted, you may be entitled to damages as a result of that.

When you're negotiating, you're doing it with the compulsory third party insurer, their interests don't always align with yours.

At the end of the day, the claims are very complicated and can involve a lot of legal issues, and therefore its well worthwhile getting legal advice before you agree to any settlement to make sure your entitlements are being met and are what you require from that settlement.

You don't have to accept the first offer

Once you begin the negotiation process with the compulsory third party insurer, either you or they can make the first settlement offer.

Often it will be the insurer that will make that first offer of settlement. In most instances, that's a first offer only and it doesn't reflect the true value of your claim. In our experience, most of those offers are significantly under what the claim should actually settle for.

Seek advice from a specialist CTP Claims Lawyer

If you get a settlement offer from an insurer, or you've just had an injury and you're not sure of your entitlements, best advise is to get advice and recommendations from a specialist in compulsory third party insurance motor vehicle accident claims.

If for nothing else, just for peace of mind that you make sure you know your entitlements, you're getting what it is you require out of that claim because you only get one shot at being able to settle these.

If you agree to an amount, that's all you'll get so you can't go back on that.

If your injuries are ongoing, don't accept an offer

Often the insurers will come to an injured person with an early settlement offer, it may not necessarily reflect the nature of the injuries, and quite often they're made whilst the person is still recovering and getting treatment for those injuries.

In our opinion, you can't easily settle a claim whilst your injuries are still ongoing and you haven't fully recovered. The issue is you don't know what the injuries are going to be like in the future whilst you're still recovering. You may improve more, they may get worse with time; until they've reached as good as they're going to get, often called stability or maximum improvement, the recommendation is not to negotiate or settle a claim until you've got the doctors independent reports confirming you're as good as you're going to get and what those permanent restrictions are going to be.

An insurance company's interests are not the same as yours

When you're making a motor vehicle accident claim for injuries, you're dealing with a compulsory third party insurer, at the end of the day they are an insurance company therefore their interests are not going to align with what yours are, the injured person.

Their role is to make the minimum payment for the injuries that you've sustained, which won't mean that they're always going to pay out exactly what you require now or into the future to cover what your losses are going to be.

To make sure that you've got everything covered, and that your interests are being protected, you need independent legal advice from a specialist in the area to make sure that everything is covered off and you're getting the maximum from your claim.

Seek legal advice before settling your offer

We often get clients that contact us in relation to their motor vehicle accident claims seeking advice as to what their entitlements may be. When speaking with them, they often have the query 'we've been told by the insurer not to get advice from a lawyer, it's going to be expensive, it's going to cost you too much money, we'll help you through the process and we can settle it without a lawyer being involved.'

Whilst that can be the case, our advice is to get specialist advice. The insurers aren't there for your benefit, they're there to protect their entitlement and their position, they're not there to give advice to you and they can't give advice to you.

Getting independent legal advice as to your entitlements and what you can claim is really important to make sure everything you need is covered off.

At Andersons we offer a thirty minute first free interview with no obligation, so there's no harm in you coming in, having a chat, getting independent professional advice about your matter.

If we can assist, we can then help you ongoing, if not, it may just be some simple advice to you so that you can move on with your claim.

In most matters, we're also able to claim back from the insurer, a contribution to your legal fees so that there's only a small out of pocket amount coming from it. So most of the fees won't be paid by you, it's covered by the insurer. Again, that's something they won't tell you readily.

Motor vehicle accident claims can be very complicated, but particularly when you're dealing with the entitlements that you should get by way of damages.

The best advice we can give is to get independent legal advice, use the thirty minute first free interview which can be done by contacting us on 8238 6666 or email enquiry@andersons.com.au