



Video: Dependency Claims: What can I claim if a loved one dies in a car accident?

In this video, Partner Sarah Vinall explains what you can claim if a loved one dies in a car accident.

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TRANSCRIPT:

If a family member was killed in a car accident that was caused by another driver, you may be entitled to compensation.

Who can make a claim?

A claim is normally made by a parent, child, spouse or domestic partner of the deceased. The claim can be made in circumstances where if the deceased had survived the accident, they would have been entitled to make a claim for compensation.

Who pays the compensation?

Claims are made against the driver who was at fault for the accident. They are normally paid out by the driver's CTP or Compulsory Third Party Insurer.

In South Australia we have 5 CTP Insurers – AAMI, Allianz, QBE, NRMA and Youi. When you register your car, there is normally a component that is for the CTP Insurance.

What type of compensation can I seek?

The type of compensation that you're entitled to depends on your relationship with the deceased. It can consist of medical expenses for the deceased before they passed away, funeral expenses, solatium which is like compensation for pain and suffering, financial dependency which reflects the deceased's lost income, household assistance, so the tasks that the deceased would have performed around the home and garden and loss of nurturing and guidance for the children.

How much compensation will I receive?

The calculation of compensation is complex and varies depending on the different circumstances. It will depend on the deceased's financial and non-financial contributions to the relationship. It's best to speak with a lawyer who can provide you with advice on your particular situation.

If you'd like to make an appointment to see a lawyer, please contact us on 8238 6666 or email enquiry@andersons.com.au