



Video: What is the legal process to go through if you've been in a car accident?

If you have been injured in a motor vehicle accident at the fault of another driver, you may be entitled to compensation.

Matthew Fuss, head of the civil law department at Andersons explains how to navigate the CTP Insurance claims process in this short video.

[Watch You Tube video here.](#)

TRANSCRIPT:

What is the legal process to go through if you've been in a car accident?

At the time of having your accident, it's important to get the registration details and details of the other driver who was at fault for the accident. That will then help you lodge the claim with the

compulsory third party insurer.

In South Australia there are five separate compulsory third party insurers, you have the choice as to which one you insure your vehicle with. The claim will then be lodged with that using the other driver's details.

Are there time limits?

In South Australia there are two sets of time limits that you have to adhere to. The first is in relation to lodging the claim, that needs to be done within six months of the accident happening. The second and more important time frame is the three years from the date of accident. That's for you to lodge your claim with the court if you haven't already finalised the claim.

What is the claims process and entitlements?

Once the claim has been lodged with the compulsory third party insurer, the insurer will then investigate the claim and determine liability, so who is at fault for the accident. In order to have a claim for injuries and damages you have to be able to prove that someone else was at fault for the accident. Unfortunately, you can't claim for damages if you're the party who is at fault.

Determining liability and eligibility to make a claim

After the liability has been investigated by the compulsory third party insurer and they accept that someone else is at fault, they'll accept your claim. You can then proceed through the claims process with that insurer. That involves being able to claim for any medical expenses you may require which might be physiotherapy, general practitioners, specialists even surgery at the extreme.

In most cases we recommend getting pre-approval for those different medical treatments but it's not strictly necessary. You can incur the expense yourself and then get reimbursed from the insurer. In addition to medical expenses you can claim for things including loss of wages, travel to and from medical treatments, those medical expenses as well as care on top of that.

Finalising the claim

Once you've been through all of your medical treatment, which can take 12 months, 18 months or even longer, depending on the severity of your injuries, you can then look to finalise your claim. That will involve getting independent medical reports, including what's called an **Injury Scale Value** assessment. That simply means an independent doctor assesses your injuries and determines the severity of the long term impairment that you're going to suffer as a result.

Having all that information we can then put together a claim for your damages, so what losses you've incurred in monetary terms, negotiate the claim with the insurer and look to settle the claim. If a negotiated settlement can be reached, that finalises everything. If not, then you can pursue the court process all the way to trial if required.

Obviously all of this is very complicated and requires some legal advice in most instances. We'd recommend that you do contact a solicitor to get advice in relation to your claim and potential

damages to make sure all of your entitlements are being met.

If you've got any further questions in relation to how to claim entitlements or the process [get in touch with us here](#) or find out more information about [motor vehicle accidents and CTP claims.](#)