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LawTalk Blog



## Motor vehicle accident claims after 1 July 2013

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Have you had a car accident after 1 July 2013?

Did you know, the law is now substantially different?

The laws relating to personal injury claims as a result of a [motor vehicle accident changed significantly on 1 July 2013](#). The new laws are applicable to anyone involved in an accident after that date.

There was a great deal of controversy at the time regarding the proposed changes and there appears to be a widespread ongoing perception in the general public that claims for personal injury arising from motor vehicle accidents are no longer available to injured people.

This is not correct.

The procedure for assessment of any potential compensation and in particular pain and suffering and loss of enjoyment of life has changed significantly and a more complex system of determining whether or not you are entitled to damages and in particular compensation for pain and suffering and future economic loss has been introduced.

**Are there thresholds for claiming compensation for injuries sustained in a motor vehicle accident?**

There is now a threshold that you must meet for both pain and suffering and loss of enjoyment of life and future economic loss as a result of your injury. However there is no threshold for past economic loss; that is for example, wages you have not received as a result of not attending work due to your injuries from the accident. It should be noted that you cannot claim the first 7 days of economic loss (wages for example).

There is also no threshold for future paid care and you can claim medical expenses and domestic and like assistance as well as rehabilitation services and travelling expenses.

## **How are motor vehicle accident injuries assessed in relation to accessing compensation?**

Injuries are now classified as minor, moderate, severe or extreme. In most cases to meet the necessary threshold, at least one of your injuries needs to be in the moderate range (except for minor head injuries) and if you have more than one injury with one in the moderate range you will most likely be entitled to some compensation.

As with all injury claims and more importantly under this fairly new regime, you should seek and obtain appropriate medical advice and medical treatment with respect to all injuries sustained as a result of the accident no matter how minor.

## **How do I make a claim for compensation and medical expenses as a result of my motor vehicle accident?**

You will need to lodge a claim with the [Compulsory Third Party \(CTP\) Regulator](#) within six months of the accident. There are now four CTP insurers in South Australia and once your claim is lodged the relevant insurer will be in contact with you.

It is still primarily a "fault based" system so you will only be entitled to compensation if you were not at fault for the accident. This can often exclude people involved in single vehicle accidents or cycling accidents where a motor vehicle was not involved. You should seek advice from a lawyer experienced in motor vehicle accident claims.

If you have catastrophic injuries, whether your fault or not, you can apply to join the [lifetime support scheme](#).

As with any legal case it is important that you seek advice from a [suitably qualified lawyer](#) who is familiar with the relevant law so that you can be informed of your likely entitlements and understand any correspondence received from the relevant insurance company.

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