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## LawTalk Blog



# I've had a car accident and need help with the housework and garden

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If you suffer injuries in a [motor vehicle accident](#) and those injuries prevent or restrict you from being able to perform your usual activities of daily living including domestic tasks, household cleaning, gardening and maintenance, you are entitled to make a claim for present and ongoing assistance needs.

Your motor vehicle accident could have been with a car, truck, motorbike, pushbike or as a pedestrian. All of these types of accidents could entitle you to a claim for compensation.

## Scenario that would entitle you to assistance with domestic duties

- Hazel was involved in a car accident caused by the other driver. She sustained injuries including a broken right leg, a broken collar bone and some spinal pain yet to be fully diagnosed.
- Hazel lodged a claim for motor vehicle accident compensation to provide her with payments for her time off work and to cover her medical expenses.
- Her claim was accepted and those payments commenced.
- It became evident that Hazel's injuries prevent her from carrying out her normal domestic duties like the day-to-day housework and the gardening.

- As her injuries have not yet stabilised, she cannot settle and finalise her claim at this early stage.
- Before being able to finalise her claim and assess the permanent residual impairment of her injuries, Hazel's injuries must have reached stability (sometimes referred to as "maximum medical improvement"). This does not mean that her injuries have fully healed but rather, that over a period of 3 to 6 months no noticeable change has occurred.
- Although she may have good and bad days, no improvement or deterioration of the injuries is noted during the whole of the period.
- Stability will normally not be reached until at least 9 to 12 months after an injury or subsequent surgery has occurred.
- A medical report from a treating doctor or independent specialist is usually required to confirm stability has been reached.
- However, arrangements can be made with the compulsory third-party insurer for them to provide and fund the services Hazel needs assistance with, prior to the settlement of her claim.

The process is similar to claiming reasonable and necessary medical treatments.

## What if I need assistance with domestic duties for many years or even for life?

A claim can also be made when seeking to finalise your motor vehicle accident claim. This comes in the form of a lump sum payment.

Amounts can be calculated to take into account your future needs as a result of the injuries sustained from the incident. These are often referred to as a claim for "future domestic care, equipment and services". Depending upon the severity of the injuries and restrictions, the amount claimed under this type of compensation can be significant.

Determining what care, equipment and services may be required together with the anticipated costs can be very difficult for the average person.

It may be necessary to obtain an Activities of Daily Living Assessment report from a qualified assessor such as an Occupational Therapist.

For this part of any claim, we strongly recommend you obtain independent legal advice (as opposed to simply relying on the advice provided by the insurer) from a lawyer experienced in motor vehicle accident compensation claims.

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