

Injured in a motor vehicle accident?

What to do: Your rights and obligations

If you have been injured in a car accident there is a very real chance that you could be entitled to compensation. You will have to prove the accident was caused by another driver who was at fault. You might still receive compensation even if you cannot identify the driver at fault.

In some cases, if the accident was partly your fault you could make a claim for compensation. For example, if the accident was 50% your fault and 50% the fault of another driver you will still get half the compensation you are entitled to receive.

Reporting to the Police

You should report a car accident to the police as soon as possible. If you do not report to the police then any claim for compensation you may have could be defeated. Don't delay, call us so we can protect your rights.

Claim Forms

Generally, to make claim for compensation after a car accident, you need to complete a personal injury claim notification form. This form usually needs to be sent to the Compulsory Third-Party Insurer ("Green Slip" insurer) of the car that caused the accident, within a certain time period after the date of the accident.

If you do not give this form to the insurer within the applicable time limit, you will need to provide an explanation to the insurer (and possibly to the Court) as to the reason for the delay. We have had many people complain to our association because they did not provide the notification form within the time limit they were unable to proceed with a claim. Even if your injuries seem to be minor, it is better to be safe than sorry and put the notification form in as soon as possible. Call us and we can help.

Do you know the Green Slip Insurer?

If you do not know who the Green Slip Insurer is we can help you find out. You will need to know the registration details and possibly the make and model of the vehicle at fault, the date of the accident, and if possible the name of the owner and driver. This can be a hassle so call us and we can help arrange it for you.

If you do not know the details of the vehicle at fault or if there is no green slip insurance for that vehicle, you may still make a claim for compensation. In those circumstances a claim may be brought against an entity called the Nominal Defendant. Your lawyer can advise you about claims against the Nominal Defendant.

What does the Insurer have to do after it gets a Claim Notification Form?

With a certain time period after receiving a claim notification form, the insurer must make a decision about whether it is the correct insurer and whether it accepts liability for the accident.\

The insurer might admit liability but subject to what lawyers call contributory negligence (that is, they say that you are partly responsible for the accident).

Once liability has been admitted the insurer may decide to pay your reasonable medical expenses. In very serious cases, the insurer might pay for domestic or nursing care. Unlike a workers compensation insurer, a motor vehicle insurer does not have to pay your loss of wages. We believe this aspect of the law is completely unfair and it is something the Accident Victims Association has been lobbying against for sometime.

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