

Introductions

- Robert Tidbury
 - Partner in Insurance and Risk
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- Rose Burbery
 - Solicitor in Insurance and Risk
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- Brigid Geary
 - Solicitor in Insurance and Risk



Aim of this webinar

- This webinar will summarise the insurance claims process arising out of motor vehicle accidents for both at fault and not at fault drivers
- This issue is essential for practitioners, but also for all individuals given the prevalence of motor vehicle accidents in Australia, which has led to a sustained increase in hospitalised injuries
- By the end of today's session, you should have a greater understanding of the types of insurance claims that can be made, an overview of those processes, and the outcomes that may be achieved in relation to motor vehicle accidents



What this webinar covers

- What to do immediately following a motor vehicle accident
- Steps to take in the 24-48 hours following the accident
- What to do if your vehicle is damaged – consideration of insurance avenues for both at fault and not at fault drivers
- What to do if you have suffered an injury – consideration of insurance avenues for both at fault and not at fault drivers
- Lodging insurance claims and relevant time limits
- Accidents involving unregistered or uninsured parties



Background

- 64% of adult Australians have been involved in at least one car accident
- 20.1 million registered motor vehicles in Australia



What to do at the accident scene



- Gather information about the incident

- Make sure everyone is safe, move the vehicle and contact Emergency Services
- Obtain vehicle details: make, model, colour and registration details
- Full names, phone number and address of the owners and drivers of the vehicles involved
- Details of any witnesses who saw the accident
- Photos of the accident scene taken before the vehicles are moved (if possible)
- Photos of the damage to any vehicle involved
- Ask the other driver who they are insured with

What to do in the next 24 to 48 hours



- Report the accident to your insurer and/or the police
- Obtain a copy of the traffic accident report
- Compile your own note of what happened
- Recover any dash cam footage of the Incident
- Decide whether you need to make a claim – taking into account the damage, what type of repairs or support you might need, the cost of your excess and the cost of future premiums
- Make a claim

Type of insurance claims

Property damage
– vehicle damage
sustained as a
result of the MVA

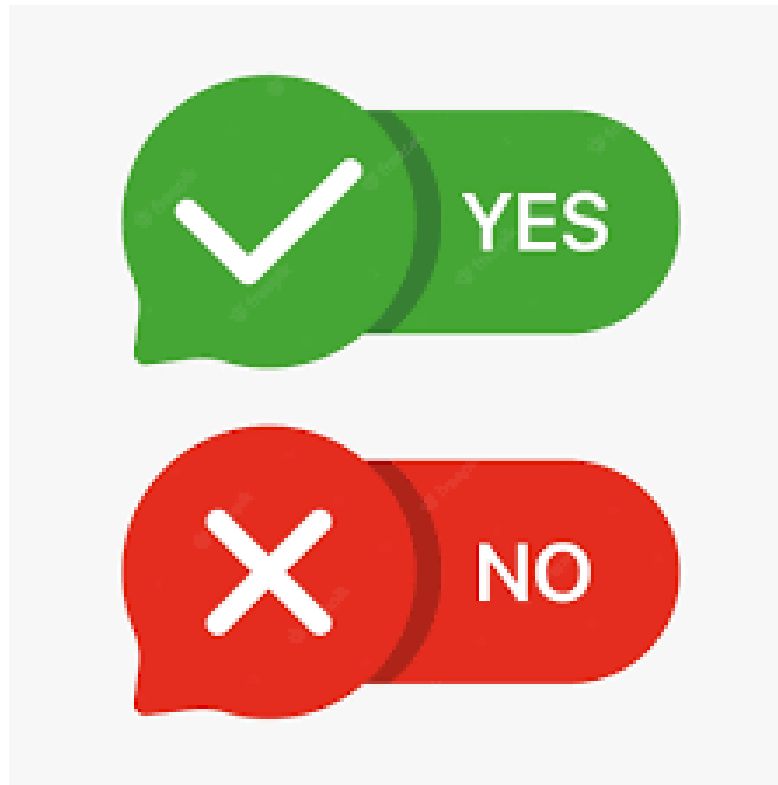
Personal injury
– injury or death
sustained as a
result of the MVA

Types of insurance for vehicle damage

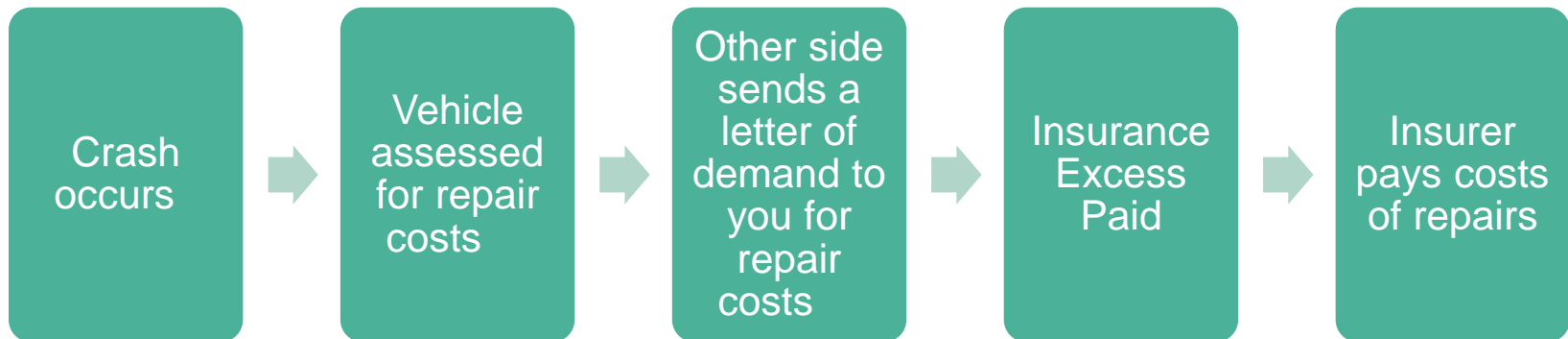
- There are two main car insurance options that provide coverage if you are involved in a motor vehicle accident and there is damage to your vehicle:



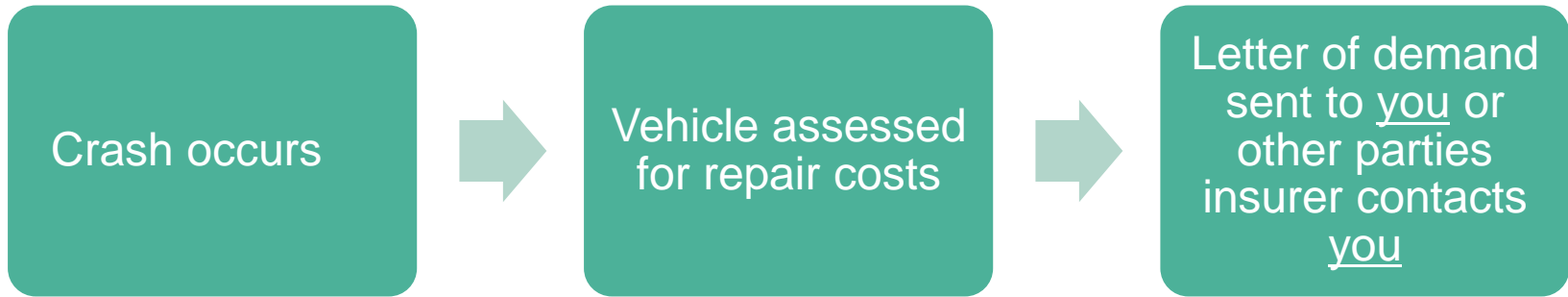
Poll Question: Are You Currently Insured?



Insured Driver Causing Damage to Other Vehicle Involved:



Uninsured Driver Causing Damage to Other Vehicle Involved



Note: if neither party has insurance, it will not be possible to make an insurance claim. This means you will need to settle the repair costs directly with the other party.

Damage to Your Vehicle from the Other Driver:

- Determine if damage to your vehicle is covered by your own insurance and if so, lodge a claim with your insurer
- If not, obtain quotes for costs of repairs or pre-accident car value (if the vehicle is a write off)
- Send a letter of demand to the other driver and/or their insurer
- If you don't hear back from the other driver, you should follow them up and advise you will be taking further action if payment is not made. You should make file notes of any verbal discussions or attempted discussions you have with the other driver regarding payment arrangements



Applicable Timeframes

- You should contact your insurer as soon as possible following the incident occurring
- If the claim is unable to be resolved between insurers or you are uninsured and you are intending on taking legal action, you must commence a civil proceeding within 6 years of the incident happening



FAQ for Property Damage Claims



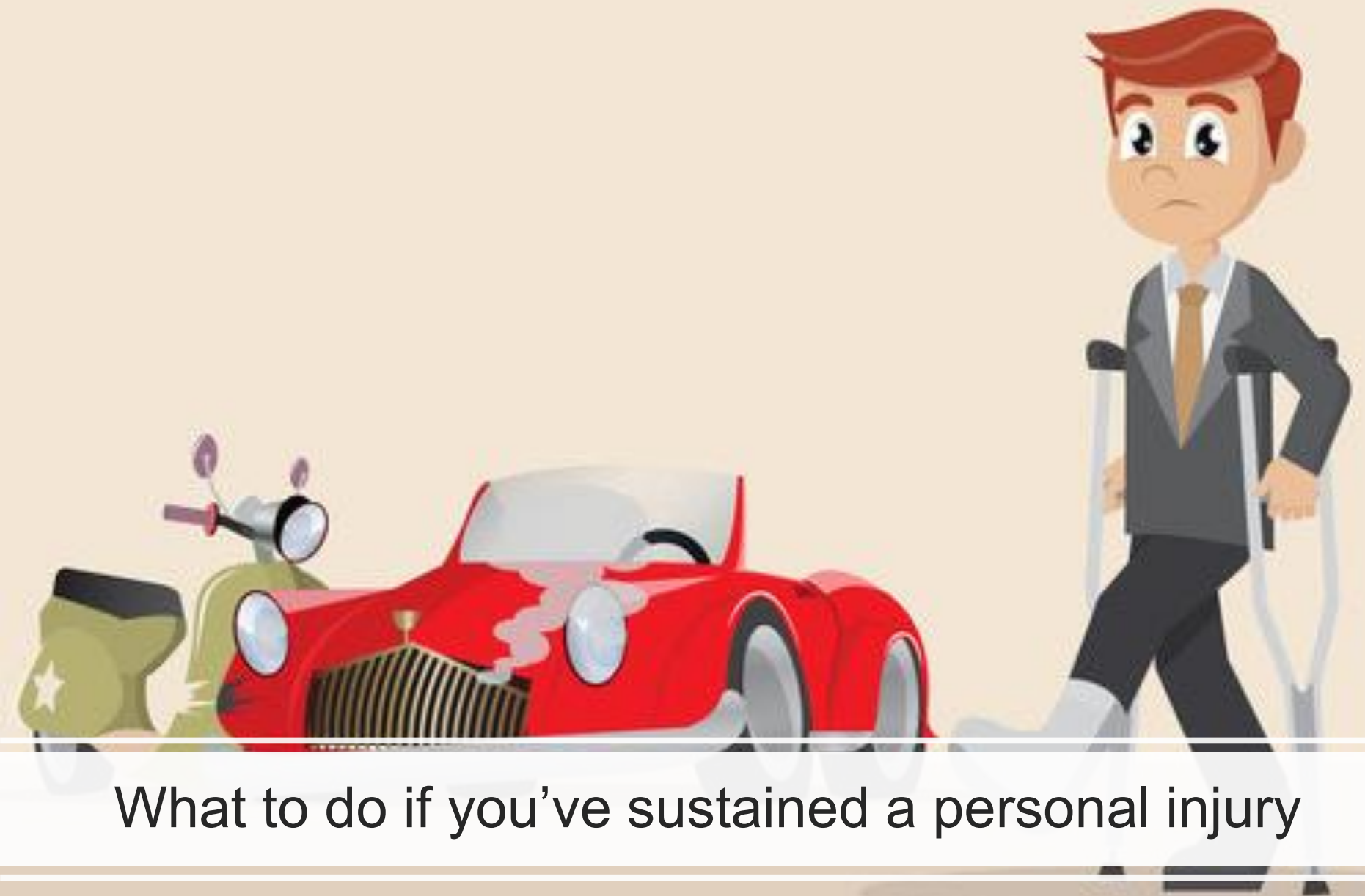
- You did not obtain the details of the other person involved in an accident?
 - Search their registration number (if obtained) on the Department of Transport and Main Road's Queensland Motor Vehicle Register
- What if you're uninsured, at fault and cannot afford to pay the cost of repairs to the other vehicle?
 - Request an affordable repayment arrangement.
- What if there is dispute about which driver is at fault?
 - If you're insured, your insurer may gather evidence from the accident and make a determination on this for you. If not, you should seek legal advice



When to Seek Legal Advice

- You may need legal advice if:
 - There's a dispute about which party is at fault
 - There is dispute about the claimed amount for repairs/ damages
 - You're about to start negotiating with the insurer or other driver
 - You think the other driver is partially to blame for the accident and both vehicles have been damaged
 - Either party has threatened legal action because an agreement cannot be reached
 - Your insurer refuses coverage





What to do if you've sustained a personal injury

Who was at fault

- If you are not at fault, you can make a claim for compensation by lodging a claim against the CTP insurer of the vehicle whose driver caused the crash.
- If you are partially at fault, you can make a claim but your compensation may be reduced.
- If you are completely at fault or no one was at fault, you are unable to make a CTP claim and will instead have to rely on public or private health, your leave entitlements and Centrelink or Medicare.
- If you are unable to identify the vehicle or if they are not insured, you can lodge a claim against the Nominal Defendant. This is also the case if the insurer becomes insolvent.



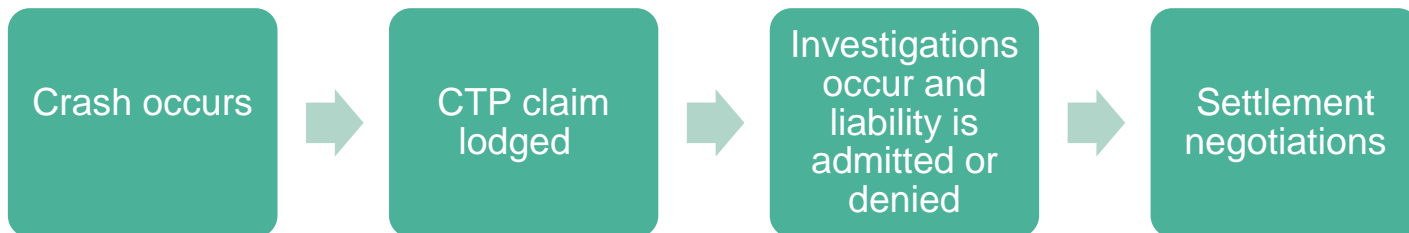
Lodging a CTP claim

- Regulated under the Motor Accident Insurance Act 1994 (Qld)
- Can be lodged with the relevant insurer online or sending a hard copy of the authorised form by post
- Must be commenced within certain timeframes:
 - If being brought against the Nominal Defendant – within 3 months after the accident
 - If being brought against an insurer – within 9 months after the accident or first appearance of symptoms of the injury, or within 1 month of consulting a lawyer about the possibility of making a claim, whichever is the earlier of the dates
 - Legal proceedings must be instituted within 3 years of the accident or the claim will be statute barred



CTP Claim Progress

1. Serve claim form
2. CTP Insurer provides compliance response
3. Parties carry out investigations about the incident and nature and extent of the injuries
4. The claimant and insurer arrange for independent medical examinations to be undertaken
5. Within 6 months of receiving your claim, the insurer will make a decision on liability
6. Parties attend a compulsory conference
7. If the claim does not settle at compulsory conference, the injured person must commence court proceedings within 60 days after the compulsory conference



Types of Damages

- The amount of compensation or settlement you can expect depends on the type and extent of injury you have sustained.
- Generally, compensation covers the cost of past and future medical expenses and rehabilitation as a result of the accident, past and future economic loss or loss of income and general damages for pain and suffering.
- If a relative or dependant has sustained a fatal injury, you can claim the same types of compensation, as well as funeral costs and financial loss from the death of an income provider, for example if you are a dependant partner or child.

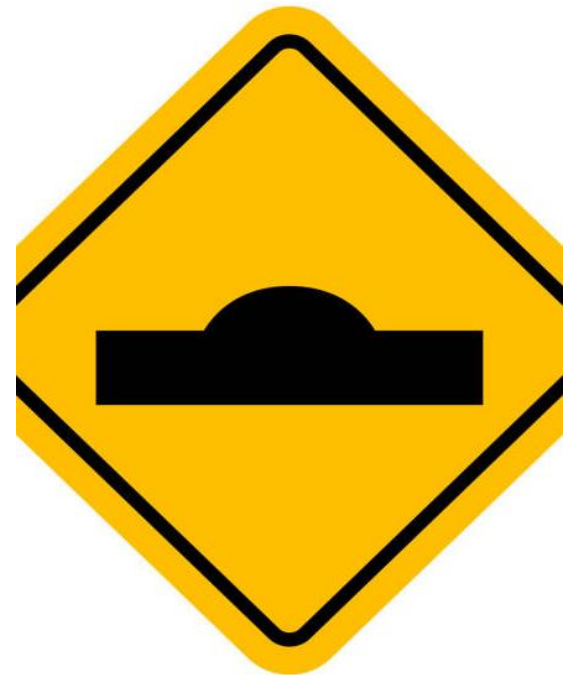


Important points from this webinar

Make sure you obtain the relevant information required at the scene of the accident

Consider the type of insurance you currently have and whether this is sufficient for your needs

Make a claim for property damage or personal injury as soon as possible



Useful contacts/additional resources

- For specific questions on your insurance policy and coverage, it is best to talk to your insurer or insurance broker
- For any relevant legal questions, please contact us at HopgoodGanim Lawyers

Any questions?



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Thank you.

Community Legal Centres Queensland Inc.

Po Box 12102, George Street, Brisbane 4003

Tel: 09 3392 0092

admin@communitylegalqld.org.au

www.communitylegalqld.org.au