

MOTOR VEHICLE ACCIDENT

WHAT YOU NEED TO KNOW

INJURED IN A MOTOR VEHICLE ACCIDENT IN QLD?

If you've been injured in a motor vehicle accident in Queensland through the fault of someone or something other than yourself, you will be entitled to receive compensation.

In Queensland, it is a requirement under law for all vehicles to be covered by compulsory third party ("CTP") insurance. The CTP insurer of the offending vehicle must compensate the injured person for, amongst other things:

- » pain and suffering
- » loss of enjoyment of life
- » out of pocket expenses
- » lost income (including interest and superannuation)
- » possible or likely future loss of income
- » future medical expenses

What you need to know

Motor vehicles include all modes of vehicle including, but not limited to, cars, buses, trucks, bicycles, motorbikes and quad-bikes.

Contrary to what many people believe, you are also entitled to compensation if your injury is sustained from the use of public transport or caused by a vehicle that you are unable to identify, a cyclist or even a pedestrian.

The compensation system can be generous but in order for you to be eligible, you need to comply with a strict set of rules and guidelines which involve specific time limits for each step.

We can help you. Our lawyers are recognised as leaders in the field in this type of compensation claim.

**Motor
Vehicle
Accident**



It is vital that you obtain advice at an early stage to ensure that your full entitlements are protected.

You may, in addition to being entitled to compensation from the CTP insurer, be entitled to receive compensation from WorkCover Queensland and/or your superannuation policy, depending on the circumstances of the incident. Again, strict time limits apply.

Once you make contact with us we will, at no obligation to you, take your full and up to date instructions and conduct investigations into the prospects of a successful claim. The law requires that you deliver a Notice of Claim to the CTP insurer of the offending vehicle within 1 month of consulting a lawyer and no later than 9 months from the date of the accident. In the case of an unidentified or unregistered vehicle, you need to commence the claim within 3 months of the date of the accident.

The CTP insurer has 9 months from the date of receiving the Notice of Accident Claim Form within which to investigate the matters contained in the Notice of Accident Claim Form and to provide a Liability Notice. We endeavor to have that 9 month period commence as soon as practicably possible so as to ensure that you receive a settlement as cost efficiently as possible and as soon as possible.

Once your injuries are fully diagnosed and we are confident that we have all of the medical evidence necessary to fully assess the quantum of your claim, we look to, as soon as practicably possible, commence settlement negotiations with the CTP insurer. Our success rate in achieving early out of Court settlements is second to none and ensures that you not only receive your full and fair compensation at a stage earlier than might otherwise occur but it will also cost you significantly less than you might experience with other firms.

Call toll free 1800 658 525
for your first free consultation

Brisbane

 07 3867 8888
 07 3229 9482
 epost@sciaccas.com.au

Icon Place -Level 4, 270 Adelaide Street
Brisbane, Queensland, 4000

www.sciaccas.com.au

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The insurer then makes a decision to accept or reject the claim.

If the claim is rejected there are VERY STRICT time limits in which to appeal the decision. You should seek legal advice IMMEDIATELY.

You should then put in an application for workcover benefits. Failure to do this or using your sick leave instead of lodging an application may deprive you of your ability to claim workcover benefits in the future. It will almost certainly deprive you of a common law claim should you be entitled to such a claim.

For Injuries Caused by Fault of Workplace (Common law claim)

You have ONLY 3 YEARS from the date of the accident to start a common law personal injury action.

You should seek legal advice as soon as possible after sustaining or noticing your injury.

An action cannot be commenced against your employer until the workers' compensation claim process (discussed under heading B) has been followed and a notice issued by the insurer making an offer.

Y o u s h o u l d s e e k l e g a l a d v i c e a s s o o n a s p o s s i b l e a f t e r i n j u r y a n d B E F O R E a c c e p t i n g a n y o f f e r m a d e b y W o r k C o v e r .

Sciaccas Lawyers

Serving the SDA & its Members for over 25 years

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Brisbane

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 07 3229 9482
 epost@sciaccas.com.au

Level 4, 270 Adelaide Street
Brisbane, Queensland, 40