



Information for people injured in a vehicle accident

CTP INSURANCE
REGULATOR

What is CTP insurance?

Compulsory Third Party (CTP) Insurance is paid at the same time as you pay your motor vehicle registration. Just as registration of your vehicle is compulsory, so is CTP Insurance.

Importantly, CTP Insurance provides compensation in respect of death or bodily injury caused by or arising out of the use of a motor vehicle where the driver or owner of a South Australian registered vehicle is at fault.

By paying your CTP premium you are protecting yourself from potentially being liable for damages if you cause injury or death to other road users.

Serious injuries can cost many hundreds of thousands in rehabilitation and medical costs so it is important that you as a driver or owner are protected from having to personally cover these expenses.

The scheme does not:

- Provide full compensation to persons who contribute to their injuries, for example, by not wearing a seatbelt.
- Compensate the injured driver who is entirely at fault.
- Cover damage to vehicles.

I have been injured in a vehicle accident. Can I make a claim?

If you or your child has been injured in a crash where a South Australian registered vehicle was at fault, the South Australian CTP insurance scheme provides compensation to you for your injuries (subject to eligibility criteria being met). The CTP scheme compensates various road user groups including drivers, passengers, motorcyclists, scooter riders, pedestrians and cyclists.

Passenger or driver

If you were injured as a passenger in a crash that involved only the vehicle you were travelling in (or on in the case of a motorcycle or scooter), then you may be entitled to make a claim if the driver/ rider was at fault. That driver or rider may be entitled to make a claim against the CTP scheme if they were not entirely at fault.

Unknown or uninsured vehicle

If the motor vehicle involved in the crash is unknown or uninsured for CTP Insurance purposes, you may have a claim against the Nominal Defendant Scheme. There are certain criteria that must be met to qualify for this compensation, so please talk to the CTP Insurance Regulator for more information.

Support for injured children

The CTP Insurance scheme also provides coverage for the necessary and reasonable treatment, care and support needs of children under the age of 16 injured in a crash which occurred in South Australia on or after 1 July 2013. That coverage is available regardless of whether the child, a South Australian registered motor vehicle or an interstate registered vehicle was at fault. If an unknown or uninsured vehicle was involved, the Nominal Defendant Scheme will be liable for those expenses.

Lifetime Support Scheme for serious injuries

If you sustained very serious injuries in a motor vehicle accident, which occurred in South Australia on or after 1 July 2014 you may be entitled to necessary and reasonable treatment, care and support under the Lifetime Support Scheme (LSS). Eligibility is determined by your injury, regardless of whether you or a South Australian registered motor vehicle were at fault and regardless of your age. Your application for LSS support will be dealt with by the Lifetime Support Authority (LSA) and is not part of your CTP Insurance claim.

More information on the LSA can be found on page 5.

Make a claim for compensation

To make a claim for compensation, you will need to provide evidence that:

- a.** You were injured in a crash (via medical evidence); and
- b.** A South Australian registered motor vehicle was at fault (completely or partly) and caused your injuries;
OR your child is under the age of 16;
OR you think you may be eligible for a LSS claim.

Lifetime Support Scheme



Lifetime
S U P P O R T

What is the Lifetime Support Scheme?

The Lifetime Support Scheme (LSS) is a no fault scheme which provides necessary and reasonable treatment, care and support for people who sustain very serious injuries in a crash. The Lifetime Support Authority (LSA) administers the LSS.

The LSS applies to crashes which occur in South Australia on or after 1 July 2014.

As a no fault scheme, the LSS is able to support people with very serious injuries, who were previously only eligible to seek compensation if there was someone else at fault in the crash.

It means that drivers who sustain lifelong injuries in single motor vehicle crashes can now receive necessary and reasonable treatment, care and support, which was previously not available to them.

Who will be eligible for the LSS?

Anyone who has sustained a very serious injury in a motor vehicle accident since 1 July, 2014 such as brain injury or spinal cord injury, may qualify for support under the Lifetime Support Scheme. The eligibility criteria are outlined in the LSS Rules, which can be found at www.lifetimesupport.sa.gov.au.

What support will be available to participants in the LSS?

A range of supports will be available to maximise the recovery of the injured person and help them achieve and maintain their health and quality of life.

The type of support available could include medical treatment, pharmaceuticals, dental treatment, rehabilitation, ambulance transportation, respite care, personal care and support services, aids and appliances like suitable wheelchairs, hoists and prostheses, educational and vocational training and home, vehicle and workplace modifications.

Where can I get more information about the LSS?

Contact the LSA on **1300 880 849** or email lifetimesupport@sa.gov.au or visit their website at www.lifetimesupport.sa.gov.au



Who is unable to make a claim?

You are unable to make a CTP claim in South Australia if:

- You were not injured in the crash and want to claim for vehicle damage (please contact your relevant car insurance company).
- The motor vehicle you were driving was the only registered vehicle involved in the crash and no one else was at fault (unless you meet the requirements stated on page 2).
- You were injured in a crash and the motor vehicle at fault was not registered in South Australia - even if the crash occurred in South Australia (unless you meet the requirements stated on page 2). You may be able to make a claim with the relevant CTP insurance scheme in the State where the vehicle at fault is registered.

Relevant CTP insurance contacts in each state are:

Victoria

Transport Accident Commission
Web: www.tac.vic.gov.au
Phone: 1300 654 329

Northern Territory

Territory Insurance Office
Web: www.tiofi.com.au
Phone: 131 TIO (131 846)

New South Wales

Motor Accidents Authority
Web: www.maa.nsw.gov.au
Phone: 1300 137 131

Queensland

Motor Accident
Insurance Commission
Web: www.maic.qld.gov.au
Phone: 1300 302 568

Western Australia

Insurance Commission
of Western Australia
Web: www.icwa.wa.gov.au
Phone: (08) 9264 3333

Tasmania

Motor Accident Insurance Board
Web: www.maib.tas.gov.au
Phone: 1800 006 224

Australian Capital Territory (ACT)

The ACT has several CTP insurance providers. For information on the ACT Compulsory Third Party Scheme visit the ACT Department of Treasury website at: www.treasury.act.gov.au/compulsorytpi/index.shtml

What does the compensation pay for?



The CTP Insurance Scheme provides compensation for necessary and reasonable hospital, medical and rehabilitation costs. These include (but not limited to) the following treatment costs:

- Medical treatment
- Medications
- Ambulance
- Hospital
- Physiotherapy
- Chiropractic

Treatment Requirement

Please note that not all types of health care, therapy and support services are covered by the CTP Insurance scheme. It is best to contact the approved insurer managing your claim and discuss your treatment requirements with your claims consultant before undertaking alternative treatments.

Generally, all providers of medical and allied health services must be appropriately qualified for your expenses to be covered by the CTP Insurance scheme.

Compensation

In addition to immediate health care and treatment costs, compensation may also cover the items listed below.

- Loss of earning capacity (past and future), excluding the first week's loss
- Future treatment and care requirements
- An allowance for any pain and suffering experienced by you as a result of your injuries
- Travel expenses to and from treatment
- An allowance for any homecare and personal care services you may require as a result of your injuries (e.g. cleaning and gardening).

These payments are only made for claims in certain circumstances where fault has been established on the part of a South Australian registered motor vehicle or where you qualify for compensation under the Nominal Defendant Scheme. There are a number of legal requirements which must be met before these payments are made, which include satisfying certain thresholds determined by the seriousness of your injury.

Lifetime Support Scheme

If you are very seriously injured or sustain lifelong disabilities you may also be entitled to benefits for necessary and reasonable treatment, care and support under the LSS rather than under the CTP Insurance Scheme (see page 5).

How do I make a CTP claim?

If you were injured as a result of a crash, the first thing you should do is report it to the Police.

Approved insurer

If you are unaware of who the approved insurer of the vehicle you consider was at fault please phone the South Australian CTP Insurance Personal Injury helpline on **1300 303 558**. The CTP Insurance Regulator will provide you with details of the insurer.

Once you have lodged a claim form with the approved insurer or the CTP Insurance Regulator, a claims consultant from the approved insurer that will be managing the claim will then make contact with you to talk about your claim and ask you for any more information that may be needed.

Under the *Motor Vehicles Act 1959*, as part of your Injury Claim Form or Fatality Claim Form, the forms include authorisation of the insurer to obtain documentary information relevant to your claim.

The approved insurer or claims agent must provide you with a copy of any documents that they obtain within 21 days of receipt.

Timeframes also apply when making a CTP Insurance claim. You must lodge an Injury Claim Form (or Fatality Claim Form in the event that your claim relates to the death of a person in a motor vehicle accident):

- As soon as reasonably practicable if the motor vehicle that caused the crash is unknown or uninsured.
- Within six months of the motor vehicle accident in any other circumstance.

If you have not complied with these timeframes please contact the approved insurer managing your claim to discuss your circumstances.

If you have not received these forms already, they are available on the CTP Insurance website (www.ctp.sa.gov.au) or you can have them posted to you by phoning **1300 303 558**.

Medical assistance

If you have long term or serious injuries, it is important to continue seeing your doctor or specialist so:

- Your recovery is optimised
- The insurer handling your claim can obtain medical reports about your progress
- The insurer handling your claim can consider the ongoing approval and payment for your treatment.

What information am I required to give as part of the claim process?

The more information you can supply, the easier it will be for the insurer handling your claim to process your CTP Insurance claim.

The information you are required to provide will depend on the compensation you are seeking. As a starting point, you are required to complete an Injury Claim Form or Fatality Claim Form.

Required information

Some of the information the Injury Claim Form and the Fatality Claim Form will ask you to provide includes:

- Proof of identity.
- The facts of the crash.
- Details of the vehicles you think caused the accident
- The time and place at which it occurred.
- The circumstances of the crash.
- The name, date of birth and address of the driver of the motor vehicle at the time of the crash.
- The name and address of any person killed or injured in the crash, if known.
- The details of any witnesses of the crash, if known.
- A medical certificate or opinion as to the nature and probable cause of your injuries.
- The relevant police report number for any report provided to a police officer in connection with the crash.
- Evidence of income and/or copies of treatment accounts, if relevant.

Note: If you are the owner, person in charge or the driver of a motor vehicle involved in a crash, the law requires you to co-operate fully with the approved insurer managing the claim in providing the information required to process any claim. Penalties apply if this is not done (Section 124 of the *Motor Vehicles Act 1959*).

Information for parents and appointed guardians

Where the injured person is a child (under 18 years of age) or is an adult unable to deal with the legal and other requirements of the claims process, parents or appointed guardians are able to assist on their behalf.

The claims process will remain exactly the same, however the approved insurer will communicate with the parent or appointed guardian instead, or if the claimant is legally represented, with that representative.

A person generally has three years from the date of the crash to commence legal proceedings, unless the injured person does not have the legal capacity to do so. However, notification of the injured person's claim must be provided to the relevant approved insurer within the required timeframes (see page 10) by completing the Injury Claim Form.

How does the CTP insurer make decisions about my claim?

To process your claim, the approved insurer must investigate liability (who is at fault in the road crash and to what degree) and the amount of compensation to be paid.

In many cases, these investigations can be complex and can therefore take some time. Decisions about liability are based on legislation, court precedents and outcomes.

Your CTP insurer may also refer to legislation such as:

- *The Motor Vehicles Act 1959*
- *The Civil Liability Act 1936.*

How long will it take to process my claim?

As the circumstances of each claim are often different, it is difficult to provide an exact timeframe for the settlement of your claim. The timeframe will depend on the complexity of your injuries and the circumstances of the crash.

Providing the approved insurer managing your claim with detailed and accurate information about the crash, your injuries and medical condition promptly will assist the insurer to process your claim as quickly and efficiently as possible.

Subject to eligibility being met, there are six key steps in processing a CTP claim:

Step 1: Submit an Injury Claim Form or Fatality Claim Form to the approved insurer of the vehicle you believe to be most 'at fault' in the accident. If you are unsure of who the 'at fault' approved insurer is, contact the CTP Insurance Regulator.

Step 2: Once your claim form has been allocated, the approved insurer will issue a claim number and appoint a claims consultant to your case.

Step 3: The approved insurer claims consultant contacts parties involved in the crash.

Step 4: The approved insurer will investigate who was at fault in the crash based on, for example, Accident Reports, police reports and other investigations.

Step 5: The approved insurer collects medical information and monitors your treatment. The insurer may pay some accounts prior to final settlement being reached.

Step 6: Once your injury has stabilised, the approved insurer will proceed to finalise your claim. Before your claim can be settled it must also be determined if you qualify for any compensation so that the approved insurer can determine a final amount that is appropriate.



This needs to be confirmed by medical and other evidence about any loss sustained as a result of injuries caused by or arising out of the crash. An offer of settlement will be made either directly to you, or if you are legally represented, to your representative.

If you have questions or concerns about the offer of settlement, they can be discussed with your claims consultant, or if you are legally represented, with your representative. Once settlement has been agreed the appropriate documents will be sent to you for your signature.

The approved insurer is legally obligated to contact Medicare Australia and other statutory authorities such as Centrelink and advise them of the settlement to be paid. These organisations may require reimbursement of amounts paid to you as a result of the claim. These amounts will be deducted from your settlement payment.

When is compensation reduced?

If you were injured in a crash that was not your fault you should be aware that your compensation may be reduced if you breached the road rules or contributed to the crash and/or your injuries in some way*.

These compensation reductions are set out in the *Civil Liability Act 1936*. These breaches and compensation reductions are as follows:

Breach	FIXED reductions in compensation
Not wearing a seatbelt	25% fixed reduction applies for persons (16 years or above) not wearing a seatbelt as required under the <i>Road Traffic Act 1961</i> .
Not wearing a helmet	25% fixed reduction applies for persons (16 years or above) not wearing a helmet as required under the <i>Road Traffic Act 1961</i> and this contributed to the crash or the extent of their injury.
Not sitting in correct passenger compartments	25% fixed reduction for persons (16 years or above) travelling as a passenger in or on a motor vehicle with a passenger compartment, but not within the compartment (e.g. in the back of a van or ute) and this contributed to the crash or the extent of their injury.
Alcohol or drug consumption	<p>Passengers (16 years or above) travelling with an at-fault intoxicated driver.</p> <ul style="list-style-type: none"> • 25% fixed reduction. • 50% fixed reduction if the driver's BAC was >0.15% or the driver was so much under the influence of intoxicating liquor or a drug to be incapable of exercising effective control of the vehicle. However, the passenger must be aware or ought to be aware that the driver was intoxicated.

Breach	MINIMUM reductions in compensation
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Alcohol or drug consumption

Drivers who have contributed to a crash and were intoxicated:

- Minimum 25% reduction.
- Minimum 50% reduction when their BAC is 0.15% or more, or where the driver was so much under the influence of alcohol or drugs to be incapable of exercising effective control of the vehicle.

Pedestrians/Cyclists/Passengers that have contributed to their injuries and were intoxicated – Minimum 25% reduction.

Note:

- More than one reduction may apply (e.g. failure to wear a seatbelt and travelling with an at fault intoxicated driver).
- These reductions are in addition to any other reductions that may be applied for contributory negligence, such as failure to keep a proper lookout or driving at excessive speed.
- Certain benefits for children under 16 years of age at the time of the crash that occurred in South Australia on or after 1 July 2013 will not be subject to these reductions (see page 1).
- Certain benefits for people who are seriously injured in a crash that occurred in South Australia on or after 1 July 2014 will not be subject to these reductions. (see Lifetime Support Scheme page 5).

For more information

The CTP Insurance Support Helpline (CTP Insurance Regulator)

Phone: 1300 303 558 **Fax:** 1300 617 531

Postal Address: GPO Box 1095 Adelaide SA 5001

Email: ctp@sa.gov.au

Website: www.ctp.sa.gov.au

Office Hours: 8:30am to 5:00pm Monday to Friday

The contents of this document are for general information only and not intended to constitute professional advice or be used as a legal document. Its aim is to set out, in simple form, a summary of the Compulsory Third Party Insurance Scheme in South Australia and should not be taken as precise legal interpretations of the law. While the CTP Insurance Regulator has taken all reasonable care in the production of this brochure, no warranty is made as to the accuracy, currency or completeness of its contents and no liability is accepted for any loss, expense or liability, however arising, as a result of use of or reliance upon the contents at any time.

Privacy: The CTP Insurance Regulator and approved insurers take all reasonable steps to protect personal information and confidential information for all persons involved in motor vehicle accidents. Privacy Statements are available on the CTP Insurance Regulator website www.ctp.sa.gov.au.

Notes

1300 303 558
ctp.sa.gov.au