

# Settling your CTP claim

When your injuries have stabilised, your insurer will commence settlement of your claim and consider your eligibility for compensation.

Most people recover from their injuries within the first few months of a motor vehicle accident. However, everyone is different and recovery timeframes vary.

Settlement can begin when:

- your insurer has determined who was at fault in the motor vehicle accident and to what degree (liability)
- your injuries are medically stable
- the long-term impact of your injuries is known.

All CTP claims are assessed individually and the amount of time it takes to settle them varies. Claims involving complex or severe injuries or liability investigations will take longer to settle.

You may be eligible for compensation depending on the seriousness of your injuries.

## Am I eligible for compensation?

For your insurer to determine your eligibility for compensation (known as heads of damage) a number of legal requirements must be met. It will depend on the severity of your injuries and this may be assessed by an Injury Scale Value (ISV) medical assessment.

More information about the ISV medical assessment is available from your insurer, or from our [“ISV Medical Assessments” fact sheet](#).

The insurer uses the assessment to determine the types and amount of compensation you are eligible for. For some types of compensation your injuries must meet a minimum threshold.

## What compensation is available to me?

If you had time off work as a result of your injuries you can claim compensation for the loss or reduction in earnings (past economic loss). This applies after the first week off work. You will need to provide proof of your earnings for the insurer to assess your economic loss. Under the law, this type of compensation has a fixed 20 percent reduction.

Other payments you may be eligible for include:

- paid care
- interest on proven past economic loss
- an allowance for future medical expenses, or
- an allowance for future paid care.

If your injuries meet ISV thresholds, the compensation types you may be eligible for are:

- pain and suffering caused by your injuries (non-economic loss)
- impact on your future earning capacity as a result of your injuries (future economic loss)

- unpaid domestic work by a parent, spouse, partner or child (gratuitous services)
- impact of your injuries on comfort and companionship to your spouse or domestic partner (loss of consortium).

**What else is considered when settling your claim?**

Reductions to compensation apply if your actions contributed to the accident, such as failure to keep a proper lookout, or driving at excessive speed (contributory negligence).

There are laws that apply if the effect of alcohol or drugs contributed to the accident, if required seatbelts or helmets were not in use, or if an injured passenger was not sitting in a correct passenger compartment (statutory reductions).

You can find out more information about contributory negligence and statutory reductions from your insurer or on our website.

**Settlement offers**

Once all information has been considered by your insurer, a settlement offer will be made to you or to your legal representative in writing. The basis for the offer will be explained and confirmed by medical and other evidence of your accident-related injuries.

If you have any questions or concerns about an offer of settlement, you should speak with your insurer or legal representative prior to accepting the offer.

The settlement process may involve some negotiation, including counter-offers.

Once a settlement has been agreed, the required documents will be sent to you to sign.

The insurer will organise payment of your settlement amount promptly, usually no longer than five business days after they receive all required documentation.

**If you cannot reach agreement**

If you have been unable to resolve your claim by negotiation and you intend to issue court proceedings, you may wish to seek legal advice. You must give written notice to the insurer with an offer of settlement containing sufficient details of the claim and supporting evidence at least 90 days prior to issuing proceedings. The insurer must consider your offer as soon as possible and respond in writing within 60 business days by accepting the offer, making a counter-offer or denying liability and providing reasons for doing so.

If you were 18 years of age or over at the date of the accident and the claim is not resolved within three years, you must commence legal proceedings prior to the three year anniversary of the accident date.

Your insurer must notify you as this date approaches.