

Settling your CTP claim

When your injuries have stabilised, your eligibility for compensation can be considered and your claim can be settled.

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 severity of your injuries.

Am I eligible for compensation?

For your insurer to find out your eligibility for compensation (known as heads of damage), several legal requirements must be met. This will depend on the severity of your injuries and may require an Injury Scale Value (ISV) medical assessment.

More information about the ISV medical assessment is available from your insurer, or 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 per cent reduction.

Other payments you may be eligible for include:

- paid care
- interest on proven past economic loss
- an allowance for future medical expenses
- 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 at www.ctp.sa.gov.au.

Offers

You can make an offer to your insurer to settle your claim. An insurer must respond to your offer in writing within 30 days or at a later agreed date ([Regulator Rule 18.1.2](#)).

When an insurer makes an offer, they will provide the offer to you or 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, you should speak with your insurer or legal representative before accepting the offer.

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

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

The insurer is legally required to contact Medicare Australia, Centrelink and other government agencies to inform them of the agreed settlement to be paid. If these government agencies require reimbursement from the settlement of your claim, the reimbursement will be deducted from your agreed settlement amount before you receive your settlement payment. For example, if you were receiving Centrelink payments at, or after, the time of the accident, the CTP Insurer may have to repay Centrelink an amount from your settlement.

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

If you cannot reach agreement

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 a court action before the three year anniversary of the accident date. Your insurer must inform you as this date approaches.

Before you file a court action, unless an exemption applies, you must give written notice to your insurer of a pre-action claim that complies with the *Uniform Civil Rules 2020*. Your insurer must explain this process to you or you may wish to seek legal advice.