

# Liability determination

When you lodge a Compulsory Third Party (CTP) claim for injuries from a motor vehicle accident, the insurer handling your claim will need to determine who caused the accident.

The CTP Insurer will decide whether liability for your claim is accepted. If the CTP insurer admits liability, they agree that the vehicle they insured caused the accident, either wholly or partially. The CTP insurer may need to investigate the accident to make the decision.

Your treatment may commence before liability has been determined.

## Determining liability

Your insurer will gather and review the information required to ensure liability determinations are:

- made in a timely fashion
- made in accordance with relevant law
- based on sound evidence to support the decision, for example police reports and witness statements where available.

When the liability decision is made, your insurer must:

- notify you or your legal representative promptly in writing
- confirm if liability is partially or fully accepted, or denied
- inform you if any reductions apply to your claim, for example if your actions contributed to the accident, due to the effects of drugs or alcohol, or if you were not wearing a seatbelt
- provide the reasons and the evidence used, for the decision.

It can take some time, often several months, to determine fault in an accident, and to what degree. In some cases investigations can be complex and can take several years, for example if a police investigation or prosecution is required.

## What if I disagree with the liability decision?

You can choose to use any or all of the processes below to raise any concerns you may have about a liability decision:

- Discuss the decision as soon as possible with your claims consultant or the State Claims Manager.
- Have the decision referred to the insurer's internal dispute resolution service. This means a team different from the one managing your claim will review the decision.
- You can ask your insurer to have a third party conciliator review the decision, at no cost to you.

Please also read our [Complaints and disputes fact sheet](#) if you are considering the use of these processes.

## Further information

You can find out more about liability determination in [Regulator Rule 7.8](#), and the complaint and dispute resolution and conciliation processes in [Regulator Rules 19.1 to 20.2](#), available on our website.