



Been involved 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 of a motor vehicle 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.

What if I am responsible for a crash where someone else is injured?

If you were driving a motor vehicle at fault in a crash where someone else was injured and the CTP premium for that motor vehicle has been paid (via registration) you will be indemnified by the CTP insurance scheme if the injured person lodges a CTP claim seeking compensation for their injuries (subject to rights of recovery for any breach of policy).

If you were the owner, person responsible for or driver of a motor vehicle involved in a crash where another person has been injured, you will need to report it to the police and you will be required to complete an Accident Report Form and submit it to the approved insurer of the motor vehicle at fault. Accident Report Forms are available online at www.ctp.sa.gov.au or by contacting the South Australian CTP Insurance Personal Injury helpline on **1300 303 558**.

What am I not covered for?

You should be aware that the CTP Insurance scheme may recover any compensation paid to the injured person from you if you have breached the CTP insurance policy.

Section 124A of the *Motor Vehicles Act 1959* gives the insurer the right to seek recovery of any injury compensation and claims management costs against an insured person who has failed to comply with a term of the policy of insurance.

Breaches include:

- driving while under the influence of alcohol or drugs
- driving dangerously
- intentionally causing injury
- driving a vehicle without the owner's permission
- driving without holding a current driver's licence
- driving an unroadworthy or overloaded vehicle
- Committing an offence against Section 43 of the *Road Traffic Act* (hit and run).

The Policy of Insurance is determined by the CTP Insurance Regulator. For further information, please visit www.ctp.sa.gov.au.

Overall, if an insured person is found to be in breach of the policy of insurance, and their conduct has caused an injury, an approved insurer can pursue the insured driver and depending on the circumstances, recover up to whatever costs have been incurred in relation to the injury claims arising out of that crash. This can amount to many thousands of dollars.

What if I am uninsured?

In South Australia it is an offence to drive a vehicle which does not have CTP insurance. A maximum penalty of \$10,000 applies (Section 102 of the *Motor Vehicles Act 1959*).

In addition, if you are at fault in a crash that causes injury to another person and the motor vehicle you were driving does not have CTP insurance, you may be liable to reimburse the relevant approved insurer for the costs that have been incurred in relation to the injury claims arising out of the crash.

You will also be subject to equivalent rights of recovery (under Section 116 of the *Motor Vehicles Act 1959*) as discussed above in respect of an insured driver if you:

- drove while under the influence of alcohol or drugs
- drove dangerously
- intentionally caused injury
- committed a hit and run offence under section 43 of the *Road Traffic Act 1961*
- drove without holding a current drivers licence
- drove an unroadworthy or overloaded vehicle.



I was at fault in the crash but I was also injured. Can I make a claim?

In most cases, you will be unable to make a claim if you were entirely at fault in the crash. However, there are certain circumstances where claims may be accepted:

Children:

The CTP Insurance scheme 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 they or a South Australian registered motor vehicle or an interstate registered vehicle were at fault. If an unknown or uninsured vehicle was involved, the Nominal Defendant Scheme will be liable for those expenses. If you think your child may be eligible for this, please contact the CTP Insurance Regulator on 1300 303 558.

Seriously Injured:

If you sustained 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 and is not part of your CTP Insurance claim.

If you think you may be eligible, please contact the Lifetime Support Authority on 1300 880 849 or by email – lifetime.support@sa.gov.au.

Conditions apply to access the Scheme.

Further information about the Lifetime Support Scheme can be found at www.lifetimesupport.sa.gov.au.

You may also be able to make a claim if both you and the driver of another South Australian registered vehicle are found to be at fault in a crash. If another South Australian registered vehicle is considered to be at fault, the South Australian CTP insurance scheme may compensate you for costs you've incurred as a result of your injuries. The CTP scheme compensates various road user groups including drivers, passengers, motorcyclists, scooter riders, pedestrians and cyclists.

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

- a. You were injured in a crash (via medical evidence);
- 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

If you want to make a CTP Claim you will need to complete an Injury Claim Form or Fatality Claim Form.

If you were the owner, person responsible for or driver of a motor vehicle involved in a crash where another person has been injured, you are required to complete an Accident Report Form and submit it to the approved insurer of the motor vehicle. For further information about making a claim, contact the South Australian CTP Insurance Personal injury Helpline on 1300 303 558 as time limits apply to reporting an accident.

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

If you seek to make a claim for damages or other compensation under the CTP Insurance scheme, you will be required to complete an Injury Claim Form or Fatality Claim Form (as relevant) and submit it to the approved insurer of the vehicle you consider was at fault or the CTP Insurance Regulator if you are unsure of the approved insurer. You will need to detail the following:

- 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.

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*).



What other involvement do I need to have in the claim process?

After completing the Injury Claim Form or Fatality Claim Form and submitting it to the approved insurer managing the claim (or the CTP Insurance Regulator) you may be required to provide further details relevant to the crash such as property damage insurance documents, police statements and/or access to your vehicle.

Information for parents and appointed guardians

Where the driver at fault is a child (under 18 years of age) or is unable to deal with the legal and technical requirements of the claims process, parents or appointed guardians can assist on their behalf. The claim process will remain exactly the same; however the approved insurer will communicate with the parent or appointed guardian instead.

How do I make a CTP claim?

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