

Court action to resolve your CTP claim

You have three years from the date of your motor vehicle accident to issue a court action to resolve your claim with your CTP Insurer.

Your obligations

If the three year anniversary of your accident is approaching and your claim is unresolved with your CTP Insurer, the law requires you to issue a court action. This is to protect your rights.

If you miss this deadline, you may be unable to recover your entitlement to compensation for damages or legal costs (see [Regulator Rule 18.4](#) on the CTP Regulator website www.ctp.sa.gov.au).

Your CTP Insurer's obligations

The CTP Insurer managing your claim must notify you in sufficient time of this deadline for you to meet your legal requirements.

It is therefore important for you to always accept contact from your insurer.

They must explain your legal rights and obligations about issuing a court action, and the steps for you to take before doing so.

There are also court rules that apply to issuing a court action (see the *Uniform Civil Rules 2020* at www.courts.sa.gov.au).

Steps before issuing a court action

1. Notify your insurer of your intention to issue a court action at least two months prior to the three-year deadline. This will provide sufficient time to attempt to resolve your claim or, if that is not possible, for your insurer to inform you of the steps required to issue a court action.

2. Provide your insurer with a pre-action claim, unless an exemption applies under the *Uniform Civil Rules 2020*. A pre-action claim is a written notification from you to the insurer, informing them of your intention to issue a court action (see [Regulator Rule 18.2](#)).
3. On receiving your pre-action claim, your insurer must respond in writing within 30 days (or at a later date if agreed with you) taking one of the following actions:
- Accepting your offer
 - Making a counter-offer
 - Stating liability is denied and explaining why it is denied
 - Accepting your proposed date and time for a pre-action meeting, or suggesting alternative arrangements
 - Arranging dispute resolution such as a conciliation conference (see [Regulator Rule 20.2](#)).

Issuing a court action

If your claim remains unresolved after pre-action activities, issue a court action. Contact your insurer and request for each step of the process to be explained.

Where can I get further information?

Additional information is available at:

- www.ctp.sa.gov.au/for-injured-people/legal-advice
- <http://www.law.adelaide.edu.au/free-legal-clinics/magistrates-court-legal-advice-service>.