

What are your entitlements after a motor vehicle accident?

If you, a friend or a family member has ever been involved in a motor vehicle accident then you no doubt know the significant impact that it can have on your life. You probably also know the financial strain that it can cause.

This is why there is a system in Queensland that allows victims of motor vehicle accidents to make a claim for the personal injuries caused by the wrong doing of another driver, whether the injuries are physical, psychological, or both.

Claims of this nature are made through the Compulsory Third Party (CTP) insurance of the at fault driver. In Queensland, anyone with a registered vehicle is covered by CTP insurance.

Even if you were a passenger in a vehicle being driven by a loved one, and your loved one caused the accident, you should still make a claim. Your loved one will not be financially burdened by the personal injury claim that you make.

If the accident involves an unidentified vehicle/driver or an unregistered vehicle, you may still make a personal injury claim through the state insurer, the Nominal Defendant.

Even if your accident did not involve another vehicle but was rather as a result of a poorly maintained road, a defect in your vehicle, or other factor out of your control, you may still be entitled to a compensation claim.

Through personal injury claims you are able to recover money for various losses, including:

Pain and suffering

Obviously with injuries comes pain and suffering, therefore, you are entitled to an amount for your pain and suffering.

Past and future loss of income

As injuries have the potential to impact your past and future earnings, you are entitled to compensation for the money that you would have earned had the accident not occurred.

For example, if as a result of your injuries you required time off work or you are not able to work any overtime, you are entitled to the amount of money you would have earned had you not taken the time off work/worked overtime. Another example is if you are self-employed and had to hire someone to replace you or lost income due to your injuries, you are entitled to that loss of income.

Future loss of income is often the biggest component of a personal injury claim as often personal injuries have the ability to considerably impact future earnings. In calculating your potential future loss of income, your personal injury lawyer will take into account various factors including, but not limited to, past earnings, your intentions for future earnings, your age, promotion opportunities available to you, bonus opportunities and your expertise and skill level, etc.

Past and future care

Sometimes when you are injured in an accident, you are not able to carry out the household tasks that you used to prior to the accident (for example, cleaning the house, cooking, grocery shopping, etc.). Accordingly, this often results in those injured relying on the assistance of friends and family. In certain circumstances, you are able to claim compensation for the care provided to you already, as well as the potential care you will require in the future. However, there are strict threshold requirements that must be satisfied before being eligible to claim for past and future care.

Care provided on a commercial basis may also be claimed, as well as the commercial care you may require in the future.

"Out of pocket" expenses

Obtaining treatment for your accident related injuries is often expensive. You are entitled to payment of the expenses you have incurred as a result of the accident, including those expenses for medical treatment, physiotherapy/chiropractic treatment, medication, travel

expenses (for attendances upon doctors and specialists) and the like.

Future treatment and medication expenses

You are also entitled to claim an amount for your future treatment and medication treatment as often, with injuries, there is a requirement for long-term treatment. This amount may be determined by reference to your present "out of pocket" expenses as well as advice and opinions of doctors and specialists (whom your lawyer will get you to attend upon for examination).

This is not an exhaustive list of all damages that may be claimed – you may be entitled to further claims. Therefore, it is important to speak to a qualified personal injury lawyer to ensure that you obtain all the compensation that you are entitled to.

There are strict time limits involved in these types of claims so it is important that you act quickly and get advice about your situation as soon as possible.