

We have specialist solicitors for each area of law in which you might require assistance including:

- Car Accident Injury Claims
- Commercial Litigation
- Criminal Law
- Employment Law (Unfair Dismissal & Underpayment Claims)
- Equal Opportunity / Discrimination Claims
- Estate Disputes & Inheritance Claims
- Family Law
- Migration Law
- Personal Injury / Public Liability Claims
- Probate & Letters of Administration
- Traffic Charges
- Victims of Crime Claims
- Wills / Powers of Attorney & Advance Care Directives
- Workers Compensation



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## CAR ACCIDENT INJURY CLAIMS IN SOUTH AUSTRALIA



Established in South Australia, our professional, friendly and supportive team is committed to providing you with the highest standards of service.

Our goal is to relieve the stress of your situation by providing sound advice and professional legal assistance.

To this end our Service Charter is based on six fundamental principles:



### Respect

We work for you and acknowledge that as our client you deserve our attention and respect at all times.



### Quality Service

We listen to your needs and ensure that you are fully informed and properly advised at all key stages.



### Professionalism

We have the experience, competence and skill necessary to provide the legal service you need.



### Knowledge

Through continuous and ongoing research and training we are up to date on all aspects of our areas of speciality.



### Honesty & Integrity

At all times we will be open and honest and follow through on our commitments to you.



### Best Outcomes

We work hard to achieve the best outcome for you in the circumstances of your case.

We look after our clients and build a relationship of trust so that they are confident to come back whenever they need a lawyer.

If you have been injured in a car accident, whether as a driver, passenger, pedestrian or cyclist and the accident was caused or contributed to by the negligence of another driver then you may be able to claim compensation for the injuries sustained.



### When can I claim?

The right to make a claim is based on the fact that another driver was at fault. You claim against that driver's compulsory third party insurance which is paid for whenever we register a car in SA.

If you bear some of the responsibility for the accident or your injuries then the compensation payable is reduced by the percentage to which you contributed.

Sometimes the most seemingly straightforward car accidents can involve arguments about this contribution by the injured person. For this reason it is important to seek legal advice at the early stages when evidence regarding the accident can still be gathered.

The law in SA also imposes significant percentage reductions of your compensation (statutory reductions) under certain circumstances. These include if you weren't wearing a seatbelt or helmet when required, driving while intoxicated or being a passenger when you knew that the driver was intoxicated.

**A claim can be made even if the identity of the other driver is not known or they can't be located.**



### What can I claim?

Compensation (or damages) for injuries received in a car accident come under a number of headings which include:

- Non Economic Loss (pain and suffering)
- Past and Future Loss of Earnings (including a loss of chance and loss of earning capacity)
- Past and Future loss of Superannuation
- Past and Future medical expenses (including medical aids and any renovations required)
- Past and Future care services
- Loss of Consortium
- A contribution towards legal fees

In July 2013 a new motor accident compensation scheme was implemented in SA and has set certain thresholds that must be met in order to claim the different types of compensation.

The severity of injuries is assessed using a scale from 0 to 100. A mild impairment might sit at 1 on the scale whereas even quadriplegia might not reach 100 unless the person has assisted ventilation, extreme physical limitation and gross impairment of ability to communicate.

Examples of how the new scheme affects a claim are:

- To receive any compensation for pain and suffering, consortium or care services the injury must be assessed as exceeding 10 points on the scale.
- Future loss of earning capacity can't be claimed unless the assessment exceeds 7 points on the scale.



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If a person is not severely injured, a claim can only be made for reasonable medical expenses and for reasonable out of pocket expenses. The term 'reasonable' would relate to treatment which has been recommended by your treating General Medical Practitioner.

The above claims must be substantiated with expert medical evidence or financial evidence showing your inability to continue with your employment or evidence of the disruption of your employment.



### How and when do I claim?

A claim is made by lodging a claim form with the compulsory third party insurer. Upon doing so, you will receive a claim number and will be able to bill approved medical treatment to that number.

The general limitations period for a claim for injuries arising from a car accident is three years from the date of the collision. The new scheme requires a person to lodge a claim within 6 months.

Different provisions apply if the injured person is a minor and in certain circumstances it is possible to obtain an extension of time within which to make a claim. Nevertheless, it is best not to delay. Even if your accident was more than three years ago, if you continue to experience the effects of your injuries you should speak to a lawyer about whether you can still make a claim.

### Why get a lawyer?

The laws that dictate whether you are entitled to compensation, and how it is to be calculated, are by no means simple.

Right at the outset Websters Lawyers can provide an assessment of your case and advise you about what action to take. Early investigation on issues of liability, statutory reductions and the cause of your injuries can make a real difference to how long your case will take and what you will receive.

We will obtain the evidence necessary to prove the nature of your injuries and how they should be assessed on the injury scale along with what is required to prove the financial loss you have suffered.

Even if your claim can't be settled at this stage because you are still receiving treatment we can assist you to make an application for an interim payment of compensation to help out when you are unable to earn an income.

If the limitation period is approaching (or has expired), we can take immediate action to best protect your interests.

### What will it cost?

In most cases involving an injury that occurred in a car accident Websters Lawyers can offer a 'no win no fee' arrangement. This will give you confidence that we will act in your best interests and ensure that you won't end up with a large legal bill that you are unable to pay. The total cost will depend on the amount of work required and we will keep you advised of the costs along the way as we work to get you the best outcome.



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