

# MOTOR ACCIDENT CLAIM GUIDE

Strict time limits  
apply. Act now!

Injured on the Roads?  
The Next Steps

---

# Changes to New South Wales Motor Accident Laws:

In March of last year, the New South Wales Parliament passed the Motor Accidents Injuries Bill 2017 NSW and the act took effect in December of 2017. The Bill significantly impacts the benefits available to many people injured in motor vehicle accidents.

## The Motor Accidents Injuries Bill 2017 NSW:

The full title of the act states that its purpose is to “**establish a new scheme of compulsory third-party insurance and provision of benefits and support relating to the death of or injury to persons as a consequence of motor accidents; and for other purposes.**”

Essentially, this means that there are new regulations for how injured parties can make compensation claims when injured, particularly if they have smaller claims, minor injuries or slight psychological trauma. These changes affect the compulsory third party insurance scheme (which is mandatory in Australia) so drastically that it will decrease the amount of benefits for those injured in motor vehicle accidents by potentially 90%.

## What is a Compulsory Third Party Insurance Scheme?

Mandatory in all states of Australia, this type of insurance provides compensation for people who are injured or killed during an accident. The insurance company indemnifies you for claims made against you. In New South Wales, you are required to purchase CTP as a separate step before registering your vehicle.

## Our Location

Level 18, 201 ELIZABETH ST  
Sydney NSW 2000

☎ 02 8280 6900

📠 02 8280 6999

✉ [info@bpclaw.com.au](mailto:info@bpclaw.com.au)

## What has Changed?

Whereas entitlements used to primarily cover the injuries of those not at fault in the accident, the new statutory benefits will cover the injuries of any person injured, even one who was primarily at fault. The at-fault party will now also have the same access to compensation for: lost wages, medical expenses, treatment, and funeral expenses.

Additionally, you will now no longer be able to claim the extent of damages previously applicable, for accidents where another person was at fault or for an accident where no one is at fault...for example, accidents caused by a driver having a seizure, heart attack, or faints.

## Who Benefits the Most Under this New Scheme?

The parties most positively affected by these new changes to the law are those who are at fault for the accident.

Despite being to blame for the accident and the injuries of both parties, they will be able to claim compensation. The parties who are not at-fault in the accident will be more negatively affected because they will be receiving less benefit under the new scheme, particularly if their injuries are considered minor or if their ability to work is affected by their injuries.

In light of these changes, you may still be wondering what exactly you should do if you are injured in a motor vehicle accident in New South Wales. Though seeking the advice of an experienced lawyer is your best resource in the event of an accident, there are a few steps you can take so as to protect your interests if you are unfortunately involved in an accident.

# What to Do if you Are Injured in a Motor Accident:

## Drivers:

If you are involved in a motor vehicle accident while driving a vehicle, there are several steps you can take that will make it easier for your lawyer to help you in the long run.

- ✔ First, get to safety. If you aren't seriously injured make sure you move to a safe distance from the scene of the accident away from moving vehicles or debris. If you are more seriously injured, it may be best to remain where you are until you receive medical attention. It is important that you always seek medical attention soon after your accident, if not immediately (even if you don't feel as though you were injured). It will not only help the assessment of your claim and proof of damages, but is imperative for your own health and safety.
- ✔ Second, if you are able, get the contact details of any of the other parties...names, addresses, phone number (both home and work), and insurance details.
- ✔ Third, record details of the accident. Take pictures of the scene, the cars involved, the damage to the vehicles, and any injuries caused by the accident. Make note of the color, make, and model of any other cars, license plate numbers, time and date of the accident, and exact location. You will also need the details of any and all witnesses, as well as maybe a brief statement. If the police attend the accident, they will record this information as well, but it never hurts to have a backup and this way you can make sure the police record all of the necessary information.
- ✔ Fourth, contact a lawyer right away. Traffic claims have strict time limits and you'll want to get started as soon as possible.

## Pedestrians:

If you are involved in a motor vehicle accident and you were not driving a vehicle, you follow similar steps as listed above. It is unlikely that you could be hit by a vehicle as a pedestrian without being seriously injured, so your health and safety are of the utmost importance.

However, if you are able to record the accident details, get the information from the driver and all witnesses, take photographs of the scene, and contact the police, then it is advisable that you do.

## Our Location

Level 18, 201 ELIZABETH ST  
Sydney NSW 2000

☎ 02 8280 6900

📠 02 8280 6999

✉ [info@bpclaw.com.au](mailto:info@bpclaw.com.au)

[bpclaw.com.au](http://bpclaw.com.au)

# Injuries

## Moderate:

As previously mentioned, if your injuries are minor or you don't feel poorly after the accident, you still need to seek medical advice. Many serious things with long term effects and consequences start out being relatively minor and unnoticeable, such as: concussions, whiplash, slipped discs, and some internal injuries. In these cases, a trip to the hospital for medical advice can save you a lot of money, time, and pain in the long run. However you should be able to collect the requisite information described above.

## Serious:

However, if your injuries are more severe in nature (broken bones, unconsciousness, internal bleeding, etc.), you'll probably be taken to the hospital closest to the scene of the accident. In that case, the police will attend the accident and take note of the requisite details for you in an official report. You will be able to receive this incident report from them for the purposes of your claim, and your injuries will be recorded by the hospital so that you are able to demonstrate your medical damages for the claim.

Getting legal advice as soon as practicable after your accident is imperative, as very strict time limits apply.

*At BPC, we are renowned for successfully representing hundreds of people injured on the roads and offer a free, initial, no-obligation consultation and offer our services on a no win-no fee basis.*

## Our Location

Level 18, 201 ELIZABETH ST  
Sydney NSW 2000

☎ 02 8280 6900

📠 02 8280 6999

✉ info@bpclaw.com.au

[bpclaw.com.au](http://bpclaw.com.au)