



# Do you drive? Here's what you should know before you hit the road.

## Motor Vehicle Accidents 101

Motor vehicle accidents, even if it is a minor one, can be stressful and can raise a variety of complex legal questions that students may not know the answers to. It is important that anyone who is involved in a motor vehicle accident has an understanding of their rights and what steps need to be taken following a motor vehicle incident.

**Here are some key points to keep in mind:**

### WHAT TO DO IF YOU'RE IN AN ACCIDENT

- Stop at the scene of an accident, no matter how minor the accident may seem.
- Swap details with any other driver(s) involved in the accident or alternatively, owners of any property damaged by the accident.
- The law states that you must provide the following to any other driver or property owner involved:
  - Your name and address
  - The vehicles owner's name (if it isn't your car)
  - The vehicle registration number (number plate)
  - Any other information required to identify the vehicle
- If there are witnesses, ask for their details as well.
- If someone has been injured or killed, you **MUST** provide all possible assistance and call emergency services (000) as soon as possible.
- When/if the police arrive, you must provide them with your details and submit to any tests for alcohol and drugs.
- Avoid discussing who is at fault with any other driver or property owner as any admission you make can affect your insurance claim.
- Take photos of the scene and any damage/injury caused to yourself, the vehicles or other property.
- If you are insured, notify your insurance company immediately, even if you don't intend to claim. This is because it is a condition of most comprehensive and third party insurance policies that the insured person tells the insurance company about an accident

### DETERMINING FAULT

It is not always clear who is at fault in a motor vehicle accident, however fault is an important factor in determining responsibility for the accident and any repair costs that may be claimed.

Sometimes only one driver has been negligent and therefore is the only one at fault. For example, where one driver has been speeding, was intoxicated, failed to obey a road rule etc.

However, sometimes two or more people involved in the accident have contributed to what has eventuated and therefore it is less clear who should bear responsibility. If there is any difficulty determining who is at fault, avoid arguing about it with anyone else involved and instead contact police and/or a lawyer to seek further advice.

### MAKING A CLAIM

- The more evidence and details you have of the accident and the parties involved, the better. This is why photographic evidence and the details of other drivers or witnesses involved is important.
- If you need to seek medical assistance it is important that you keep receipts and other proof of this.
- In addition to ensuring you report the accident as soon as possible to your insurance company / police it is a good idea to get a receipt of event number to confirm it has been reported.
- After you have lodged a claim with your insurer, your insurance company will usually take over the next steps of liaising with the CTP insurer of the other driver.
- If you also need to lodge a personal injury claim, the claim must be lodged with the CTP insurer of the negligent driver within 6 months of the accident.
- If you have been injured in a car accident as a driver, passenger or pedestrian, you are eligible to claim car accident compensation. If this is applicable, it is a good idea to seek legal advice.

For more information visit  
[uow.info/legal-clinic](http://uow.info/legal-clinic)



## AM I COVERED BY INSURANCE?

The type of insurance you have can affect what compensation you are entitled to and/or what compensation you must pay after an accident. There are three main types of insurance:

### Compulsory Third Party Insurance

- Every driver in each state and territory must have Compulsory Third Party Insurance (often called CTP insurance). If your car is properly registered you will be covered by CTP insurance.
- In NSW, CTP insurance only covers costs associated with injuries sustained in a road accident such as the cost of medical treatment or any lost income.

### Third Party Property Insurance

- Third party property insurance is optional in NSW and as such you will only be covered if you elect to purchase this insurance.
- If you are at fault in an accident, this insurance covers any damage to another person's property but DOES NOT cover any costs associated with damage caused to your property

### Third Party Fire & Theft

- You may have elected to take out Third Party Property which, like the above, covers damage to your car by fire or theft.

### Comprehensive Car Insurance

- Comprehensive car insurance is again optional and will only apply if you have elected to purchase this insurance.
- Comprehensive insurance covers damage to any other persons property as well as any damage to your car even if you are at fault.

### Dispute with Insurance Company

- If you can't resolve your dispute with your insurance company through an internal review then you can contact Australian Financial Complaints Authority on 1800 931 678.
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## SOME USEFUL WEBSITES FOR FURTHER INFORMATION:

- [lawaccess.nsw.gov.au/Pages/representing/lawassist\\_car\\_accident/who\\_is\\_responsible/Fault.aspx](http://lawaccess.nsw.gov.au/Pages/representing/lawassist_car_accident/who_is_responsible/Fault.aspx)
- [understandinsurance.com.au/types-of-insurance/car-insurance](http://understandinsurance.com.au/types-of-insurance/car-insurance)
- <https://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/have-you-crashed-your-car>



The UOW Legal Clinic is available for free and confidential advice so if you would like to talk your situation through, make an

appointment.



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