

# Assessment of Claims at the Claims Assessment and Resolution Service

The Claims Assessment and Resolution Service (CARS) provides a simple, accessible and fast way of assessing claims for compensation outside the court system for people injured in motor accidents.

This information sheet will assist you in understanding our assessment and dispute resolution process.

## How is your claim assessed?

Not all claims lodged with CARS have to be assessed. Injured people and insurers often settle claims before they are set down for assessment.

If your claim has not settled, it will be assessed by an independent Claims Assessor. The Claims Assessor is an independent lawyer who has expertise in assessing compensation and resolving motor accident claims. The Claims Assessor will encourage you and the insurer to discuss settling your claim.

Claims Assessors can determine issues about liability for the claim as well as the amount of compensation to be paid. For most injured people, a CARS assessment will allow the claim to be finalised without the need to go to court.

The Claims Assessor will explain the assessment process to you. You may be asked to:

- provide more information or documentation
- participate in a teleconference with the insurer and the Assessor
- attend a CARS assessment conference hearing.

For more information about a CARS assessment conference, please refer to the information sheet *What to expect at a Claims Assessment and Resolution Service assessment conference* available on the SIRA website, [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

## What happens after the assessment?

The Claims Assessor will consider all the available documentation and information including any information provided by you or any witnesses at the assessment conference hearing (if you're asked to attend one).

The Claims Assessor will provide you (or your lawyer, if you have one) with a certificate setting out the decision and the supporting reasons. In most cases the certificate and reasons will be sent within three weeks after the CARS assessment conference hearing.

## Is the Claims Assessor's decision binding?

Assessments about the amount of compensation to be paid in relation to your claim can be binding on the insurer. If there is no dispute about liability for your claim and you accept the CARS assessment the insurer must pay the amount of compensation assessed. If there is a dispute about liability for your claim the Claims Assessor will still assess the claim, but the assessment is not binding and both you and the insurer can reject the assessment.

You must decide whether to accept or reject the CARS assessment. To accept the assessment you (or your lawyer, if you have one) must notify the insurer in writing within 21 (calendar) days of the certificate being issued, otherwise you will be taken to have rejected it and the insurer will have no obligation to pay the amount assessed. If you reject the assessment, or if you are taken to have rejected it, you may need to go to court if you want to pursue your claim.

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## How long will an assessment take?

CARS aims to finalise most assessments within five to six months from the time your application is received for assessment. The process may take longer if you or the insurer have not provided all relevant documentation and information.

There are several steps in the process and at each step both you (or your lawyer, if you have one) and the insurer have the opportunity to comment and/or provide information.

## What does it cost?

There are no fees for making an application for assessment to CARS. Fees may apply if you go to court.

## What about legal costs?

If you have a lawyer you should be aware there are limits to the amount of legal costs the insurer is required to pay your lawyer. This means the insurer may not pay all your legal costs and you may have to pay the balance. You should discuss legal costs with your lawyer.

If you have a lawyer, the Claims Assessor will make an assessment of the amount of legal costs that must be paid by the insurer as part of the assessment of your claim.

## Where can I go to for assistance?

If you have a lawyer you should ask them about the dispute resolution process and request they keep you informed about the progress of your application. Alternatively, SIRA's Claims Advisory Service (CAS) can provide you with general assistance, however they are unable to provide legal advice. For assistance:

- Ring the CAS on **1300 656 919**
- Visit the CAS at Level 25, 580 George Street, Sydney (call **1300 656 919** to make an appointment)
- Email the CAS at [motor@sira.nsw.gov.au](mailto:motor@sira.nsw.gov.au)
- Visit the SIRA website [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

If you feel you need a lawyer to represent you, make sure they have expertise handling motor accident claims. The Law Society of NSW can provide you with a list of personal injury accredited specialists in your area through their Community Referral Service; call **02 9926 0300** or **1800 422 713** (if you live outside Sydney).

## Your feedback is important to us

Whether you have a compliment or suggestion, your feedback is the key to improving our service.

### To contact us

Claims Assessment and Resolution Service  
Level 19, 1 Oxford Street  
Darlinghurst NSW 2010

DX 10 Sydney

Phone: **1300 137 131**

E-mail: [motor@sira.nsw.gov.au](mailto:motor@sira.nsw.gov.au)

Website: [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au)

We are open from 8.30 am to 5 pm Monday to Friday (except public holidays).