

Making a claim for damages

People more seriously injured in a motor accident who were not at fault can make a claim for damages (also called ‘lump sum compensation’)

For people injured in motor accidents in NSW on or after 1 December 2017

You can make a claim for damages if you:

- have more than a [threshold injury](#), and
- were not at fault, and
- your injury was the fault of another driver or vehicle owner.*



You have three years to make a claim for damages

To make a claim for damages, complete the ‘Application for damages under common law’ form, which is available at www.sira.nsw.gov.au

Legal support

- If you would like the support of a legal representative, the Law Society of NSW can help you find a lawyer at www.lawsociety.com.au
- If you choose not to engage a lawyer to help you with your claim for damages, you will negotiate directly with the insurer.
- Any settlement negotiated directly with the insurer must be approved by the Personal Injury Commission. This is to ensure that the settlement amount agreed between the insurer and the injured person is reasonable.

10% or less permanent impairment**

You can only claim damages for economic loss

- You can make a claim for damages up to three years after the date of the accident.
- If you are receiving income support benefits, they will stop after 104 weeks, unless you have made a claim for damages.
- If you have made a claim for damages, your income support benefits may continue up to 156 weeks.

More than 10% permanent impairment**

You may claim damages for economic loss and non-economic loss

- You can make a claim for damages up to three years after the date of the accident.
- If you are receiving income support benefits, they will stop after 104 weeks, unless you have made a claim for damages.
- If you have made a claim for damages, your income support benefits may continue up to 256 weeks.



Economic loss

Including past or future loss of earnings and superannuation or earning capacity due to your injuries.



Non-economic loss

Including pain and suffering and reduced quality of life.

Next steps

- Within three months after your claim for damages is made, the insurer will let you know if it admits liability.
- The insurer may request you supply further information.
- If the insurer admits liability for your claim for damages, you or your lawyer can negotiate your settlement amount with the insurer.
- If you and the insurer don’t agree about the amount, the insurer or your lawyer will tell you about the next steps.
- If you are receiving income support benefits, they will stop when your claim for damages is finalised. Any reasonable and necessary treatment and care will continue to be covered for your lifetime.

This information is for general purposes only and should not be considered legal advice.

Need more information?

Contact CTP Assist on **1300 656 919** or email ctpassist@sira.nsw.gov.au

More information is also available at www.sira.nsw.gov.au

You can also contact your CTP insurer.

Note: All timeframes are from the date of the accident, unless otherwise stated.

*Damages may also be payable in a ‘no-fault motor accident’ (i.e. not caused by anyone’s fault, or where you were only partially at fault). You may wish to seek legal advice.

**Permanent impairment as a result of your injuries from the accident.