

This fact sheet for injured people provides an overview of the CTP Legal Advisory Service created by the State Insurance Regulatory Authority (SIRA).

What is the CTP Legal Advisory Service?

When the new CTP Green Slip scheme came into effect on 1 December 2017, new laws were introduced which prevents lawyers from receiving payment for certain services, and regulates how much they can charge for other types of services. This means lawyers cannot be paid for or recover costs for providing advice on certain matters.

To ensure you have access to legal advice in these instances, SIRA has established a CTP Legal Advisory Service. This service is made up of a panel of lawyers who provide independent legal advice to people who have been injured in a motor accident on or after 1 December 2017.

If you are already receiving advice from a lawyer on your CTP claim it is recommended that you speak to them.

How do I access the CTP Legal Advisory Service?

Call CTP Assist on 1300 656 919. They will confirm your eligibility and arrange a telephone-based consultation between you and a lawyer from the service. If you need an interpreter CTP Assist can also arrange this for you.

The lawyer will provide you with advice over the phone, and confirm that advice to you in writing. The advice you receive will be confidential. Access the “CTP Legal Advisory Service – timeframe expectations” fact sheet on the SIRA website (www.sira.nsw.gov.au) for further information on what to expect when working with the service.

What matters can be referred to the CTP Legal Advisory Service?

Only certain matters can be referred to the CTP Legal Advisory Service for advice (see the table, below). These relate to claims for statutory benefits for a motor accident that occurred on or after 1 December 2017.

Advice can be provided at different stages during the life of a claim, including:

- before a decision is made by an insurer
- at any time before or after internal review (but not in connection with the internal review application)
- at any time before an application is made to the Personal Injury Commission (the

Commission)

To read more about internal reviews and the Commission, visit the [SIRA website](http://www.sira.nsw.gov.au).

The table below outlines the matters which can be referred to the CTP Legal Advisory Service:

Reason for referral	Example of when information or advice may be required
Funeral expenses	What is a 'reasonable' funeral expense?
Amount of weekly payments	Pre-accident weekly earning, post-accident earning capacity and calculations.
Cessation of a pending damages claim	Whether the cessation of weekly payments after the maximum weekly payments period is subject to a pending claim for damages.
Suspension due to work fitness evidence	Insurer disputes 'special reasons' for a certificate of fitness for work covering a period that exceeds 28 days.
Suspension due to non-rehabilitation/treatment/training	Do you have a 'reasonable excuse' not to comply in undertaking rehabilitation, treatment or vocational training?
Insurer notice periods	Has the insurer complied with the relevant notice periods?
Recoverable statutory benefits	Is there a right to recover and if so, what amount?
Gratuitous services	Do you have a loss of capacity to provide gratuitous services, and if so, what is the amount payable?
Retirement age termination	Termination of weekly payments on retiring age.
Suspension re medical evidence	Have you provided the insurer with a medical certificate certifying your fitness for work?
Weekly benefits outside Australia	Are you residing outside of Australia and want to claim ongoing weekly payments and your loss is likely to be permanent?
Variation of weekly payments	Your weekly payments been varied and you do not agree (e.g. have they been indexed correctly?)
Cost of treatment and care	Is the cost of treatment and care reasonable?
Verification of expenses	Have expenses been properly verified in accordance with the Act?
Treatment and care within time	Have expenses been incurred within the 26-week period for at fault or minor injury claims?
Treatment and care authorised	Are treatment expenses incurred more than 26 weeks after the date of the accident authorised to be paid?
Treatment and care compensated	Has the treatment and care already been paid under a damages claim or bulk billing arrangement?
Treatment and care limits	Does the cost of treatment or care exceed the limits imposed by the Motor Accident Guidelines?
Excluded treatment and care	Is the treatment and care covered by the Lifetime Care and Support Scheme?
Treatment and care outside Australia	Are you receiving treatment outside Australia (as a citizen or permanent resident)?

Note that the lawyer assigned to you can only advise on the specific matter for which you have been referred after contacting CTP Assist.

For example, if you are referred to the CTP Legal Advisory Service for advice on the amount of statutory benefits that are payable, the lawyer can only advise you on whether your pre-accident weekly earnings (PAWE) has been calculated correctly. The PAWE is the amount you were earning at the time you were injured. The lawyer would not be able to also provide advice on another matter, for example, whether you have a minor injury.

Matters which cannot be referred to the CTP Legal Advisory Service include:

- advice about a claim under the *Motor Accidents Act 1988*
- advice about a claim under the *Motor Accidents Compensation Act 1999*
- any common law claims
- advice relating to an application for internal review.

The CTP Legal Advisory Service lawyer cannot:

- file any documents or make any applications in a court or to the Commission on your behalf; or
- represent you at the Commission or in a court.

What will it cost?

There is no charge to you to access this service.

Who are the lawyers who provide advice through the CTP Legal Advisory Service?

The lawyers who provide advice through the CTP Legal Advisory Service have significant experience in providing legal advice on motor accident and personal injury law. They practice in both regional and metropolitan areas across NSW.

What if I am not eligible?

CTP Assist will provide you with information about other available legal services. These include:

- the Law Society of NSW. They can give you more information, including how to find a lawyer in NSW. They can be contacted on (02) 9926 0333 or visit www.lawsociety.com.au
- Community Legal Centres - visit www.clcnsw.org.au.

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers. However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website legislation.nsw.gov.au.

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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Website www.sira.nsw.gov.au

Catalogue no. SIRA08962 | © State Insurance Regulatory Authority 0918