

Assessment of disputes in connection with a claim

The Claims Assessment and Resolution Service (CARS) provides a simple, accessible and fast way of assessing disputes between you and the insurer in connection with your motor accident claim.

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

What type of disputes in connection with a claim can be assessed?

CARS can assess claims and certain disputes that arise in connection with a claim. The most common disputes referred to CARS are:

- whether you can make a late claim (a late claim is a claim made more than six months after the accident)
- whether you have a full and satisfactory explanation for not reporting the accident to the police within 28 days of the accident
- whether you have made appropriate search and inquiry to identify the vehicle that caused your accident (in cases where the vehicle is unidentified)
- whether the insurer is required to make an interim payment to you to help you avoid financial hardship
- whether the insurer can direct you to provide all relevant particulars about your claim at a point in time two years and six months after the accident
- whether a claim that has been withdrawn (because you did not provide particulars) can be reinstated.

How is the dispute assessed?

The dispute will be assessed by an independent Claims Assessor. The Claims Assessor is an independent lawyer who has expertise in resolving disputes that arise in connection with motor accident claims. The Claims Assessor will encourage you and the insurer to discuss settling or resolving the dispute.

The Claims Assessor will advise you how the assessment will be undertaken and will explain the 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.

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 some disputes are binding on you and the insurer such as whether the insurer is required to make an interim payment to you to help you avoid financial hardship, and whether the insurer can direct you to provide all relevant particulars about your claim at a point in time two years and six months after the accident. However, other assessments are not binding.

How long will an assessment take?

CARS aims to finalise most assessments within three to four 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 you (or your lawyer, if you have one) and the insurer will 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
- Visit the SIRA website 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

Website: www.sira.nsw.gov.au

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