

SECTION 85B DIRECTION TO PROVIDE PARTICULARS

[NAME OF INSURER] is of the view that [you/name of claimant] have/has failed to provide to [NAME OF INSURER] all relevant particulars about [your/his/her] motor accident claim as required by section 85A of the *Motor Accidents Compensation Act 1999* (the Act).

Section 85A of the Act says that [you/name of claimant] must provide [NAME OF INSURER] with all relevant particulars about [your/his/her] claim as expeditiously as possible after the claim is made.

Relevant particulars about a claim are defined in the Act as full details of:

- (a) the injuries sustained by [you/name of claimant] in the motor accident, and
- (b) all disabilities and impairments arising from those injuries, and
- (c) any economic losses and other losses that are being claimed as damages,

sufficient to enable [NAME OF INSURER], as far as practicable, to make a proper assessment of [your/name of claimant]'s full entitlement to damages.

In accordance with section 85B of the Act, [NAME OF INSURER] requires you to provide to it all relevant particulars about the claim within 3 months from the date of this direction.

If [you/name of claimant] do/does not comply with this direction within 3 months, then in accordance with section 85B(3) [you/name of claimant] will be taken to have withdrawn [your/his/her] claim.

This direction is given in the form approved by the Motor Accidents Authority pursuant to section 85B(2) of the Act.

Signed: _____

Dated: _____

NOTES

- If you do not have legal representation and require information about this notice and procedural assistance with what to do next, please contact the Motor Accidents Authority's Claims Advisory Service on 1300 656 919.
- If you do not agree that the insurer is entitled to give you this written direction and you are of the view that you have provided relevant particulars about the claim, please contact the insurer to discuss the matter with them. If you still cannot agree with the insurer then either party can lodge an application for special assessment of the dispute with the Claims Assessment and Resolution Service [CARS] pursuant to section 96(1)(h). A CARS assessor will then determine whether the insurer is entitled to give a direction under section 85B.
- If you are taken to have withdrawn your claim an application can be made to CARS to reinstate the claim in accordance with section 96(1)(i) and section 85B(4)-(7).