

Important accident details

date: time:

location:

other vehicle

registration number:

make:

model: year:

full name of owner:

address:

full name of driver:

address:

insurance company:

witnesses

name:

address:

phone:

name:

address:

phone:

name:

address:

phone:

Notify the police if anyone is injured or total property damage is over \$2500.

Need a solicitor?

If you do not have a solicitor, you can find one via Queensland Law Society's Referral Service on www.qls.com.au or phone 07 3842 5842.

The information in this brochure is merely a guide and is not meant to be a detailed explanation of the law. Queensland Law Society recommends you see your solicitor about particular legal problems.



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MOTOR VEHICLE ACCIDENTS



A LEGAL GUIDE TO YOUR RIGHTS AND OBLIGATIONS

If you are involved in a motor vehicle accident, regardless of who you believe is at fault, you should contact your solicitor for advice on your possible rights to compensation and your legal obligations.

At the accident scene

You must remain at the accident scene and you should:

- phone a doctor or ambulance if anyone is injured
- notify the police if anyone is injured or if total damage to vehicles or other property is more than \$2500
- after seeking approval from the police if they attend, clear the road of any glass or debris from damaged vehicles as soon as you can do so safely
- not admit fault
- write down details of other vehicles involved – registration numbers and other information necessary to identify the vehicle (eg make and model); names and addresses of the drivers, owners and passengers*
- talk to witnesses and note their details*
- note the date, time and location*

It is important that you do not admit fault until you have obtained legal advice.

* See 'Important accident details' page in this brochure.



After the accident

You should advise your compulsory third-party and comprehensive property insurers about the accident and obtain a claim form and submit it to each.

Contact your solicitor for advice on your rights and obligations regarding property damage and/or injuries.

Compensation for property damage

Whether you are at fault or not, if you are comprehensively insured, your insurance company will sort out your rights and responsibilities regarding property damage.

If there is a disagreement who is at fault or there are problems due to vehicles' being uninsured, you should immediately contact your solicitor who will handle the details for you.

Compensation for injuries

You may be entitled to claim compensation for injuries suffered in a motor vehicle accident if those injuries were caused by the negligence of another or were partially your fault.

When a person has suffered personal injury in a motor vehicle accident, or has lost a family member in an accident, it is critical that legal advice be obtained as soon as possible.

If someone has been hospitalised, advice should be obtained on that person's behalf. Delay can seriously affect the chances of recovering compensation.

Personal injury claims

If you propose to claim for personal injury it is in your best interests to seek legal advice as claims can be very complex and are often disputed.

You must give notice of the accident to the relevant compulsory third-party insurer by the earliest of the following dates:

- (i) one month after first consulting a lawyer
- (ii) nine months after the accident
- (iii) the first appearance of symptoms of the injury.

If the accident is caused by an unidentified driver or vehicle, your claim will be made to the Nominal Defendant. Your solicitor will assist you with this claim which **must** be lodged within three months of your initial meeting with your solicitor or three months after the date of the accident, or your right to claim is lost.

Seeing a solicitor

When you first visit your solicitor regarding property damage or personal injury it is important to have the details relating to the accident with you (see the 'Important Accident Details' page in this brochure).

You will also need the following information:

For property damage –

- quotes for the cost of repairs to your vehicle

For personal injury –

- names of the hospital and doctors who treated you
- details of the injury you sustained
- details of any payment you may have received (eg Medicare or private health or personal injury insurance)

