

ACCIDENT & OTHER CLAIMS

Motor Accidents & Damages

If you have been injured in a motor accident and you can show that your personal injuries were caused by or contributed to, by the negligence of another driver, you can claim damages or monetary compensation.

Damages are paid by the Motor Accidents Insurance Board in addition to statutory benefits that the Board pays (e.g. medical costs & 80% of earnings).

Most people involved in a motor accident are entitled to reasonable medical costs, ambulance transport, an allowance for loss of earnings or the inability to perform housekeeping duties or for funeral and death benefits.

In addition to the statutory benefits, if you are injured and another driver is partly or wholly at fault you can claim damages for:-

- Pain and suffering;
- Physical and psychological injuries;
- Loss of superannuation contributions;
- Some house modifications;
- The difference between what the Motor Accidents Board pays for loss of earnings and what you might otherwise have earned.

It is important to remember that claims for statutory benefits from the Board must be lodged within 12 months of the date of a motor accident.

Claims for damages for all other past, present and future losses not covered by statutory payments made by the Board must be made within 3 years of a motor accident.

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Workers Compensation, Damages & Work Accidents

If you are injured at work in employment you are entitled to three (3) basic workers compensation benefits. They are:-

1. Weekly payments of compensation;
2. Reasonable, necessary and accident or claim related medical and other expenses including rehabilitation and retraining; and
3. A lump sum for any permanent "whole person impairment" arising as a result of the accident or claim. You must have a permanent 5% physical or 10% psychological impairment to qualify.

If you are injured at a workplace and the employer, some other contractor, party or person was careless or negligent you may be able to claim damages.

Damages are a sum of money designed to compensate for:-

- Pain and suffering from your injuries;
- Loss of superannuation contributions;
- Any shortfall in wages and income; and
- Any other expenses or losses not covered by workers compensation payments.

A claim for damages must be made within 3 years of the date of the accident.

Victims of Crime Compensation

Where a person is killed or suffers personal injury as a result of another person committing an offence or crime against them (criminal conduct) they may claim compensation from the offender and if the offender has no money they can claim from the State Government for their loss & damage.

The main claimants are people who are actually physically or psychologically injured. They are the primary victim.

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Also a person who suffers injuries as a result of witnessing an offence or crime or who is a parent, step-parent or guardian assisting a primary victim can claim. They are a secondary victim.

Injuries include any impairment of bodily or mental health or becoming pregnant (e.g. following unlawful sexual intercourse or rape).

Public Liability & Other Claims for Loss & Damage

Claims for loss and damage can also be made where a person suffers a loss or injury in an accident or event involving:-

- Medical negligence;
- School premises accidents;
- Some slip and fall cases;
- Machinery causing harm;
- Non-payment of superannuation; or
- Non-payment of insurance policy claims.

Costs

In appropriate cases we will pay out of pocket expenses for Court fees and medical and other reports and we do not expect payment until the hearing or settlement of a claim.

Advice

If you want advice about claiming an entitlement to compensation or damages for your losses or injuries please make an appointment today (see over page for our contact details).

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