

# Information for unrepresented CTP claimants

## Support and guidance for your CTP claim

This information sheet and resources on the Motor Accident Insurance Commission (MAIC) website aim to assist you with your Compulsory Third Party (CTP) claim. Making informed decisions is vital for your best outcome. While the MAIC enquiry line is available to answer general questions, your primary contact should be the CTP insurer managing your claim. This is the CTP insurer responding on behalf of the owner or driver of the motor vehicle you say caused the crash. You may also seek legal advice or representation at any stage of your claim.



## Understanding the CTP claims process

In Queensland, CTP claims operate under a common law system. This means you must prove that a motor vehicle was at fault for the crash, and the injuries you sustained, in order to claim compensation for your injuries and losses. To begin, you lodge a Notice of Accident Claim (NOAC) form with the CTP insurer of the vehicle you believe is partially or fully responsible for the crash. The claims process involves gathering evidence, negotiating with the insurer, and possibly court proceedings.

It's important to carefully consider the risks and benefits at each stage of the process.

Open and respectful communication with the insurer is key. Disputes may arise about who was at fault for the crash, rehabilitation, the value of your claim, or settlement terms but constructive communication can help resolve them effectively.

### Your role



As the claimant, you are responsible for:

- submitting your completed claim form to the insurer promptly
- providing evidence to prove your claim, such as medical reports, witness statements, and proof of financial losses (e.g. payslips)
- following medical advice, sharing recovery updates with the insurer, and attending medical assessments if required
- carefully considering and responding to settlement offers promptly (accept, reject or counter-offer), and seeking legal advice if required, as settlements are final
- attending settlement conferences if required
- communicating openly and respectfully with the insurer even during disagreements
- being truthful in your claim as providing false or misleading information is an offence under the *Motor Accident Insurance Act 1994*.

### The insurer's role



The insurer is responsible for:

- responding as the CTP insurer of the vehicle that may have caused the crash (the CTP insurer does not act on your behalf)
- investigating the crash to decide who was at fault using evidence like police reports and witness statements
- processing your claim, including reviewing your medical reports and treatment needs
- assessing how your injuries affect your life, work and daily activities
- funding 'reasonable and appropriate' rehabilitation services, like physiotherapy or counselling (see the [Guideline for CTP insurers: Reasonable and appropriate rehabilitation and treatment](#) on the MAIC website).
- paying compensation if your claim is successful based on how serious your injuries are and how they affect your life, money for medical costs, lost income and pain and suffering
- communicating openly and respectfully with you, providing clear and timely updates, and answering your questions
- offering ways to resolve disputes if issues arise.

# Overview of the claims process

You can seek legal advice or representation at any stage of your claim

Subject	Actions	Important factors
Making a claim	 You lodge a completed claim form with the CTP insurer of the 'at fault vehicle' within 9 months.	You should provide as much information as possible on your claim form to avoid delays. You can provide any receipts for 'out-of-pocket' expenses now or during the claim for the insurer to consider.
Responding to a claim	 Insurer considers claim form compliance, whether fully or sufficiently completed subject to timeframe.	You must provide any outstanding information as requested by the insurer to reach compliance. Delays may occur if you do not provide the requested information.
Early rehabilitation	 Insurer may decide whether to fund early rehabilitation if it is 'reasonable and appropriate'.	You may seek pre-approval for funding of treatment and other rehabilitation expenses (see the Guideline for CTP insurers: <u>Reasonable and appropriate rehabilitation and treatment</u> on the MAIC website).
Liability decision	 Insurer considers accident information, whether you contributed to the accident, and makes a liability decision within 6 months after claim form is compliant.	You provide further information or evidence to support your view on liability. Insurer may admit liability but argue the injury was not caused by the accident.
Informal settlement	 Both parties may exchange informal offers at any time during the claim but generally when injuries have stabilised.	You can choose to accept or reject an offer or negotiate by making counter-offers to the insurer. Once you sign to accept an offer and receive payment, your claim will be finalised and you will not be able to make any further claims for your injuries.
Medico-legal reports	 Both parties may obtain reports from medical specialists to assess injuries and whole person impairment (if any). The Insurer may require you to attend a medico-legal examination at their expense and you must cooperate.	You consider if your injuries have reached maximum medical improvement based on medical advice. You may request that you and the insurer obtain a joint medico-legal report but it is not compulsory.
Settlement conference	 Both parties can request and if requested, must agree on a date and time to attend a settlement conference.	You prepare to informally present your case and negotiate settlement. If the settlement conference is a compulsory conference, you and the insurer must exchange final offers in writing if settlement is not reached. You may accept or reject the final offer.
Litigation	 If settlement is not reached between you and the insurer, you may pursue a claim in the courts and are bound by timeframes and legislative steps.	As with other stages of your claim above, you may wish to seek legal advice.

This table provides a brief overview of the claims process, your responsibilities, and what to expect at each stage. If you have questions or need help, consider seeking legal advice, contact the insurer or visit the MAIC website.

MAIC regulates Compulsory Third Party (CTP) insurance in Queensland.

Visit: [www.maic.qld.gov.au](http://www.maic.qld.gov.au)

Phone: 1800 287 753

Email: [maic@maic.qld.gov.au](mailto:maic@maic.qld.gov.au)

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