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Making a Claim in the ACT

Fault must be established for a claim to succeed.

IMPORTANT: The information below is general and should not be relied upon as legal advice or as a basis for action or decisions about making a claim or associated issues. Readers should seek their own legal advice about those matters.

[Compulsory Third Party Personal Injury Claim Notification \(MANF\)](#)

[Medical Certificate For CTP Insurance Claims \(MAMR\)](#)

[Notice of Claim and Additional Information Forms \(NOCAIF\)](#)

Who can claim?

A CTP personal injury claim form may be lodged by:

- any person who has sustained personal injury as a result of a motor vehicle accident in the ACT for which they were not at fault. This may include a driver, motorcyclist (or cyclist), passenger or pedestrian, but not the driver of the vehicle at fault.
- dependants or the estate of someone fatally injured as a result of a motor vehicle accident in the ACT for which the deceased person was not at fault.

If you are partly at fault you can still claim but your entitlement will be reduced by the extent of your contributory negligence.

How long do I have to make a claim?

Notice of claim must be given in writing to the CTP insurer of the at-fault vehicle within 9 months after the motor vehicle crash or from the time when injury symptoms first appear.

If the at-fault vehicle cannot be identified or is not insured for CTP, notice of claim must be given to the Nominal Defendant within 3 months.

Failure to comply with time limits may prejudice your rights to pursue a claim.

How do I go about making a claim and what forms do I need to fill in and where do I get them?

If you are in an accident, you should fill in a Motor Accident Notification Form (MANF). This form requires you to fill in information about the accident. If you need help to fill in this form, the CTP insurer can assist you. It is probably advantageous to contact the CTP insurer as soon as possible because most motor accident victims will qualify for payment or reimbursement of the first.

\$5,000 of their medical expenses without first having to establish that someone else is responsible for the accident so long as you notify the insurer within 30 working days of the date of the accident. The CTP insurer will have additional information for you about treatment and rehabilitation options under the new CTP arrangements for the ACT.

You should obtain copies of the forms from the CTP insurer or the Nominal Defendant (addresses and contact details are shown at the end of this document), or download them from the ACT CTP Website. You should complete them as fully as possible and either post or lodge them with the CTP insurer or the Nominal Defendant in person.

What happens after I return the Motor Accident Notification Form?

After you return the form, the CTP insurer must then begin to evaluate your claim. The insurer may require you to be examined by a doctor of its choice and to complete the Notice of Claim and Additional Information Forms (NOCAIF) to enable it to investigate the crash and make an assessment of liability.

There is an obligation on all parties to share documents and information relevant to liability and the amount of damages. This includes copies of any reports about the accident, your medical condition and prospects for rehabilitation, and your cognitive, functional or vocational capacity. The insurer may also ask you to provide information such as the medical treatment or rehabilitation treatment you have sought or obtained for the injury, your medical history (where relevant), any other personal injury claims you have made, and information about your claim for past or future loss of income or in relation to gratuitous services.

When you have recovered, or medical reports confirm the maximum degree of recovery has been reached, the insurer will contact you to finalise your claim.

If you consider your claim has reached this stage, you should contact the insurer regarding settlement.

Who pays the treatment accounts?

If a Motor Accident Notification Form are provided to the CTP insurer (or Nominal Defendant) within 30 working days of the motor accident, the insurer is obliged to pay the first \$5,000 of your medical expenses incurred within 6 months of the accident (this does not constitute an admission of liability on the insurer's part). This is an early payment. In addition, the insurer may agree to pay for rehabilitation services without admitting liability.

Accounts paid by you are normally included in the final settlement; however, the insurer may consider interim reimbursement upon request. You should ask your treating practitioner about treatment costs you pay, in case there are gaps between the charge and reimbursement, which the insurer may not pay.

Can I claim for loss of earning capacity?

Although a CTP insurer has no legal liability to pay for loss of earning capacity prior to settlement of the claim, it may consider pre-payment upon application.

What am I entitled to claim?

You are entitled to make a claim for:

- Economic loss – this includes compensation for past and future loss of earning capacity and for past and future medical, treatment and care expenses.
- Non-economic loss (general damages) – this includes pain and suffering, loss of enjoyment of life and any loss of expectation of life experienced by you as a result of the injuries.

What happens if a lawyer lodges a claim for me?

A lawyer can give you independent advice about whether you have a claim and about the amount of compensation you are likely to receive. The Law Society of the ACT can let you know their member firms and their areas of specialisation.

A lawyer must give the insurer written notice of your claim within 1 month of your first consultation with him or her. This applies in addition to the general 9 month time limit for notifying claims.

If you decide to lodge your claim through a lawyer, it is in your interests to ensure that the lawyer provides the Forms you and your doctor have completed to the CTP insurer in time for you to seek early payment or reimbursement of the first \$5,000 of your medical expenses if you qualify for payment. Your lawyer may obtain medical and other reports, collate details of your claim, negotiate with the insurer on your behalf and advise you about finalisation. A lawyer can bring court proceedings on your behalf should this be necessary.

Your lawyer may ask you to agree that all communication with the insurer concerning your claim should be made through your lawyer. However, if the CTP insurer admits liability, it becomes obliged to provide the cost of reasonably incurred medical expenses and reasonable and appropriate rehabilitation, amongst other things. You will need to ensure your lawyer provides you with timely notice of any of the insurer's requirements in this regard.

Is there a time limit?

Yes. If your claim is not settled within 3 years, from the date of the crash (or when your injuries become apparent), you must ensure that Court proceedings have been issued on your behalf before the 3 years expire. If you were under 18 years of age at the time of the accident then a 6 year time limit applies. Time limits, usually running from the date of an accident, are fixed in legislation and it is therefore important to obtain legal advice as soon as possible if it becomes necessary to sue the CTP insurer.

If you are making a claim in relation to an interstate accident, a different time limit may apply in some States.

This information should be treated as a guide only. Further information can be obtained from:

- NRMA Insurance
- GIO
- AAMI
- Apia
- The Law Society of the Australian Capital Territory
- Your solicitor

NRMA Insurance

CTP Department NRMA Insurance 3rd Floor

92 Northbourne Avenue

Canberra ACT 2601

Postal Address GPO Box 811

Canberra ACT 2601

Phone 13 1123 (enquiries), (02) 6240 4700 or 13 2132 (claims)

Website: <http://www.nrma.com.au> 7

GIO

Phone: 13 10 10

Email: actctpiclaims@gio.com.au

AAMIPhone:

13 22 44

Email: actctpiclaims@aami.com.au

Apia

Phone: 13 50 50

Email: actctpiclaims@apia.com.au

Nominal Defendant

ACT Insurance Authority Level 3

Canberra Nara Centre 1 Constitution Avenue

Canberra ACT 2601

Postal Address GPO Box 158,

Canberra ACT 2601

Phone (02) 6207 0131

Website <http://www.cwd.act.gov.au/act-insurance-authority> 7

The Law Society of the Australian Capital Territory

1 Farrell Place/GPO Box 1562, Canberra City ACT 2601

Phone (02) 6247 5700

Website <http://www.lawsocact.asn.au>