

Youth Law: Motor Vehicle Accidents

This factsheet is designed to help young people learn their rights and obligations surrounding motor vehicle accidents in the ACT. If you are a young person with questions about your rights and obligations, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

Note: The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

Motor Vehicle Accidents and Crashes

What should I do if I get into a car accident?

At the scene

1. **STOP:** Drivers involved in a motor vehicle accident are required to stop, no matter how minor it is. There are very hefty penalties if you don't stop.
2. **IS ANYONE INJURED?** The first priority is to determine if someone is injured. If so, you need to phone an ambulance and the Police on 000. There are very hefty penalties such as going to jail if you don't stop and give assistance.

You must call the Police at 131 444 if a motor vehicle involved in the accident needs to be towed. In the ACT, Police will not attend accidents unless there are serious injuries or motor vehicles require towing.

3. **EXCHANGE PERSONAL DETAILS:** You and the other driver must exchange personal details. This includes the names, addresses and phone number of both drivers and any other person present in the vehicle, vehicle registration numbers and insurance details

If you are not the owner of the vehicle involved in the accident, you should provide the name and address of the owner.

It's against the law not to provide details. If the other driver does not give you their details, you should make sure that you have the registration plate of the car. If you have this information, then you can call the Road Transport Authority on 13 22 81 and ask them for the name of the insurer for the car, or their contact details.

Never admit liability for the incident or enter any negotiations without discussing the situation with your insurance provider or a lawyer.

4. **IMMEDIATELY AFTER:** Before you continue your journey, assess the damage and decide if it is safe to drive the vehicle.

You should also...

- Take pictures and/or videos of the accident: Using a phone is a good way to do this. Remember that you should not endanger yourself or others whilst doing this.
- Identify possible witnesses: Make sure to get their names and contact details.
- Contact your insurance company: There will be steps for you to take to lodge a claim, and it is best to get advice regarding insurance as soon as possible.

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After the accident

Anyone involved in a vehicle collision in the ACT must report the incident to the police as soon as possible, unless the incident is attended by ACT Policing. If there are exceptional circumstances, you may take up to 24 hours to submit the report.

This includes all road users – drivers, cyclists, pedestrians and motorcyclists. Crashes on the path and other road-related areas involving pedestrians or cyclists **must** also be reported. If the police attend a collision, they will complete an incident report.

The report should be submitted online at the [AFP Crash Report](#) and takes approximately 15 minutes to complete. There is no need to attend a police station. However, if you are unable to complete the form or require assistance, any police station can help you.

Ensure you have the following information available before you start the online report:

- Your driver's licence;
- Your vehicle registration details; and
- Details about the other drivers, vehicles or pedestrians involved in the crash (if known).

If anyone is treated for an injury after your report has been submitted, create a new crash report and include your original reference number.

Note: It is an **offence** to submit a crash report knowing you have supplied false or misleading information.

Financial Assistance

If you have been injured in a car accident on or after 1 February 2020, under the Motor Accident Injury (MAI) scheme you may be able to get financial assistance for treatment, care, and loss of income

benefits for up to five years - regardless of who was at fault.

How can I apply for financial assistance if I am injured?

1. You will need to seek medical treatment for your injuries. Ask the treating doctor to fill out the MAI Medical Report.
2. Within 24 hour of the accident, make a report to the police either by visiting a police station or submitting an online report.
3. Each person injured in the accident will need to complete the Personal Injuries Application as soon as possible.
4. Within 13 weeks of the accident you must submit your completed application with the MAI Medical report to the MAI insurer of the vehicle most at fault.
5. Within 5 business days of receiving your application, the MAI insurer will contact you to provide information about the MAI scheme, and also to request additional information if needed.
6. After acknowledging your application as complete, the insurer must assess your application within 28 days. During this period, you are eligible to receive reimbursement for some medical expenses.
7. The MAI insurer will contact you in writing to inform you of the outcome of assessment and the types of benefits you will receive. They must also give the reasons for the decision they have made.

Disputing MAI Insurer's Decision:

If you are not satisfied with the decision of the MAI insurer, you can apply for an internal review within 28 days of the date of the decision. If you require more time you must write to the MAI insurer as soon as possible seeking additional time.

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After receiving your application for review, the MAI insurer has 10 days to review the decision. They may take longer if they require further information from you.

If you are not happy with the decision of the internal review, you can request an external review of the decision from ACT Civil and Administrative Tribunal (ACAT).

Insurance

MAI insurance does not cover property damage to your or the other party's vehicle or property. You will need to have a separate insurance policy to cover damage to your vehicle which can be either comprehensive or third-party property insurance.

Whose fault is it?

Fault is determined by examining the evidence to see which driver breached the road rules. All drivers have a duty to other drivers to exercise due care whilst using the roads.

Fault determination can often be a challenging task. Sometimes both drivers maybe at fault. You may need legal advice to ascertain whether or not you were at fault.

Generally, the driver at fault is responsible for damage to other motor vehicles involved in the accident. Damages are not limited to the actual damage to the vehicle, it may include costs of towing and hire of a replacement vehicle.

Not your fault

If you have insurance, you can contact your insurer and lodge a claim. Depending on your insurance type, you may or may not pay an excess fee. If you don't have insurance, you ask the other driver to pay for the damages. You can do this by sending a

letter of demand to the other driver or their insurer

Your fault

What you can do depends on whether you have insurance or not. If you have insurance, you can:

1. Lodge a claim with your insurer as soon as possible. Depending on the type of insurance cover you have, the insurer may pay for damages to your vehicle, as well as the vehicle of the other driver.
2. Pay for the repairs yourself (only option if you don't have any insurance).

I'm under 18 and I've had a car accident – do I have to pay for the damage I have caused?

The law says that the person who causes an accident is responsible for paying the damage. This is the situation even you are under 18. If you don't have insurance, it's a good idea to check with your parents to see if you are covered under their insurance.

Motor Vehicle Insurance

As discussed above, broadly speaking, there are 2 types of insurance:

- 1: Coverage for personal injury
- 2: Coverage for property damage

Personal Injury Insurance:

The MAI scheme we discussed above is compulsory. You pay for the MAI Insurance premium as part of your vehicle registration. Further, as part of your vehicle registration fees you pay a levy which covers the Lifetime Care and Support Scheme. You can not opt out of these 2 schemes.

Coverage for Personal Property Damage

You can buy additional coverage for property damage. This is completely optional. You can either

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buy third party insurance which covers damage to other vehicles where you are found to be at fault, this does give a full coverage of damages.

Alternatively, you can buy comprehensive insurance which covers damages to your vehicle against fire, theft, and accident, other party's vehicle if you are in an accident even if it was your fault.

Legal Aid Assistance

We can assist you if you do not have insurance and want to know about how to seek damages from the other driver. However, if you have a dispute against an insurance company you can contact Financial Rights Legal Centre MVA Problem Solver to see if your questions can be answered: [Motor Vehicle Accident Problem Solver - Financial Rights Legal Centre](#)

If you are still unsure or need further assistance, please contact us on **6173 5410** or **1300 654 314**.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

ylc@legalaidact.org.au

Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au

Phone: **1800 55 1800**

Complaints & suggestions: If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

Interpreter: If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.

Enquiries Helpline Address 02 6243 3411
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