

The Shopfront

YOUTH LEGAL CENTRE

Traffic Fact Sheet 9 – Traffic accidents

1 What should I do if I have an accident?

1.1 Stop immediately

If you have an accident, you must stop immediately.

It does not matter how small the accident looks. You **must** stop.

1.2 Help anyone who is injured

If your car or motorcycle is involved in an accident, the law requires you to give whatever necessary help you are able to give, to anyone who has been injured.

If you don't stop when someone is injured in an accident, you could be committing a serious offence which may result in a fine up to \$3,300 and 18 months' imprisonment (see *Traffic Fact Sheet 7 – Serious traffic offences and courts*).

1.3 Give your details to drivers of other vehicles involved

See "Do I need to exchange information?" below.

Failure to stop and exchange particulars with the other driver, with an injured person or an owner of damaged property is an offence which may result in a fine of \$330 and attract 3 demerit points.

1.4 Call the police if it is a 'major traffic crash'

See "Do I need to call police to the accident scene?" below.

2 Do I need to call the police to the accident scene?

Not always.

You only need to call the police if the crash meets one of the following "major traffic crash" criteria:

- Someone has been killed, trapped or injured;
- There looks like considerable damage to property which is currently or likely to cause a hazard or obstruction;
- The driver of a vehicle involved doesn't stop or won't exchange details;
- The driver appears to be intoxicated.

You do not have to make this report if you cannot do so due to injuries suffered in the accident.

If police attend the scene, you must give them details of the crash, vehicles involved, your name, address and (if known) information about any witnesses or the drivers of other vehicles involved. You must also show police your driver licence. Failure to do so can attract a fine of \$330 and 3 demerit points.

3 Do I need to exchange information?

Regardless of damage, if you are asked to, you must provide the owner or driver of any other vehicle involved in the crash with the following information:

- Your name, address and licence details;
- Your vehicle registration number; and
- If you are not the owner of the vehicle, the name and address of the owner.

If you can't provide this information because of injuries suffered in the crash, that's OK.

4 Do I need to report the crash to the police later?

Drivers no longer need to report minor collisions which do not require a tow away, even for insurance purposes.

However, in some situations you will have to report the crash to the Police Assistance Line on 131 444, as soon as possible within 24 hours after the crash (unless in exceptional circumstances).

You must report the crash to the police if:

- For some reason, the police were not called to the scene of a "major traffic crash" as described above;
- Either your vehicle or another vehicle needed to be towed away;
- There is damage to property or injured animals; or
- You were unable to provide the owner or driver of any other vehicle with your details.

5 Will I be fined or charged?

If you are responsible for an accident and it was not very serious, the police may give you a penalty notice or court attendance notice for an offence such as negligent driving.

If someone is killed or injured, you may be charged with negligent or dangerous driving occasioning death or grievous bodily harm. The penalties for these offences can be severe and can include prison sentences.

See *Traffic Fact Sheet 7 – Serious traffic offences and courts* for more information about serious traffic offences.

6 Claiming insurance

6.1 General

For more detailed information on car insurance claims, see the Legal Aid factsheet: <https://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/have-you-crashed-your-car>.

After an accident, the information you gather and the way you behave may impact the insurance process. You should remain calm and avoid blaming anyone. Do not admit responsibility for the accident until you have spoken to your insurer.

For the purposes of insurance, at the scene of the accident you should record:

- The name, address, phone number and licence details of any drivers involved in the accident;
- The make, model and number plate of any cars involved in the accident;
- The contact details of anyone who witnessed the accident;
- Photos of the accident;
- Other details including the time, place, street lighting, weather, traffic conditions and anything else you think might have contributed to the crash.

6.2 If you have been injured

If you have been injured in an accident, you may be able to make a claim for personal injury compensation under the Compulsory Third Party (CTP) scheme. Even if the accident was your fault, call the States Insurance Regulatory Authority CTP Assist on 1300 656 919 for help with making a claim immediately, as *a strict time limit of 6 months applies to personal injury claims*.

For more information on personal injury claims, see:

<https://www.sira.nsw.gov.au/resources-library/motor-accident-resources/publications/injury-advice-centre/guide-for-people-injured-in-a-motor-vehicle-accident>.

6.3 Property damage

To cover damage done to vehicles, there are two types of property insurance: Comprehensive (which covers damage to your car as well as other cars and any other property that's been damaged); and Third Party Property Insurance (which generally only covers the damage you've done to other people's cars or property).

If you are responsible for the accident, and you are insured, it is your choice whether you claim on your insurance policy. If you make a claim, you may have to pay an excess and may lose your no-claim bonus.

You should call your insurer and discuss your options. Most insurance companies do not impose a time limit for making a claim, but it is always best to begin this process as soon as possible.

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The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. If you need legal advice, you should speak to a lawyer.

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