

Step 1. Can I claim on the other driver's insurance?

You cannot “claim” on the other driver’s insurance in the same way as your own insurance. It is not your insurance policy. Neither you nor the other driver’s insurer has any obligations towards each other. For the other driver’s insurer to be involved, the other driver needs to lodge a claim and pay their excess. The only exception to this is if the other driver has passed away or cannot be found after reasonable attempts. You cannot force the other driver to claim if they do not want to. Once a claim is lodged, the driver’s insurer stands in the shoes of their customer. They may be willing to negotiate with you, but they do not have to.

They may ask you to give them access to inspect your car or to use their repairer or hire car company. You have the right to refuse and to use your own suppliers, but you do need to be very careful to act reasonably and minimise the amount you want to recover, otherwise you may end up out of pocket. If you cannot reach an agreement with the other driver’s insurer, you may need to pursue them in court. Financial Rights advises that you seek independent legal advice in order to pursue the other party. This will involve engaging a private solicitor or if you have limited means, contacting your State’s Legal Aid, a local Community Legal Centre or Law Access for advice. For contact details and links to these organisations go to the [Getting Help Fact Sheet](#).