

Step 1. Can they “write off” instead of repairing my car?

Most policies will give your insurer the right to choose to either:

1. repair the car
2. pay you to do the repairs or
3. declare your car a total loss and “write-off” the car

Under the insurance policy the insurer has the right to elect which option it chooses. Your insurer does have an obligation to act in the utmost good faith (ie. fairly and reasonably). This means your insurer cannot insist on repairing your car if it cannot be done safely to its previous condition. If you disagree with their assessment, you will need to obtain your own expert mechanical evidence about this, to refute any evidence from the insurer that the car is safe to repair. You should also read our [“My Car has been written off” Fact Sheet](#) for general information about what is considered unrepairable under legislation.

If there are no safety concerns but you have a preference on whether the car should be repaired or written off, you can still try to negotiate with your insurer. However you need to be reasonable and not expect the insurer to pay the sum insured for a total loss if the car can be repaired for less. You will also need to have regard to the insurer’s legal obligations under the Written Off Vehicle Register. For further information on the Written Off Vehicle Register read our [“My Car has been written off” Fact Sheet](#)