

Step 1. I am insured, not at fault but don't want to make a claim

Warning: If you decide not to claim you may not be able to change your mind later. If you are insured, your insurer has the right to handle negotiations and act on your behalf. If you repair your own car and pursue the other party, who then disputes liability (ie says you are fault), your insurer may decline your claim. This is because they were not given an opportunity to assess your car and repair it in accordance with your policy (for example, you may not have a right to your choice of repairer). **Claiming damages directly from the other party** The damage in a motor vehicle repair claim is usually made up as follows:

- Repair cost of the damage caused or the market value of the vehicle whichever the lesser
- PLUS towing costs
- PLUS hire car costs, lost wages or profits (called “demurrage”)
- LESS salvage value (if market value of the car is being claimed)

The costs you can recover are limited to what is ‘reasonable’ given the circumstances (such as the age / make / model / condition of the car, and the availability of car repairers in the area). You have an obligation to mitigate or minimise their losses. This means you must keep your costs reasonable. It is generally advisable to get more than one quote so that you can show that your costs are reasonable. Generally you need to incur the loss (pay for the repairs to your car) before the insurer will pay. **Should I let the at fault party's insurer assess my car?** Sometimes the at fault parties insurer may ask to assess your vehicle. They may even offer to repair it for you. You need to be mindful that when an insurance assessor assesses a vehicle they have obligations under the “Written Off Vehicle Register” or WOVR. The WOVR was introduced in 2002 as part of a national initiative designed to deter crime and ensure road safety. The national framework applies to light vehicles less than 15 years old and includes cars, motorcycles, trailers and caravans All insurance companies who assess cars (whether it be the car of their own insured or not) are obliged to notify the WOVR if they decide that a car should be written off. Once the WOVR is notified it may be impossible to remove. If your car is listed as a repaired written off vehicle it may diminish in value. If you are seeking to have your car repaired, and there is a risk that the car may be uneconomical to repair (the repair cost plus salvage cost exceeds the market value) you

should not let the insurer assess your car. For more information about the WOVR read our [WOVR Fact Sheet](#)