

## **Step 1. Can I claim on the other party's insurance?**

You can't "claim" on the other party's insurance in the same way as your own insurance. It is not your insurance policy. For the other party's insurer to be involved, the other party needs to make a claim and pay their excess. The only exception to this is if the other party has passed away or can't be found after reasonable attempts. You can't force the other party to claim if they do not want to. Once a claim is made, 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 do not have to respond to you within a set timeframe, and they do not have to fix your car for you. You may have to go to court if negotiations don't work. 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 are insured** (comprehensive or third party property insurance), you should consider lodging a claim with your insurer immediately. Be aware that if you decide not to claim on your own insurance you may not be able to change your mind later. However there are some circumstances where it makes sense to not make a claim and pursue the at-fault party yourself. If you can't reach an agreement with the other party's insurer and are uninsured or do not wish to claim on your own insurance, you may need to chase the other party.

Before you start chasing the other party (or their insurer), you should get legal advice. You can start by contacting LawAccess NSW on 1300 888 529. You may be able to get free legal assistance from [Legal Aid NSW](#) or your local [Community Legal Centre](#). If you are unable to get free legal assistance, you may need to speak to a private lawyer. To find a private solicitor, contact the [NSW Law Society](#). For more information about pursuing the other party (whether you yourself are insured or not) click "**I have decided to pursue the other party**" below. If you have another general question about your insurance, click "**I have a question about my insurance**" below.