

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

Most insurance policies give your insurer the right to choose to:

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

Your insurer must act in the utmost good faith (fairly and reasonably). Your insurer can't insist on repairing your car if it can't be done safely back to its previous condition. If you disagree with the insurer's assessment, you need to get your own evidence. If there are no safety concerns but you would prefer for the car to be repaired or written off, you can try to negotiate with your insurer. You need to be reasonable and not expect the insurer to pay the insured amount if the car can be repaired for less. You also cannot expect the insurer to repair your car if it is a total loss. The insurer also has legal obligations under the Written Off Vehicle Register (WOVR). For more information about what is considered unrepairable under legislation and the Written Off Vehicle Register see:

- [Your vehicle has been 'written off'](#) on our website

If you have more questions about the WOVR in NSW, contact the [Roads and Maritime Service](#) on 13 22 13. If you have questions about dealing with an insurer, [email](#) or call the Insurance Law Service on 1300 663 464. If you have a general legal question, start by calling LawAccess NSW on 1300 888 529.