

## Step 1. I am insured

**Claiming on your insurance** If you are insured (comprehensive or third party property insurance), you consider making a claim with your insurer immediately. Advantages of claiming:

- it's often the simplest option

your insurer will sort out the matter with the other party (or their insurer). Disadvantages of claiming:

- you need to pay an excess
- it may increase your premium in the future
- it may affect your no-claim bonus
- it will go onto your claims history - too many claims may result in being refused insurance.

Your policy booklet (or Product Disclosure Statement) is where you can find more details about what you are covered for and what happens after you lodge a claim. Note: If you have problems with your insurer, you can contact the Australian Financial Complaints Authority (AFCA). AFCA is a free dispute resolution service. **Not claiming on your insurance** You don't have to claim on your insurance. You can negotiate with the other party (or insurer) but you may not be able to change your mind later. If you prejudice (hurt) the insurer's interests, for example, by admitting fault, or delaying claiming until legal costs have accrued, your insurer may reject or reduce your claim. If you negotiate in writing with the other party (or insurer), you should:

- write "without prejudice" at the top of your letter
- make a clear offer of compromise and confirm it is in full and final settlement.

Doing this means your letters can't be used as admissions in court - they can be used in a dispute about the costs of any legal proceedings against the other party. For more information visit [Responding to a Claim](#) on the LawAccess NSW website. If you need legal help after a car accident, 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.

**What happened?**