

## Step 1. I am insured and not at fault

If you are insured and not at fault, you have two options:

1. Make a claim with your own insurer, or
2. Don't make a claim, and deal with the at-fault party yourself.

There are pros and cons with both options. Whether you should claim or not depends on the facts and your circumstances. If you are not sure what to do click "**I can't decide if I should claim on my insurance**" below. If you decide to claim with your own insurer you:

- may need to pay an excess even if you are not at fault - see the [Do I have to pay my excess or multiple excesses?](#) fact sheet on our website
- may need to pay the remaining portion of your annual insurance premium, if your vehicle is a total loss and you pay premiums monthly
- may not have a say about how the vehicle is be repaired or if it is written off
- are subject to the terms and conditions of your insurance, including any no claim bonuses
- may have higher premiums moving forward, and
- having too many claims can impact on your ability to get insurance.

If you have a dispute with your insurer you can:

1. make a complaint to your insurer's Internal Dispute Resolution (IDR) department - to find your insurer's details see [Find a financial firm or superannuation fund](#) on the [Australian Financial Complaints Authority \(AFCA\) website](#)
2. make a claim to the Australian Financial Complaints Authority (AFCA) if the dispute is not resolved within 45 days - to make a claim go to the [AFCA website](#) or calling 1800 931 678.

For more information on AFCA see our [Dispute Resolution](#) fact sheet on our website.

If you choose not to make a claim and deal with the at fault party yourself, click "**I have**

**decided to not make a claim and deal with the other party"** below. If you don't claim and try and negotiate with the other party yourself, you need to be careful. You may not be able to change your mind later and claim on your own insurance if you have:

- admitted fault or partial fault
- admitted to an amount of damage you are liable for, or
- delayed the resolution of the matter.

Under most insurance policies, your own insurer has the right to conduct negotiations and settlements on the best terms they can. If you have interfered with this process or prejudiced the insurer's interests in any way your insurer may reject or reduce your claim as a result. If you repair your car, this may also impact on your insurer's right to assess your car and repair it in accordance with your policy (for example, choice of repairer). If you need help dealing with your insurer, [email](#) or call the Insurance Law Service on 1300 663 464. If you have a general legal question following a car accident, you can start by calling [LawAccess NSW](#) on 1300 888 529.