Step 1. If I am not at fault, can I make a claim, pay my excess and chase the other party for other losses not covered by my policy?

You can chase the other party (or their insurer) for losses not covered by your policy. These are called "uninsured losses", such as hire car costs not covered by the policy. You should ask if your insurer will chase those uninsured losses for you. If your insurer is going to chase the other party for the insured losses, they may agree to also chase the uninsured losses. However you can't force them to chase the other party. If your insurer won't chase the uninsured losses for you, you can take some steps yourself, however you should:

1. get your insurer's permission to chase uninsured losses - when you make a claim on your insurance, your insurer takes over your right to pursue the at-fault party for damage, so you must be very careful that you do not step on your insurer's rights or you may have to pay your insurer for any losses they have suffered

2. make it very clear to the other party that you are only chasing uninsured losses – if you settle with the other party but don't make it clear in the settlement that you are only settling the uninsured losses you may stop your insurer from chasing the insured losses and your insurer may ask you reimburse them for those losses.

3. get legal advice and talk to your insurer before looking at any court action - the whole amount claimed (insured and uninsured losses) must be claimed together.

If you have questions about dealing with your insurer, email or call the Insurance Law Service on 1300 663 464. If you have questions about chasing the other party (or their insurer) for any uninsured losses 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.