

Step 1. The other party has admitted fault and I have insurance but not claiming

You will need to negotiate a settlement. You can do this either:

1. over the phone; or
2. in writing.

You can send a letter of demand, seeking your full loss and attaching an itemised quote. Generally, it is a good idea to get more than one quote to show the amount you are claiming is reasonable. The letter should tell the other person how much you are claiming in total, when you would like the money to be paid to you and that legal action may be started if the claim is not paid by the time specified in the letter. Read:

- [letters of demand](#) on the LawAccess NSW website.
- [Sample Insurance Letter of Demand](#) on our website

A letter of demand must be sent before legal action, but you can make other settlement offers if you are willing to settle for less than your full loss. You should mark any negotiations “without prejudice” so you can argue that they cannot be used as admissions in litigation in the future but can be used in relation to any dispute about the costs of proceedings – this correspondence must also have a clear offer of a negotiated outcome (such as a full and final settlement offer of a reduced amount). If the demand is not met, you will need to consider whether to commence a claim in court. See:

- [Should you go to court](#) on the Law Access NSW website.

Click on the **“I need to commence a claim in Court”** button below if this is the case. LawAccess NSW also provides information about [making a claim](#) following a car accident. You should seek independent legal advice before pursuing the other party in court. This may involve engaging a private solicitor. Start by contacting LawAccess NSW on 1300 888 529. Court action may involve engaging a private solicitor. To find a private solicitor, go to the [NSW Law Society](#) website. If you have limited means, you

can also contact your local [Community Legal Centre](#).