

Step 1. The other party has admitted partial fault, I have comprehensive insurance but not claiming

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

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

A settlement may be that both parties “walk away” and agree to cover their own repairs. Alternatively, you will need to determine the value of the repairs you require and the contributory percentage you both agree. **Both at fault: About contributory percentage** Where you and the other party are both at fault you can both be made to pay for any damage you caused to the extent you were at fault. For example if you contributed 50/50 to the accident you can only be made to pay for 50% of the damage to the other vehicle, and you can claim 50% of the cost of repairs to yours. TIP: The amount of damage done to each vehicle is important in the apportionment (split up or division). **Example** *You hit a 2007 BMW in your 1994 Ford Laser. You and the BMW driver each contributed 50/50 to the accident. The damage to your Laser is assessed at \$2,600 and the damage to the BMW at \$12,500. 50% of \$ 12,500 = \$6,250; 50% of \$ 2,600 = \$1,300. The BMW driver owes you \$1,300, but you owe the BMW driver \$6,250! Therefore you have to pay the BMW driver \$6,250-1,300 = \$4,950, in addition to paying to get your own car fixed!*

To determine whether the other party’s repair costs are fair, you may want to look into approaching your local independent mechanic and provide them with a copy of the invoice/quote from the other party or their insurance company, any photos of the damage and any other evidence such as witness statements about what happened. Ask the mechanic whether they would be prepared to provide you with a written statement/opinion about whether the items that have been repaired or the amount claimed is reasonable based on the nature of the accident. A statement from an independent mechanic is preferable to you simply arguing that in your personal opinion the repairs or amount claimed are not reasonable. For information about what to do after a car accident see:

- [Car accidents](#) on the LawAccess NSW website.

If you need legal advice, you can start by contacting LawAccess NSW on 1300 888 529. You may be able to obtain free legal assistance from [Legal Aid NSW](#) or your local [Community Legal Centre](#). If you are unable to obtain free legal assistance, you may need to speak to a private lawyer. To find a private solicitor, contact the [NSW Law Society](#).