

## **Step 1. The other party has admitted fault and I am insured and 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 a quote. You should get itemised quotes. Generally, it is a good idea to get more than one quote. If you have written negotiations with the other party you should mark your letters “without prejudice” at the top. If you do this, your letters cannot be used as admissions in court in the future but they can be used in relation to any dispute about the costs of the legal proceedings to show that you were prepared to compromise to try to settle the dispute. Use our Sample Letter of Demand [here](#). If the demand is not met, you will need to commence a claim in court. If you are going to commence a claim in Court you should get legal advice.

Note: if the case goes to Court it is unlikely that a community legal centre or Legal Aid will represent you. If you are making a claim against an insurance company, they will be represented and will seek legal costs if they win the case. It may be worth trying to reach agreement with the insurance company rather than going to court. To get help with filing a claim against the other driver in court:

1. Call your state or territory's Legal Aid
2. Seek assistance at your Local or Magistrates Court
3. Check your state or territory's Legal Aid Motor Vehicle Accident information page.

The time limit to commence action in Court is usually 6 years from the date of the accident (when the debt was incurred) or 3 years in the Northern Territory.