

## **Step 1. The other party has not and/or will not make a claim on their policy**

A person does not have to make a claim on their insurance and you cannot compel them to make a claim if they decide not to. There are many reasons they may not make a claim (for example, they are not covered or the damage is less than their excess). If the other party has not made or will not make a claim on their policy, you will need to make a claim for damages from the other driver and/or owner of the other vehicle for them to pay you directly. If you are not insured, you will need to pursue the driver as an individual. Your **first step** is to work out how much your damage you have suffered by the collision. This means gathering evidence and quotes for repair or if your car cannot be repaired its market value. Generally in car accidents, the other party is entitled to recover damages caused by the at-fault's party's negligence. The damage in a motor vehicle repair claim is usually made up as follows:

- Repair cost of the damage caused or the market value of the vehicle, whichever the lesser
- PLUS towing costs
- PLUS hire car costs, lost wages or profits (called "demurrage")
- LESS salvage value (if market value of the car is claimed)

The damages you can recover are limited to what is 'reasonable' given the circumstances (such as the age / make / model / condition of the car, and the availability of car repairers in the area). You have an obligation to mitigate or minimise their losses. This means you must keep your costs reasonable. It is generally advisable to get more than one quote so that you can show that your costs are reasonable. The **next steps** are to:

1. **send a letter of demand**, which outlines your damages and the date in which you want the money paid by; and then
2. if the demand is not paid by the demand date **commence a claim in Court**.