

Have you had a car accident?

Have you been in a car accident? What are you supposed to do afterwards?

At the scene

- 1) **STOP:** Drivers involved in a motor vehicle accident are required to stop.
- 2) **IS ANYONE INJURED?** The first priority is to determine if someone was injured. If so, you need to phone an ambulance and the Police.

You must call the Police if a motor vehicle involved in the accident needs to be towed. In the ACT, Police will not attend accidents unless there are serious injuries or motor vehicles which require towing.

- 3) **EXCHANGE PERSONAL DETAILS:** You and the other driver must exchange personal details. This includes the names and addresses of both drivers as well as vehicle registration numbers.

If you are not the owner of the vehicle involved in the accident, you should provide the name and address of the owner. You should also ask if the other driver is insured, and exchange insurance details.

- 4) Never admit liability for the incident or enter into any negotiations without discussing the situation with your insurance provider or a lawyer. This means do not say that it was your fault or say that you are sorry for what happened.
- 5) **IMMEDIATELY AFTER:** Before you continue your journey, assess the damage and decide if it is safe to drive the vehicle.

You should also...

- Take pictures of the accident: Using a phone is a good way to do this. Remember that you should not endanger yourself or others whilst doing this.
- Identify possible witnesses: Make sure to get their names and contact details.
- Contact your insurance company: There will be steps for you to take to lodge a claim, and it is best to get advice regarding insurance as soon as possible.

After the accident

In the ACT, you **must** report the incident to the Police within 24 hours, unless the police attended the scene.

Access Canberra

www.accesscanberra.act.gov.au

AFP Crash Report Form:

<https://form.act.gov.au/smartforms/landing.htm?formCode=1021>

Whose fault is it?

If you are not insured, you will need to determine who is at fault. The driver at fault is responsible for damage to other motor vehicles involved in the accident, plus costs such as towing, loss of personal belongings and hire of a replacement motor vehicle.

Any driver who fails to take reasonable care is responsible for damage caused by the accident. This is not easy to decide. You may need legal advice to assist you.

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Claiming damages

If you are not insured and you believe the other driver is at fault, send a letter of demand requesting payment. We have provided an example letter of demand:

Sample letter of demand

'WITHOUT PREJUDICE'

Dear [name]

Claim for damage to motor vehicle registration [insert no.]

I am writing to you about the accident on [day/date/location].

I am the owner of [type of vehicle] registration [no.] which was damaged as a result of the collision.

[Insert details of the accident - be clear and concise. For example: I was stopped at the corner of John and Margaret Street and you hit the rear of my vehicle].

I believe you are responsible for the damage to my vehicle. The damage will cost \$[amount] to repair. A copy of a quote is enclosed.

I also incurred the following costs as a result of the collision: [list costs]

Please forward this letter to your insurer, or contact me within 14 days of the date of this letter to arrange payment of the total amount of \$[total amount claimed].

If this payment is not made, or you do not contact me by that date, I will start legal action against you to recover the money. Legal costs and interest may be added to the amount of the claim.

My contact details are [telephone, email address etc.]

Yours sincerely

[sign, and print your name]

Received a letter of demand?

If you received a letter of demand you **must** respond. You should also consider obtaining legal advice.

If you decide to respond to such a letter, always write 'without prejudice' on any correspondence that is addressed to the owner of the other car. This limits the letter of demand being used in court if the matter ends up in court without everyone coming to an agreement.

Negotiation

It is usually best to try to reach agreement by negotiation or use a mediator such as the Conflict Resolution Service (CRS) to avoid the cost of litigation.

Conflict Resolution Service (CRS)

CRS can help you to resolve your dispute

www.crs.org.au

Phone: (02) 6162 4050

Going to Court

If negotiations fail, you can file a claim in the ACT Civil and Administrative Tribunal (ACAT) if your claim is less than \$25,000. If your claim is more than \$25,000 you should bring your claim in the ACT Magistrates Court.

ACT Civil and Administrative Tribunal

ACT Health Building

Level 4, 1 Moore St Canberra

Phone: (02) 6207 1740

This Factsheet was last reviewed November 2020.

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