



Factsheet - Property Damage

Had An Accident? Don't Panic!

At the accident scene you should exchange names, addresses, registration and insurance details with the driver of any other vehicle involved. If possible check these against licences or other documents. Obtain the names and addresses of any witnesses. Make sure that the accident is reported to the Police. If the Police decide to attend you must provide them with your personal details. They may require you to take a breath test. They may also charge you or the other driver with a traffic offence.

If you are insured report the accident to your insurance company as soon as possible. If anybody has been injured complete a 'Notification of Accident' form for the Motor Accidents Insurance Board. For further information see Motor Vehicle Accidents - Personal Injuries.

Admitting Liability

If your vehicle is insured you must not admit liability. This is even the case when it is obvious that the accident was your fault as this may be a breach of your insurance policy. Most policies require you to report the accident to your insurer without delay. They will then make the decision about liability. If uninsured do not admit liability. If required this can be done later.

Not Your Fault

If you are comprehensively insured, your insurance company will pay for the cost of repairs to your vehicle. You will be required to pay your excess. You may be able to recover your excess from the other driver through your insurer or by suing the other driver. If you have third party property damage insurance, you are responsible for the cost of repairs to your own vehicle, however, you can attempt to recover the cost from the driver at fault. The same applies if you are uninsured.

Quotes

If you are seeking damages from another driver then you must provide them with proof of the damage and estimated cost of repair. This is usually done by sending the other driver at least two quotes for repair of the damage from reputable repairers. The other driver has the option of accepting one of these quotes or negotiating with you. If the other driver wants to inspect the vehicle, or have a repairer or loss assessor inspect the vehicle, it would be sensible to allow that to occur as this may speed up the negotiation process.

Your Fault And Insured

If you are comprehensively insured your insurance company will pay for the cost of repairs to your vehicle, and if the accident is your fault, they will also pay for the repair of any other vehicle that was damaged. You will be required to pay the excess specified in your policy. If you have third party property damage insurance your insurance company will pay for the cost of repairs to the other vehicle if the accident was your fault. It will not pay for repairs to your vehicle. You will be required to pay the excess specified in your policy.

Your Fault And No Insurance

If the accident was your fault and you were uninsured then the owners of any other vehicles involved have the right to recover the cost of repairs to their vehicles from you.

HOBART

158 Liverpool St Hobart 7000
GPO Box 1422 Hobart 7001
Telephone 03 6236 3800
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DX 123

LAUNCESTON

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PO Box 810 Launceston 7250
Telephone 03 6336 2050
Facsimile 03 6336 2074
DX 70126

BURNIE

50 Alexander St Burnie 7320
PO Box 550 Burnie 7320
Telephone 03 6434 6444
Facsimile 03 6434 6440
DX 70209

DEVONPORT

8 Griffith St Devonport 7310
PO Box 87 Devonport 7310
Telephone 03 6421 7870
Facsimile 03 6421 7871
DX 70354

The Legal Process

Following an accident you may receive a letter from the other driver, their insurance company or their lawyers. If you are insured you should give this to your insurance company immediately and they will respond on your behalf. If you are not insured it would be best to seek legal advice. If you receive a summons or a writ claiming damages you must take this to your insurer without delay or, if you are uninsured, get legal advice. This is vital, as there are strict time limits in dealing with legal processes.

RELEVANT LEGISLATION

Motor Accidents (Liabilities and Compensation) Act 1973

Motor Accidents (Liabilities and Compensation) Regulations 2000

CONTACTS

Magistrates Court (Civil Division)

The information contained in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer before making a decision about what to do. The information in this factsheet is written for people resident in, or affected by, the laws of Tasmania, Australia only. All questions concerning this factsheet to info@legalaid.tas.gov.au.