

At the scene

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

You are also required to telephone the Police if a motor vehicle involved in the accident needs to be towed.

In the ACT the Police will not attend accidents unless there are serious injuries or motor vehicles require towing.

- 3) **EXCHANGE "PARTICULARS":** You and the other driver are always required to exchange "particulars", this includes the names and addresses of both drivers as well as the motor vehicle registration numbers.

If you are not the owner of the motor vehicle involved in the accident, you should provide the name and address of the owner of the motor vehicle. It is also advisable to ask the other driver if they are 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 with a lawyer.
- 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: You can use the camera on your phone to do so. Remember that you should not endanger yourself or any other road user while taking pictures
- 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. This is done online on the Territory and Municipal Services website. You can find the form at: <https://form.act.gov.au/smartforms/landing.htm?formCode=1021>
- 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.

Whose fault is it?

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.

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 on the next page.

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 material being used if the matter goes to court without everyone agreeing.



Useful Contacts

Legal Aid

General Enquiries

02 6243 3411

Free Helpline

1300 654 314

2 Allsop Street Canberra

GPO Box 512 Canberra 2601

ACAT (ACT Civil &

Administrative Tribunal

Level 4, 1 Moore Street,
Canberra City

(02) 62071740

GPO Box 370 Canberra ACT
2601

ACT Magistrates Court

4 Knowles Pl, Canberra

Complaints & Suggestions

If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

Interpreter

If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.



Like us on Facebook for more information:

<http://www.facebook.com/legalaidact>

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]

Negotiation

It is usually best to try and reach an agreement by negotiation or use a mediator such as the Conflict Resolution Service (CRS) to avoid the cost of litigation. You can contact the CRS on 02 6162 4050. Going to Court should be the last resort.

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.

This information was prepared for ACT readers who were involved in a motor vehicle accident and who are not insured for property damage. If you are insured, you should contact your insurance provider to obtain information on how to lodge a claim.

This pamphlet does not discuss Compulsory Third Party (CTP) insurance. CTP does *not* cover property damage, only injuries to people.