

## MOTOR VEHICLE ACCIDENTS

This factsheet sets out what you should consider if you have been involved in a motor vehicle accident in the Northern Territory.

### **At the scene**

If you are involved in a motor accident you must stop and give as much help as possible to anyone involved in the accident. If anyone is killed or injured, you must call police and ambulance on 000. You also need to call 000 if the accident involves a vehicle with a dangerous load. You must make the scene as safe and as visible as possible to other road users. Switch off the engine of any damaged car and put on the hazard lights.

You must provide your details to the other person/s involved, whether or not there is damage or injury. If the Police attend, you must give them all your details and show them your licence. If they do not attend the scene, you must report the accident to Police within 24 hours and give them all the details.

Immediately after the accident, it is a good idea to write down the:

- name, address, and phone number of the owner and driver of the other car;
- make, model, colour and registration details of the other car;
- location, date and time of the accident
- details of any witnesses who saw the accident; and
- police report number from any police officers who attended the incident

It is a good idea to take photos of the scene and the damage if you can easily do so.

### **Consider who is at fault**

The person who caused the accident is at fault and is responsible for paying for fixing the damage caused. That person may also be responsible for paying other costs such as for towing, or for alternative transport during repair. If you are insured and decide to claim on insurance, your insurance company will determine who was at fault based on the information provided to them. If you are not insured and you do not believe that you were at fault, the matter may go to court. If the matter goes to court, the court will decide who was at fault.

When deciding who is at fault, the insurer or court may consider the following mistakes commonly made by drivers:

- Failing to keep a proper lookout
- Speeding or not driving to the conditions
- Disobeying traffic signals and road signs
- Failing to apply brakes
- Doing a u-turn across oncoming traffic
- Driving affected by alcohol or drugs.

The following information on this factsheet applies to people who are not insured or choose not to claim on insurance.

### **Is the damage repairable?**

In some cases, the damage may be able to be repaired while in other cases the vehicle will need to be replaced by the person who is at fault. If the costs of repairing the car are more than the car is worth, the car is considered to be “uneconomical to repair”. This is a decision which will be made by the insurer, the court, or by agreement between the parties, once quotes have been received.

### **Uninsured: If you want the other driver to pay for damage to your car**

If you believe the other driver was at fault, you should write a letter to them or their insurer, outlining the circumstances of the accident and why you believe that they are responsible. This letter is called a letter of demand. You should include any witness statements, photographs and at least two quotes for the damage to your vehicle, or an invoice if you have already had your vehicle repaired.

You may also include a Motor Vehicle Crash Report, which you can obtain from the Northern Territory Police, Fire and Emergency Services for a fee. It is a good idea to write “without prejudice” on the top of any letters you send to the other driver or their insurer. This places limits on when information in the letters can be relied upon in court.

If you reach an agreement with the other driver or their insurer about how to resolve your matter you should write down the agreement and have it signed. If you do not reach an agreement or the other driver ignores your letter of demand, you can:

- If the costs are less than \$25,000, take the matter to the NT Civil and Administrative Tribunal (‘NTCAT’) by filing a Form 1 Initiating Application
- If the costs are more than \$25,000, take the matter to the Local Court by filing a statement of claim within 3 years of the accident.

You should get legal advice before proceeding.

### **If the other driver wants you to pay for damage to their car**

If you receive a letter of demand from the other driver or their insurer, it is important that you respond. You should be prepared to negotiate, as you usually save time, money and effort if you can reach an agreement without having to go to court. The [NT Community Justice Centre](#) may be able to help you reach an agreement through their free mediation service.

If you think the accident was your fault, you should offer to pay an amount that you believe is fair and reasonable. In doing this, you can ask the other driver or their insurer to provide you with 2 or 3 quotes regarding the costs.

You should write that the offer is in “full and final settlement”. This means that if the other driver accepts your offer, they will not be able to go to court to get more money from you.

If you believe you were not at fault, you should inform the other driver of this in writing and be prepared to prove this in court. The other driver may choose to start legal proceedings against you to claim the money. If you receive a statement of claim or initiating application and wish to file a defence or response, you should seek legal advice immediately as time limits apply.

The [Northern Territory Local Court website](#) and [NTCAT website](#) have factsheets on how to file the necessary forms, as well as other information about the court process.

### Useful contacts

Darwin Community Legal Service

Freecall: 1800 812 953

Phone: (08) 8982 1111

Community Justice Centre

Phone: 1800 000 473

Email: [cjc@nt.gov.au](mailto:cjc@nt.gov.au)

Northern Territory Magistrates Court (Darwin) – Civil Registrar

Phone: (08) 8999 6571

Website: [www.nt.gov.au/justice/ntmc/](http://www.nt.gov.au/justice/ntmc/)

Northern Territory Police, Fire and Emergency Services (Information Access Team – Motor Vehicle Crash Report)

Phone: (08) 8985 8929

*© Darwin Community Legal Service 2022: Non-profit community groups have permission to reproduce parts of this publication as long as the original meaning is retained, and proper credit is given to DCLS as the publisher.*

*Disclaimer: The information contained in this publication is a guide to the law in the Northern Territory. It is not a substitute for legal advice. You should talk to a lawyer about your particular legal issue. The information contained in this factsheet is current as of January 2022.*