



FARE COMMENT

CASE WATCH

The Court of Appeal last year overturned a District Court decision that related to the apportionment of blame in a motor vehicle accident.

In Anderson -v- Suncorp, the original court said that there should be an apportionment of blame because the driver in a roundabout should be giving way to a driver entering it. The Court of Appeal said this was not right – a breach of traffic regulations does not necessarily correlate with negligence.

The initial apportionment was 75/25 in favour of the driver entering. The appeal finding was 50/50, because this driver did not take proper care for the driver already in the roundabout.

We think this case demonstrates that in cases where liability is unclear, or where there could be an apportionment, that skilled argument and preparation are necessary for the case.

This can make all the difference to making a recovery, or ending up wearing the other side's claim.

JANUARY – TIME FOR A CLEAN UP?

If your January is slow, why not give a thought to reviewing some of those claims files you have been afraid to touch for some time!

Are your driver's Bailment Agreements all up to date and filed?

On a personal note, have you considered your own affairs – do you have your Will in order?

What about if you intend to leave and have a break for a while? An Enduring Power of Attorney is not just for when you are incapacitated, but it can also be used to give legal powers to someone whilst you are away.

TRAFFIC MATTERS

We are often in the various courts across South East Queensland for our clients on Traffic and Licence matters. It never ceases to amaze the growing number of cases in these areas!

It also amazing that people

seek to represent themselves when their livelihood (licence) is at stake.

Proper representation can make the difference between having an (unplanned) holiday, or continuing to earn your living.

INSURANCE COLUMNS

It is our recent experience that insurers seem to be losing the plot a little when it comes to determining liability in claims.

We have won or favourably settled a number of claims where the insurer (wrongly) denied liability for a claim.

Why is this? Some insurers will blindly follow the word of their client. Others base their positions on (poor) advice given them by their lawyers.

We have found that almost 25 years' experience AND an ability to look outside the box are essential ingredients to offering our valued clients proper representation.

WISDOM:

“it is better that ten guilty persons go free than one innocent man suffer...”
(William Blackstone)



For a Better Result.....

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