



For a Better Result.....

COMMON COURTESY

The industry would be rightly up-in-arms about the recent decision of French-v-QBE Insurance and Ors. The case was reported in the latest edition of Taxi Magazine.

A summary of the facts is as follows. The taxi driver collected a passenger who was very drunk. He left him near his home, but not safely inside. Shortly thereafter, it seems the passenger was struck by two separate vehicles. He later died.

The Judge held that the taxi driver was 80% to blame for the death of the passenger, yet it was clearly the blows from the 2 other vehicles, not connected to the cab, which caused his death. His Honour felt that the taxi driver should bear most of the blame, as essentially by accepting the fare, the driver was obliged to go "all the way" and ensure the passenger made it safely to his destination. This did not occur here, which is why the passenger died, according to the Judge.

It is disappointing that the driver's CTP insurer (QBE) did not appeal this decision.

Is it fair for someone else to be responsible for the irresponsible person who becomes so intoxicated he doesn't know what he is doing?

By QBE not following through with an Appeal, this decision sets a precedent and responsibility for Taxi drivers. There is a lesson to be learned, namely driver training, which must also include attitude to passengers – especially the intoxicated ones.

For what it is worth, our experience in the industry is of drivers who are highly committed to customer service. Having worked in the taxi industry for 14 years, we are somewhat disappointed both with this decision and the lack of an appeal. Common courtesy would see that there would be no more of claims as unfortunate as this one again, thereby ensuring this decision becomes a one-off.

For more information about any of the above contact your accident recovery specialist, *Robert Bakker*

298 Oxley Avenue
MARGATE QLD 4019

3883 3700

www.rblawyers.com.au