



FARE COMMENT

CASE WATCH

In this column, we keep you abreast of recent decisions of interest, either cases we have conducted on behalf of clients, or others we have seen.

Recently, we had the pleasure of representing Mr Jagath Thotawattage, owner driver of Business Class taxi. (name reported with express permission of client).

Jagath was charged with a traffic offence that the police could not win. Our examination of the evidence revealed the police case was sketchy. However, they proceeded to court.

Jagath at all times maintained he was in the right.

When we got to the doorstep of the court, the police realised they were in strife and dropped the case.

If Jagath had not stood up for himself and had legal representation, it might have been a different story.

Well done Jagath!

We also recently achieved success against AAMI for our client when their driver said he stopped suddenly because there was a cat on the road, in the city! Hmmm.

BAILMENT AGREEMENTS

Last issue, we discussed the State Government's introduction of Bailee/Bailor agreements.

Whilst the regulations say what sort of things are to be included in these agreements, there are no minimum standards for what is to be there.

We ask whether this amounts to progress or not in furthering the legal relationship between drivers and operators.

POLICE & ACCIDENTS

We are finding more and more cases where police refuse to help cabbies after an accident.

This trend will only continue to get worse.

We therefore stress that with the number of mobile phone cameras, drivers take pictures after an accident, to help in proving their case. We have won cases recently on the strength of this alone!

\$INSURANCE COLUMNS\$

Last issue we reported that insurers are becoming tougher to deal with on demurrage claims.

In the eyes of one judge of the NSW Court of Appeal..."let's not forget who caused the Plaintiff's losses"...(meaning insurers should pay what is due).

On the flip side, by minimising your claim exposure, you will REDUCE your annual premium.

You can achieve this result by having a specialist lawyer on your side, knowing when and where to draw the line on settlement of claims.

FUNNY:

The clever billionaire made sure his family ended up with most of his fortune by leaving 1/3 of his estate to a smart probate lawyer, on the condition 2/3 went to his family! ☺



For a Better Result.....

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