



For a Better Result.....

Are you sick of being ripped off?

Business is tough these days, and it is made tougher by third parties and insurers “trying it on” to take your money!

In the event of an accident, you are entitled to make a recovery from that person, or their insurer, if they are at fault.

There are two ways an insurer will try and reduce its liability to you in these cases:

1. It may try to dispute liability;
2. It might say your claim is excessive.

Liability

Sometimes, who is at fault is not clear. Often though, proper advice can prevent you from making an error when it comes to liability, or for that matter, proper reduction of your claim to ensure settlement.

Frustratingly, often the third party will be careless with the truth, so in order to assert your rights, you need to take the matter to court. This can still lead to a reasonable negotiated settlement, as long as your matter is properly presented. Failing that, you should be prepared to proceed.

Claim costs

Let's remove one myth about accident claims...it isn't necessary for you to get 3 quotes for repairs before your claim is presented to the other party.

Recently, in a landmark decision, the NSW Court of Appeal said that a claim cannot be for more than the cost of repairs, and that cost must not be extravagant or unreasonable. What this means on a day to day basis is a question of proof. What it means overall is that the insurer must pay your reasonable claim.

The other party must also pay your consequential losses (most often called demurrage) as the result of a claim. We would argue the same principal applies as above. Time off the road is a real loss to you, just as the cost of repairs is.

Conclusion

If you present your claim in a rock-solid and professional way, you will achieve the best result. And it is nice to remember some of the tricks of the trade when dealing with these claims.

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