

Motor Vehicles Accidents



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What you should do after an accident:

- Stop at the scene of the crash.
- Provide your name, address and registration number to any other driver, person injured, or person who owns property damaged in a crash.
- If you have not been given these details by the other party, then you should *report the crash to the police* within 24 hours.
- Get the contact details of anyone who witnessed the accident.
- If there is more than \$3000 in damage to any property, excluding that of the driver responsible, the incident should be *reported to the police*.

Claiming Compensation

If your vehicle has been damaged, or you suffered injury, you may want to **make a claim**. If so, you must;

- Gather repair quotes and send a letter of demand;
- If the demand is not paid, initiate a civil claim in court, for property damage and personal injury.

Who caused the accident?

The driver who is at fault (or their insurance company) is responsible for paying the damage caused by the accident. If both drivers were at fault, each will be responsible for the percentage of the damage they caused.

The party at fault has usually been *negligent*. Negligence exists where a party owes someone else a duty of care (which all drivers owe), and this has been breached by means of their careless or irresponsible actions.

Negligent acts include:

- Drive at speeds exceeding the legal limit
- Drive while under the influence of drugs, or alcohol (medicinal or otherwise)
- Enter an intersection without keeping a proper watch on other traffic.
- Generally fail to keep a proper look out of other road users.

Under these circumstances, you may be able to claim all damage done, though if your actions played some role in the incident, your award may be limited through *Contributory Negligence*. This exists where a party is partially responsible for the incident.

For further information about your rights and responsibilities, contact the Adelaide Legal Outreach Service on (08) 8118 5200 or email us at alos@adelaide.edu.au to arrange an interview.

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