
HANSONS

L A W Y E R S

Personal Injury

Can you be the driver of a vehicle in a single vehicle accident and successfully claim damages for personal injury?

The answer to this question is a qualified YES. In *Harmer v Hare* the Court of Appeal upheld a lower court's decision to award a driver substantial damages, when the car he was driving, with bald tyres, ran off the road in the wet and collided with a pole.

Both Courts found that:

- The car had a mechanical defect (bald tyres)
- The owner failed to warn the Plaintiff of the defect.
- The owner was negligent in permitting the driver to drive the car, despite the fact that the owner and driver who had both been drinking were on their way to pick up tyres so they could do burnouts.

The Courts found that despite the purpose of their journey, the driver did not have a duty to inspect the tyres nor was the driver aware of the condition of the tyres.

Can you recover damages for Personal Injury in a Blameless Accident?

The short answer is again YES, but the accident must truly be blameless such as, an accident caused by a driver having a sudden and without warning heart attack, thus injuring another person?

Can you recover damages for Personal Injury if injured while while your vehicle is stationary?

Again the answer is YES in certain circumstances. A typical example would be working on a motor vehicle when a defect caused an injury such as a faulty parking brake, or collapsed bonnet.

For more information on Personal Injury please contact our Compensation Lawyers at Hansons on 4222 2666 or email hansons@hansonslawyers.com.au.