

CRASH WITHOUT THE BURN

WHAT TO DO AFTER A PRANG



Student Legal Services provides legal advice to students. Solicitor Nina Lau offers a step-by-step guide to surviving a car accident without legal hassles.

Should you ever be in a car accident with another vehicle, whether it is a minor or major accident, it is important not to drive away. The maximum penalty for driving away is \$2,200, which may increase if you are the driver at fault.

If the other vehicle drives off, write down their registration number. You can make an application to Roads & Maritime Services to obtain the name and address of the owner.

It is important **not to admit liability for the accident** by saying, "I am sorry" or "It was my fault". By admitting liability you may void your insurance policy.

There is a legal obligation for all drivers involved in the accident to provide details to all other parties.

The required details are as follows:

- the driver's name and address,
- the name and address of the owner of the vehicle,
- the vehicle's registration number,
- any further information necessary to identify the vehicle

If there are independent witnesses get their name and contact details. These can be helpful should statements be required by the Police or if you need to pursue the driver at fault for the cost of your repairs.

The Police should be contacted regardless of whether anyone was hurt in the accident. The Police **must** be called if:

- someone was injured
- cars had to be towed
- if one or more drivers were under the influence or drugs or alcohol
- a driver has refused to provide details

What if someone was injured?

The Police must be called if someone was injured. If the Police do not attend, you must report the accident within 28 days.

A personal injury claim can be made through the Motor Accidents Authority within 6 months of the date of the accident. The principal limitation period to claim on personal injury arising from a motor vehicle accident is 3 years.

Keep your notes

It is always useful to keep notes on the accident and any documentation that was provided to you as a result of the accident. If your vehicle needed to be towed, obtain a receipt. Take photos and make a sketch of how the accident occurred noting the street names or intersections and also the weather conditions. If there was a Police report or an event number provided by the police, this can also be helpful down the track.

You should also contact your insurance company to inform them of the incident.

So, in summary:

- Do not drive away
- Do not admit fault
- Exchange details
- Contact Police
- Take photos
- Take names and numbers of witnesses
- Contact your insurer

There are many issues that can affect the outcome such as an unlicensed driver or uninsured vehicle. It is always best to seek legal advice if you are unsure about what to do next.

NINA LAU - Solicitor, Student Legal Services

Disclaimer: The information is general and should not be relied on as legal advice.

SHOULD YOU REQUIRE ADVICE, CONTACT STUDENT LEGAL SERVICES ON 8688 7875 OR EMAIL STUDENTLEGALSERVICES@UWS.EDU.AU

UWS Student Legal Service is a joint venture between Macquarie Legal Centre and UWS. Located at UWS Parramatta Community Justice Clinic, Parramatta Local Court, it provides advice to currently enrolled UWS students through SSAF funds.

iFORGOT

CONTROL OF PERSONAL DATA FINDS FRIENDS

By VERONICA STEER

Once something goes online, it's there forever right?

The concept of a "right to be forgotten", as a fundamental human right, is a notion that stands in stark contrast to our preconceived ideas of how personal data and the internet currently interrelate. However, in a landmark Court decision, the European Union court has ruled in favour of the right to be forgotten.

Under a 1995 law, search engine "Google" has been ordered to delete any data content that is "inadequate, irrelevant or no longer relevant" by any member of the public who requests this.

The Spanish man who sparked this decision, argued that he was "fighting for the elimination of data that adversely affects people's honour, dignity and exposes their private lives. Everything that undermines human beings, that's not freedom of expression."

This will hopefully see a movement away from the "click-wrap" agreement where users exchange personal information for online services. The user has little choice but to accept the terms presented if they wish to use the product. **Some 58% of Europeans in a European Commission study felt there was no alternative other than to disclose personal information in order to obtain an online product or service.** Article 17, and now the Court, call for a higher threshold of consent that is "Freely given, specific, informed and explicit... A clear affirmative action."

The ruling has placed responsibly on companies such as "Google" to play "data controller" and argues that individuals have a right to control their private data, as long as they are not public figures. The Court stated that the deletion of data must be weighed up against public interest. Not only will individuals have to prove it is not in the public interest to have the information there, they will have to wait lengthy periods to see its removal. The EU Court stated that they are attempting to balance to conflicting rights; 'freedom of speech', with a 'right to a private life'.

On the first day, Google received over 12, 000 requests to have personal data erased, suggesting consumer protection is long overdue. This decision is particularly significant as people are becoming increasingly defined by their online persona, and despite education and awareness, the younger generations are at greatest risk, as their lives have become inextricably intertwined with Instagram, Facebook and perhaps most worrying – Snapchat and Tindr. **Whilst currently limited to countries in the EU, it will be interesting to see whether Australian Courts and Parliament will follow.**