



Painted Surface Slipping Problems

Have you hit a section of coloured/painted surface, skidded or slipped, and suffered damage to yourself and/or your motorcycle? Here are some tips that may help you get compensation.

Size Doesn't Matter

The coloured/painted surface does not need to be a certain size or shape to be successful in a compensation claim.

The most important factor is whether the person responsible for the road surface breached their duty of care to you, the road user. For example, the responsible person may have failed to check whether the paint was suitable for road use, failed to carry out testing to ensure it was safe for road users, or failed to inspect the area periodically to check the road was still safe.

Capture the Evidence: The Incident

If it is safe to do so, collect as much information about the coloured/painted surface and the incident as you can. Useful evidence could include:

- Location of the incident;
- Time and date of the incident;
- Photographs of the coloured/painted surface (from different angles and distances);
- Measurements of the slipping (i.e. where you made contact with the surface, where you first started slipping, and where you slid to).

It is also useful to look around for any other sources of evidence. If there were any witnesses, ask for their contact details. If there was dashcam footage or a nearby surveillance camera, ask if you can access that footage (or at least ask if the owner of the footage can preserve it for you).

Capture the Evidence: Your Loss

If your property has been damaged, gather evidence about the damage. That could include:

- Photographs of the damage;
- Quotes for repairs;
- Replacement costs.

If you have been injured, gather evidence about your injuries and their impacts on you. That could include:

- Medical certificates;
- Receipts for treatment costs;
- Pay records for any time off work.

Identify Who is Responsible

Many main roads in Queensland are managed by the Department of Transport and Main Roads (TMR), while other roads are sometimes managed by local government authorities

(i.e. councils). If the damage is caused on private property, the responsible person may be the property owner or occupier (who may have public liability insurance).

If you are having trouble identify who is responsible, contact a lawyer who can help you figure it out.

Consider your claim entitlements

Depending on the nature of the incident and the loss suffered, you may be entitled to pursue a compensation claim (or multiple claims). The type of claim depends on your specific incident.

Consider speaking to a lawyer who can advise you on your specific entitlements.

Don't Delay

The crucial time limits

There are strict time limits that apply to claims for compensation. Generally, under the *Limitations of Actions Act 1974* (Qld), formal proceedings must be commenced in a court by:

- For a property damage claim: 6 years from the date of incident.
- For a personal injury claim: 3 years from the date of incident.

Additional time limits

There may be further time limits that apply, depending on your claim. For example, personal injury claims usually require a number of steps to be taken before you can commence formal legal proceedings. One of those steps typically involves giving notice of your claim (in a prescribed form) to the relevant respondent within 9 months of the date of incident.

Accordingly, it can be a good idea to consult with a lawyer about which time limits might apply to you.

Take-home message

Even if you still have time, it's best to act early. As time passes, evidence can disappear, and your claim may get weaker. Accordingly, get your claim moving as quickly as possible.

