

**Don't wait until it's too late. Contact Claim Assistance Bureau now.**

Practice Areas:

- Construction
- Engineering
- Product & Public Liability
- Professional Indemnity
- Commercial
- Business Interruption
- Civil Works
- Marine
- Risk Management
- Dispute Resolution
- Expert Witness
- Mediation
- Recovery of Insured and uninsured losses
- Strategic planning advice
- Resolution of contract disputes

## Marine Insurer Misinterprets Policy Response

Our client was the Insured owner and operator of a marine charter vessel. The vessel was exceedingly well maintained but unfortunately suffered a sudden single and fortuitous loss caused by the failure of a critical hose on the coolant system.

The insurer initially rejected the claim by relying upon an Exclusion relating to "Mechanical Breakdown". This was a classic case of the insurer being unable to separate "cause and effect". We successfully demonstrated that the

policy was obliged to respond to the cost of repairing the damage caused by the failed hose and our client was very satisfied with the result.



## Electrical Component Manufacturer Accused of Responsibility for a Major Fire and Consequential Loss

Our client designs and manufactures high end components for installation in large industrial facilities and shortly after supplying and providing a very large installation of their product, the facility was destroyed by fire. The allegations that our client's components were responsible was defeated by extensive enquiry. We demonstrated that the

owner and user of the facility had consciously overloaded our client's components by the installation of equipment with loads far exceeding the original specification and our client's design parameters. Our client's Liability insurer was very thankful and of course our client's very high deductible was saved.

---

*"The allegation that our client's components were responsible was defeated by extensive enquiry."*



## Competent Building Contractor Wrongly Accused of Defects and an Overrun of Project Costs



*"The initial claim in the region of \$800,000 was successfully defeated."*

Our client entered into a Cost Plus Contract for the construction of a home and with a nominated budget estimate. The homeowner grossly exceeded their requirements and purchased high value fit-out items causing a very substantial overrun of the original budget and before the

home could be completed.

The homeowner brought an action against our client for a very large number of defects in the building and the cost overrun. We were able to demonstrate that the matter could not be reviewed by the Building Services Authority and that the

defects were in the majority insignificant or non-existent. We also successfully argued that the cost overrun was not the responsibility of our client builder but the homeowner. The initial claim in the region of \$800,000 was successfully defeated.

## The Insurer Was Only Half Right and We Won the Other Half for Our Client



*We were able to demonstrate that smoke and extinguishment water had permeated the balance of the home "..."*

Our client's property was a rented single level 1970's bungalow on a very expensive parcel of land zoned for multiple dwellings. The front part of the home was severely damaged by fire over which there was no dispute and the insurer wanted to simply repair the obviously fire damaged part of the building.

We were able to demonstrate that smoke and extinguishment water had permeated the balance of the home in wall and ceiling cavities affecting all building materials including wiring and we were successful in drawing the insurer to the conclusion that the entire home had to be demolished to the concrete floor slab.

We were then able to demonstrate that the building could not be reconstructed on the existing slab and foundations and that they too had to be removed for reconstruction. Our client enjoyed a very large cash settlement for the property and retained the parcel of land which was worth more as a vacant site than when it contained the original home.

## *When Average is Just Not Enough*

*Well it still continues to amaze our people that there are some insurers and independent Loss Adjusters who try to apply Under -Insurance / Average in cases of a total loss. Such stupidity is easy to defeat.*

## Claim Assistance Bureau

PO Box 32  
Aspley Qld 4034

PHONE:  
07 3263 9000

FAX:  
07 3263 9999

E-MAIL:  
[info@claimassistance.net](mailto:info@claimassistance.net)

## Successful Recovery Against Negligent Building Inspector

Our client purchased a new home some years ago and that purchase was consequent upon an inspection by a Licensed Pre-Purchase Inspector.

The Building Report was flawed and our client's home gradually developed cracks and defects to an extent where it was almost uninhabitable. We were successful in the action against the Pre-Purchase

Inspector by demonstrating his negligence in failing to identify not only the minor defects which existed at that time and were indicative of a major problem, but influencing factors at the property which could have given rise to a problem even in the absence of visual defects.

*"The Building Report was flawed and our client's home gradually developed cracks and defects to an extent where it was almost uninhabitable."*



## When Recovery is Not an Option

We acted for a subcontractor who was alleged to have caused some damage to works under construction. We were aware that the Head Contractor had arranged a Contract Works policy that insured subcontractors and with some small amount of difficulty we were able to arrange for our client to activate a claim under the Head Contractor's policy and only pay that party's excess as opposed to having to make a claim under our client's Liability policy which had a larger excess.

## ***Claim Advocacy – The Solution to Resolution of Difficult Claims...***

### ***What to do when making a claim:***

1. Talk to **Claim Assistance Bureau** first. Remember that during the initial stages of your claim what you do and say could prejudice the final outcome.
2. Once we have discussed the nature of your problem we will develop a strategy to resolve the matter.
3. Relax in the knowledge that **Claim Assistance Bureau** is representing your interests.