

Clause 15.5 of our Terms of Hire deals with - LTD Waiver Excess is calculated:

15.5 The LTD Waiver Excess for each item of Equipment is the amount calculated as follows:

(1) (Replacement) where the Equipment is lost, stolen or damaged beyond repair:

(a) Subject to paragraph (b), the LTD Waiver Excess for each item of Equipment that is lost, stolen or damaged beyond repair will be the amount equal to the greater of:

(i) \$500.00; or

(ii) 15% of the New Replacement Cost.

(b) Where the New Replacement Cost is less than \$500.00, the LTD Waiver Excess will be an amount equal to the New Replacement Cost.

(2) (Repair) where the Equipment is partially damaged and can be repaired:

(a) Subject to paragraph (b), the LTD Waiver Excess for each item of Equipment that is partially damaged and can be repaired will be the amount equal to the greater of:

(i) \$500.00; or

(ii) 15% of the repair cost.

(b) Where the repair cost of the Equipment is less than \$500, the LTD Waiver Excess will be an amount equal to the lesser of the repair cost and the New Replacement Cost

15.6 Even if You have paid the LTD Waiver Fee, We will not waive Our rights to claim against You for loss, theft or damage to the Equipment and LTD Waiver will not apply if the loss, theft or damage:

(a) has arisen as a result of Your breach of a clause of this Hire Agreement;

(b) has been caused by Your negligent act or omission;

(c) has arisen as a result of Your use of the Equipment in violation of any laws;

(d) has been caused by Your failure to use the Equipment for its intended purpose or in accordance with Our instructions or the manufacturer's instructions;

(e) occurs to the Equipment whilst it is located, used, loaded, unloaded, transported on or over water, wharves, bridges or vessels of any kind;

(f) has been caused by a lack of lubrication or a failure to properly service or maintain the Equipment ;

(g) has been caused by collision with a bridge, carpark, awning, gutter, tree or any other overhead structure or object due to insufficient clearance;

(h) has been caused by the overloading of the Equipment or any components thereof;

(i) is to motors or other electrical Equipment or components within the Equipment caused by electrical overload, a surge in electrical current or the use of under-rated or excessive lengths of extension leads with the electrical Equipment;

(j) is caused by exposure to any corrosive or caustic substance, such as cyanide, salt water, acid, etc;

(k) is caused by vandalism;

(l) is to tyres or tubes; or

(m) is to windscreens, mirrors, glass, or perspex.