

BROOKERWISE™

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Bill Owen
 INSURANCE BROKERS
With you...


PHOTO // unsplash.com // @tingeyinjurylawfirm

BW \ Is Legal Expenses Insurance Worth Having?

A well-considered Insurance Program for SME's [small & medium-sized enterprises] should include covers such as Public & Products Liability, Professional Indemnity (if applicable), Management Liability and Employers' Liability insurance. These covers are available to protect SME's from costs/damages that they may be asked to pay by customers, suppliers, employees or the general public.

As part of these insurances, the insurer will cover legal costs to defend a claim against the insured SME. The purpose of this is to protect the organisation from having to pay damages, protects its reputation and if damages are payable, to reduce the cost of these, wherever possible. If the lawyer cannot successfully defend these allegations against the insured organisation, the insurance will pay the damages claimed against the organisation.



PHOTO // unsplash.com // @homeajob

Legal Expenses Insurance also covers the cost of lawyers; however, the legal costs covered are those which are not covered by other insurances. It is available for claims arising from contractual disputes, employment matters, property problems, licencing issues and many more.

It is unlikely to cover all the possible legal expenditure a business might face. However, the cover is designed to cater to the principal risks a business may encounter, such as disputes with a customer, supplier, landlord, tenant, or employee. It also protects a business from the costs of defending criminal matters and licensing issues.

Legal Expenses insurance is not a replacement for liability policies but rather an additional product to ensure the organisation's broader business legal risks are protected. Unlike almost any other type of insurance available, it gives the Insured the ability to instigate action.

LEGAL EXPENSES INSURANCE IS NOT A REPLACEMENT FOR LIABILITY POLICIES, BUT RATHER AN ADDITIONAL PRODUCT TO ENSURE THE ORGANISATION'S WIDER BUSINESS LEGAL RISKS ARE PROTECTED.

For example, if there was a dispute with a tenant in your property, and you believed the tenant was in breach of the terms of their lease, you have a legal right to take action against the tenant.

As they have not made a claim against you, no liability policy will fund such an action.

In today's increasingly competitive and litigious world, disputes and resultant legal action are on the rise. Spiralling legal costs are preventing access to justice and SME's have been hit especially hard by these rises, so investing in Legal Expenses Insurance is worthwhile considering.

For further information, contact your CQIB insurance broker.



PHOTO // shutterstock.com // @Jacob Lung

BW It's Just A Gender Reveal... What Could Possibly Go Wrong?

What started as a couple's celebration to reveal their baby's gender spiralled into a month-long bushfire. The fire burned over 10,000 hectares and sequentially caused the death of a firefighter working to contain the blaze. The consequence of the parents' carelessness resulted in them being charged with manslaughter.

On the 5th of September 2020, Mr and Mrs Jiminez used a smoke-generating pyrotechnical device to reveal the gender of their unborn child at the El Dorado Park in California.



OAK GLEN, CA
EL DORADO FIRE
SEPTEMBER 7, 2020

VIDEO // abc.com // @Dannielle Maguire
<https://bit.ly/eldoradofire>

Regrettably, the smoke bomb malfunctioned and the subsequent fire wasn't extinguished until the 16th of November. The couple plead not guilty. The charges were one count of manslaughter, three counts of recklessly causing a fire resulting in bodily injury and four counts of recklessly causing fires to houses. The fire is now known as the El Dorado Fire.

Jenna Karvunidis, generally considered the "gender party reveal" creator went public asking people to stop. The trend caught on from her originally doing it by colouring the inside of a cake. After cutting through the cake, the pink insides told that they were having a daughter. Sadly, gender reveals have shifted over the years, with couples "raising the stakes" to outdo the last, seemingly by making them more dangerous.

In 2017 a sawmill fire in Arizona was caused by a gender reveal party, which combined blue powder and an explosive

In 2019 a crop duster carrying 1330 litres of coloured water for a reveal crashed.

In 2019 a woman was killed when a homemade device, which was meant to reveal her grandchild's gender, exploded.

In 2021 another accidental explosion of the device killed the father-to-be and injured his younger brother.

In 2021 a man was killed by shrapnel when a small cannon exploded.

In 2021 another fire started after a reveal involved shooting an exploding target that went wrong.

These events aren't limited to overseas, with the Queensland Police Force issuing warnings after several attempted burnouts, where cars emit billowing clouds of pink or blue smoke, which in some have caused the vehicles to catch on fire.



VIDEO // abc.com
<https://bit.ly/genderacc>



WATCH: Car catches fire during baby gender reveal

VIDEO // thewest.com.au
<https://bit.ly/burnoutreveal>

Apart from the apparent dangers, there's an argument that the practice heavily reinforces stereotypical gender roles.

Guns or Glitter, Pistols or Pearls and Wheels or Heels...



PHOTO // unsplash.com // @brookecagle

BW Are Employee Benefits The Key To Retaining Good Staff?

If you were to answer in simple terms, some employers would say yes...

But the key to strong peer-to-peer workplace relationships comes with a deeper level of trust; experts agree that you can't supplement a poor work culture with employee benefits. Of course, you can use employee benefits to reinforce your company culture to show staff they matter, but the foundations of healthy workplace culture begin with taking these seven steps.

1. Do I have a clearly defined culture?
2. Identify where the culture of my business is lacking?
3. What specifically can be done to establish the culture which would allow my business to become a high-performance team?
4. What specifically can be done to consistently execute the culture which would allow my business to become a high-performance team?
5. What specifically can be done to consistently measure the culture which would allow my business to become a high-performance team?
6. What specifically can be done to consistently correct the culture which would allow my business to become a high-performance team?
7. What specifically can be done to reward positive culture.



It's in the first six steps that you'll genuinely build an organisations culture and where you'll see the retention of employees.

If you align the benefits to increasing your employees' health and wellbeing, it's a win/win for everyone. Here are some popular employee benefits, which can contribute to good physical and mental health:

- Capacity to work from home when required
- Employee Assistance Program (EAP)
- Flexible working hours
- Mental health days as required
- Supplemented gym memberships
- Weekly lunchtime yoga classes
- Work organised social sports teams
- Offer Flu Shots
- Convenient personal leave days e.g Birthdays
- Fresh fruit supplied in the kitchen



PHOTO // unsplash.com // @wildlittlenthingsphoto

Create and maintain a happy and healthy workplace so that your employees are always inspired and rewarded to perform.



PHOTO // pixabay.com // @julius_silver

BW Loss of Life Claim Rejected by Insurer for Credit Card Insurance

With talks of travel being re-opened, a recent insurance claim rejected by insurer becomes a sullen reminder to seek out professional advice before the worst.

Jason Griffiths was going on a cruise holiday in New Zealand. In preparation for his trip, he spent thousands of dollars on his Credit Card to buy his tickets. In his mind, he thought this would cover him with complimentary travel insurance for his entire trip.

Devastatingly, Jason was fatally injured in an explosion on Whakaari (White) Island.

18 months later, the insurance company rejected a loss-of-life claim due to a *technicality*.

What was the technicality? The claim was rejected because Mr Griffiths was not considered to be using transport at the time of death. The credit card provider responded by stating they'd reach out to the family and offer financial support to the grieving family.



PHOTO // abc.com // @Claudia Jambor

Jason's family has described the rejection of the claim as a, 'kick in the guts'.

It has prompted the family to warn others about the misnomer associated with the so-called *complimentary* insurance. The family want others to 'think twice' if relying on a Credit Card company for its insurance.

The Representative of the Insurance company told Jason's family that the policy only covered passengers when:

- on the cruise ship;
- travelling to and from the cruise ship; and
- waiting in a terminal.

The Representative said that Jason Griffith's claim was outside of the listed policy requirements and stated he was instead touring White Island when he was fatally injured. Consequently, there was no loss arising from a 'transport' or anything of a similar kind and he was not utilising a vehicle, system or means of transport.

This decision has only exacerbated the family's trauma.



PHOTO // abc.com // Supplied by the NZ Defence Force

The Insurance Representative clarified that it was not enough that evidence showed that Jason had turned his back to the crater and was arguably intending to make his way back to the ship; he had to actually be on a boat physically going back to the ship for it to be classified within the insurance scheme.

It is an issue of legal technicality where the truth is in the fine print and Jason's family have urged people to be aware that they may not be covered for the entirety of their holiday.

An Appeal

Maurice Blackburn are representing the family who will appeal the decision.



“Excellent firms don’t believe in excellence, only in constant improvement and constant change.” - Tom Peters in Thriving on Chaos

BW Fun Facts!!

1. The hottest temperature ever recorded occurred in Furnace Creek, Death Valley, California, at 56°C on July 10, 1913. (public.wmo.int)
2. Japan records the most earthquakes of any country in the world; but the most earthquakes occur in Indonesia. (usgs.gov)
3. Each year 16 million thunderstorms happen around the world, and at any given moment, there are about 2,000 thunderstorms in progress. (nssl.noaa.gov)
4. Sweden has 267,570 islands, the most of any country in the world.
5. Australia contains several pink lakes, but the most stunning is the Pepto Bismol-coloured Lake Hillier. The colour may be the result of certain algae. (australia.com)

THANKS FOR READING!

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