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## Welcome

Have you visited the Markey website lately?

There is a range of useful tools for businesses and personal use at [www.markeygroup.com.au](http://www.markeygroup.com.au).

We have "links" to calculators that help you work out what to insure your home and contents for. There are online quote request forms for many of our risk products including Commercial Coverage, Life Insurance, Superannuation and Compulsory Third Party Insurance. If you need to make a claim, do it online, just click on the "Claims" tab and get started. You can also take out your Travel Insurance and have the policy details emailed to you.

Our downloadable insurance checklist includes handy information about what is covered by specific policies and our emergency kits provide a step by step guide of what to do if you need to make a claim.

Keep an eye out for our home insurance emergency kit which will be launched just in time for the holiday season. Summer holidays are a time of relaxation and fun, but being away from home we can sometimes return to find things have gone wrong. Our home and contents emergency kit will help you through the first initial steps of your claim before you hand it over to your Markey broker to manage.

Also inside this issue you will find some useful articles covering the importance of income protection as well as managing your contract agreements and how they affect your insurance cover. Also check out the photos and story about the recent Gold Harold Awards night which Markey Group was proud to support.

**Steve Markey**  
Managing Director



## Beware of risks in contracts

There is much to do when settling new contracts and one task that sometimes slips through the net is the need to provide a copy of all contracts to your insurance broker.

The key insurance risk for you, is that any agreement which contains a limitation of liability can prejudice your Insurers right to 'step into your shoes' and seek recovery from those responsible for a loss or those who should contribute to a loss.

A contract generally binds the parties to all of its terms even if you did not read or understand them. They may contain quite onerous clauses and create risks such as:

- A 'contractual indemnity' is often found in contracts drafted by organisations with which you seek to do business, and may result in you taking on liabilities you had never intended, in the absence of such a contract.
- Examples of 'contractual indemnities' are clauses which ask you to name

another party as a 'joint Insured' on your insurances, clauses which request that you 'hold harmless' another party, or clauses which require you to 'waiver rights of subrogation' against another party.

- Clauses which ask you to bear more than your 'proportionate liability' for a loss.
- Clauses which limit all or part of the operation of the 'Civil Liability Act (NSW) 2002'. The Civil Liability Act now governs virtually all personal injury litigation in NSW except for some statutory schemes. It requires courts to pay proper respect to the concept of personal responsibility and seeks to enforce the view that people should be responsible for their own actions in certain circumstances.

Most insurance policies exclude liabilities assumed under contract, unless those liabilities would have otherwise existed at

law (in the absence of such a contract). If you enter into such contracts, you clearly breach insurance policy conditions, and such breaches may result in the refusal of a claim.

It is therefore prudent that you adopt the following procedures for review of all contracts, prior to finalisation:

- Seek advice from your legal advisors.
- Provide a copy of all contracts to your insurance broker.

As your Broker, we can assist in providing you with an understanding of how these contractual clauses effect your covers. We can also attempt to negotiate the relevant extensions to your covers should they be required.

You are exposing your business and your personal assets to potentially unlimited liability, if you enter into a contractual indemnity which is not, or cannot be covered by insurance.

## Markey supports Gold Harold Awards

The Life Education Australia Gold Harold Awards night was held recently at The Grand Harbourside Ballroom at Star City in Sydney.

Now in its third year, the Gold Harold Awards recognise those individuals and corporations that contribute to the healthy development of children through their work, philanthropy or volunteer effort.

Markey Group was proud to support the Corporate Award awarded to Pfizer in recognition of the company's Community Connect Program. This Program encourages Pfizer employees to become involved in the community and includes four work days each year dedicated to supporting not-for-profit organisations.

From the team at Markey Group, congratulations to Pfizer and to all other award winners and nominees at the 2010 Gold Harold Awards.



## Our Clients

Markey group is proud to be associated with and to provide services to some of the region's premiere businesses. Among them are:

### Mountain Industries

Newcastle-based Mountain Industries is a leading logistics supplier that specialises in the transport, storage and management of bulky goods, and more recently general freight, tanker deliveries and rail.

Mountain Industries was established in 1982, providing bulk haulage services into the rural industries of central New South Wales. Today the company services customers throughout eastern Australia with a much broader range of services, attempting to provide complete logistics solutions to our customers.

Offering bulk, general and tanker (both liquid and pneumatic) haulage utilising company trucks and a large subcontractor fleet; warehousing of grain, fertilisers and minerals both in bulk and palletized they also supply industrial services and rail operations.

The company's intermodal terminals at Forbes and Newcastle provide rail services to importers and offer regular services to Sydney. They are capable of receiving and dispatching shipping containers including value adding to grain products as well as a range of pack and unpack support services.

Mountain Industries is committed to the delivery of high quality service with a strong customer focus, underpinned by an overriding commitment to safety and efficiency.



### Life Education Australia

Life Education Australia provides positive programs that develop the social skills and knowledge necessary for effective decision-making, communication, negotiation, peer resistance and refusal in drug-related situations.

In partnership with schools and the community Life Education aims to help reduce tobacco use and illegal drug use among young people; encourage them to avoid or delay alcohol use; and reduce the harms associated with any drug use.

Life Education's primary schools programs reach more than 750,000 students each year, supported by a team of 120 full and part time staff. The programs are delivered through Life Education's national network of mobile and static classrooms, complemented by direct delivery in school classrooms.

These programs are based on the latest research, and provide high quality drug education featuring role-play; social skills training; correction of common myths; and varied, fast-moving and interactive activities facilitated by excellent educators assisted by the latest multi-media technology.

For more information, visit the website at [www.lifeeducation.org.au](http://www.lifeeducation.org.au)



## Income Protection vs. Workers Compensation - Do I need both?

On average only 25% of debilitating injuries occur at work or are work related.

In 2007 and 2008, there were approximately 700,000 serious injuries in Australia. Of these, only 216,000 were covered under workers compensation.

The main reasons that claims might not be covered under workers compensation include:

- If it is deemed that the employee contributed to the accident through their own negligence
- If the accident was deemed not to have happened at work
- Arguments regarding contractual relationship

The most significant concern for anyone who relies solely on Workers Compensation to protect their income is what happens in the case of illness or injury occurring away from work.

Simply, if the injury doesn't happen at work then the employee is not covered by Workers Compensation.

Income protection insurance provides cover no matter where you are – 24 hours a day, anywhere in the world, regardless of impairment. If you are sick or injured and unable to work, then the benefits of income protection insurance will cover you and your family, making it an important level of coverage for most people.

For the right advice on protecting your future, please contact Chris Lowe of Markey Financial Services on 02 4925 6555.



For more information please call 4925 6555 or visit our website [www.markeygroup.com.au](http://www.markeygroup.com.au)

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