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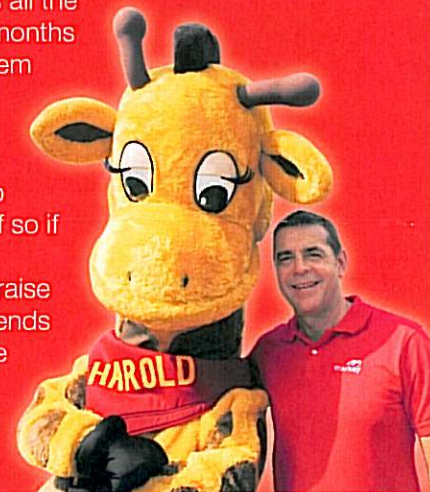
Floods Are Good Cause to Review Insurances

The devastation of the floods in the three eastern states and the cyclone Yasi bring home to us all the value of insurance coverage. Many hundreds of businesses in Queensland and Victoria are still months from getting back to some normality and insurance companies are working hand in hand with them to help the recovery.

Sadly, there are too many businesses whose insurances are not sufficient to protect them against the losses of the floods, not only because they were not covered for flood but due to the fact that they were significantly under insured. By far, the majority of policies in Australia do not provide cover for FLOOD as standard. It may be possible to obtain this cover on your behalf so if you are interested in exploring this cover, I urge you to ask your Markey broker to assist.

Once again our thanks to many of our clients and suppliers in the industry who helped us raise \$34,112.31 for Life Education at our recent Charity Golf Day. A round of social golf with some friends and colleagues has helped ensure some vital education programs on drugs and health can be delivered to children and young people. Your generosity is much appreciated.

Steve Markey
Managing Director



'Damages'... Are They Covered by Insurance?

If you have ever become involved in a legal liability claim, or a contractual issue with a third party, the subject of 'damages' may have arisen. You might have also wondered at the time if all of the sums being demanded or under dispute are in fact covered by insurance.

So...what are 'damages'? We have briefly outlined below the most common types of damages that may arise in civil liability actions:

- 'Actual Damages', also known as 'compensatory damages' are a sum of money awarded to a party as compensation for loss or injury. Actual damages are generally determined after the loss or injury has occurred, and may also encompass estimated future losses.
- 'Punitive Damages', also known as 'exemplary damages', may be awarded by a court in addition to 'actual damages' as a way of punishing the defendant in a civil action and are based on the theory that the defendant has acted in a manner that was in bad faith, malicious, outrageous and with utter disregard for the interests of the plaintiff. The sum awarded as punitive damages is usually at the discretion of the court and is intended as a deterrent to the defendant to act in such a reckless manner in the future.
- 'Liquidated Damages' is a term often found in contracts such as construction and engineering projects, which allow the contracting parties to agree, ahead of time, on a monetary sum of damages payable by a party in breach of the contract. Liquidated damages are commonly applied in circumstances such as delay or failure to complete. An example is where the clause might stipulate an amount payable per day for each day of the delay in completion of the contract.

So...how do insurance policies respond when 'damages' are awarded? Note that the below points are of a general nature and are designed to provide an overview of how 'liability' policies such as public/products liability, professional indemnity, and management liability policies might respond.

- Actual Damages – compensation awarded to a third party, is generally covered (subject to the terms and conditions of the policy) provided that the loss or incident triggers the coverage (insuring) clause of the relevant policy. For example, under a public and products liability policy, the insuring clause is triggered when there is bodily injury or property damage to a third party.
- Punitive Damages – are a specific exclusion under most 'liability' policies and are generally uninsurable.
- Liquidated Damages – are a specific exclusion under most liability policies, however some industry-specific insurance policies may not contain a specific exclusion of liability for liquidated damages, however, a 'contractual liability' exclusion may apply. A 'contractual liability' exclusion will exclude liability which you assume under contract unless such liability would have existed in the absence of the contract. Therefore, there may be some scope for liquidated damages to be insured in certain circumstances where there is a genuine pre-estimate of damages that a contracting party may be responsible to pay in the absence of a contract.

Insurance Tips For Women

Despite the abundance of information available on the internet, we still find it difficult to find the right information when deciding on personal insurance. The following personal insurance tips are designed to help women, and Mum's Australia-wide, choose the right cover to meet their needs.

So what is all the fuss about?

The fact is that many women are underinsured – which doesn't make sense! There are almost as many women in the workforce as men. Furthermore, women still perform the majority of domestic duties in the home including; cooking, cleaning and caring for their children.

Accidents and illnesses do not discriminate, so whether you're male or female, single or married, it's equally as important to have adequate insurance in place to protect you from unforeseen events.

Even if you don't have children (yet!) it's still a good idea to get the right types of personal insurance.

Top Personal Insurance Tips For Women

- Don't forget yourself! Cover yourself and not just your partner – are you and your partner covered for accident, illness or even worse, death? Or did you think that covering just your partner was enough? If you are a homemaker, adequate life insurance and trauma insurance is important – these will provide for your family financially should the worst happen.
- Get the right policy – getting the right policy will help at claim time. If you have personal insurance cover through your super fund, you may find that it can take longer to make a claim. You may also be inadequately insured. This is where good advice is vital.
- Review your policy annually – There are a number of life events that could be cause to reassess your coverage such as taking a mortgage, starting a family or an increase in salary. It is important your insurance portfolio meets your changing needs.
- Protect your child's future – many women don't know that many personal insurance companies offer 'premium-free child cover'. Basically, you can cover your children for free when taking insurance for yourself. This will provide funds for medical expenses and any other additional living costs you may need if a parent has to temporarily take time off work to look after their child.

Client Spotlight

COOKS HILL
EST 1975 GALLERIES

Mark Widdup commenced Cooks Hill Galleries, the Hunter and Newcastle's premier commercial art gallery in 1975. Apart from regular exhibitions of contemporary artists there is a dealing aspect of the gallery focusing upon art investment, the latter being particularly relevant for (SMSF) super funds, businesses or professionals who choose to diversify their investments into collectable artworks of a 2D and 3D nature. Obtaining professional advice before buying art will assist with building a rewarding and long term investment portfolio.

The galleries also have an extensive range of services, in particular, valuation services for Company or SMSF audits, insurance purposes, or deceased estates. – Further details can be found at www.cookshill.com.

Corporate Golfers Tee Off For Life Education

More than 150 people from the business sector joined leading insurance brokers Newcastle based Markey Group for a charity golf day at Belmont on April 1.

Funds raised from this annual event will go this year to drug and health education programs for children and young people created and delivered by Life Education, Hunter Region.

Markey Group Managing Director, Steve Markey, said this was the fourth charity golf event held by Markeys.

"Our clients and people in insurance have encouraged us to repeat the fundraiser since our first event in 2008 when we raised money for Asthma research after the sudden death of one of our young employees, Ryan Tomkins, who suffered a fatal asthma attack.

"The insurance business understands only too well the social and economic returns of teaching young people the value of good health and drug education, so our link this year with Life Education is welcome.

"The four person Ambrose event had the support of more than 35 local and national businesses," Steve Markey said.



Trevor Markey, Annette Markey, Harold, Steve Markey and Simone Markey at the recent Markey Charity Golf Day.



For more information please call 4925 6555 or visit our website www.markeygroup.com.au

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