



Brokerwise™

Brought to you by: **Fitton Insurance (Brokers) Australia Pty Ltd**

Hello, Goodbye... and a good cause!

HAPPENING AT FITTON INSURANCE

Congratulations to our Senior Account Executive Nathan Joubert and Krystal his wife on the birth of their baby boy, Alexander Jules Joubert, born on 29/06/2013.

This month we are pleased to welcome Jolean Danneberg who joins us as Assistant Account Executive. Jolean comes well qualified with 2 years in Commercial and Personal Lines insurance. She replaces Prue Colclough who leaves us after 2 happy years. We wish Prue all the very best in life and her future career.

Our Annual Fundraiser this year is a Multi Raffle with prizes totalling \$18,000. All funds raised go to Q.I.M.R (Queensland Institute of Medical Research) and the Toowoomba Hospital Foundation. Great prizes include return flights for 2 to Melbourne and cost of the service fee to that handsome stallion, 'Court Command'. Over the last 25 years, Del Fitton has raised nearly half a million dollars for charities and we would be pleased if you could help us support these worthy causes. If so, please call us on 07 4638 4233 or email reception@fitton.com.au and we'll arrange tickets for you. Tickets are only \$5 each or \$200 for a book of 50. ■



Proud parents and baby — *Krystal Joubert, Alexander Jules Joubert and Nathan Joubert.*

Stamp Duty Increases

ON INSURANCE PRODUCTS

Effective 1 August 2013, stamp duty in Queensland on general insurance products was increased from 7.5% to 9% whilst motor insurance has jumped from 5% to 9%. The stamp duty increase is just one of a number of measures introduced to help counter the effects of falling government revenue according to Qld Treasurer, Tim Nicholls.

In a State Government media release Mr Nicholls said he understood the insurance duty measures would have an

impact on policyholders across the board but the Government had tried to keep the impact to a minimum. "The Government is very conscious of the effects on households and businesses. We have tried to limit those effects while tackling the rebuilding task after the January natural disasters and find funding for NDIS and education reform," he said.

The stamp duty increases, when announced in May, took the insurance industry by surprise, especially coming at a time when some states

are reducing or eliminating stamp duty on insurance. However, the new rate of stamp duty is competitive at a level slightly below most other states. ■

CORRECTION

Our Winter 2013 issue article, 'Between the Sheets', implied that EPS paneling was listed by relevant authorities under the Hazardous Goods Act. This was incorrect. EPS paneling is not listed by relevant authorities under the Hazardous Goods Act and we apologise for the error.

Workplace Bullying

IS YOUR BUSINESS VULNERABLE?

Laws were passed in June this year to amend the Fair Work Act 2009 to introduce new anti-bullying measures that allow individual workers the ability to apply directly to the Fair Work Commission (FWC) if they believe they are being bullied at work. The new provisions will take effect from 1 January 2014 and the definition of a 'worker' is an individual performing work in any capacity, including contractors.

There could be an influx of bullying claims when the anti-bullying provisions come into force. Any worker who believes they have been bullied can bypass their employer and immediately lodge a claim with the FWC. The employer will have little time to investigate, assess, and respond to the claim.

Workplace bullying covers a wide range of behaviours ranging from subtle intimidation to more obvious aggressive tactics, including:

- Abusing a person loudly, usually when others are present.

- Repeated threats of dismissal or other severe punishment for no reason.
- Constant ridicule and being put down.
- Leaving offensive messages on email or the telephone.
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways.
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management or other workers.
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

Employers, workers, co-workers, groups of co-workers, clients or customers and/or members of the public can commit workplace bullying.

If the FWC is satisfied that a worker has been bullied and there is a risk that the

worker will continue to be bullied, then the FWC may make any orders it considers appropriate to prevent the worker from being bullied at work, other than reinstatement, payment of compensation or monetary penalties. Contravention of a FWC order can result in a fine.

To minimise the risk of claims, employers should:

- Update workplace policies, ensuring they define unlawful workplace bullying and set out expected standards of behaviour;
- Ensure clear procedures are in place to respond to allegations of workplace bullying; and
- Provide training to staff, including supervisors and managers, regarding proper performance management and disciplinary processes.

In addition, businesses should talk to their CQIB broker about effecting insurance to transfer some of this risk. ■

Treading Carefully

WALKERS BEWARE

You've worked hard to build up your business; you have a sense of pride in what you do, how you do it and how the business is perceived in the market. Therefore it is not unusual when a business owner receives a claim against them to take this as a personal affront that says their business practices are not up to a high standard. But this scenario is not always the case and you may simply be victim of circumstances.

This may occur when someone injures themselves on or about the business premises, commonly known as a 'slip and fall'. There have been cases argued in courts referring to the duty of care one has to their customers and the public in general.

One notable case was an argument over when it would have been practical for a dropped potato chip in a shopping centre food court be noticed by a cleaner. This caused much discussion because a member

of the public had in fact slipped on it but the argument continued around the food court scenario. Where did the chip come from, what was it doing on the ground as a hazard and how long had it been there?

The argument of time proved crucial, because the duty of care of the shopping centre and food court cleaning staff meant that dropped food should not remain there but the argument continued over

Continued next page →



Continued →

how long it had been there unattended - for 5 minutes, 15 minutes or longer?

Another example recently was in a fruit market with various stall holders and the case of a rogue plum. Someone slipped on it and it couldn't be identified how it got there and from where this plum originated. An insurance claim was submitted and

the stallholder who happened to sell other produce (but no plums) ended up involved and submitting a claim because the incident took place nearest to his stall.

The point is, especially in shopping centres and areas of high pedestrian traffic, slip and fall accidents are commonplace and the business owner must be prudent in

providing a safe environment for staff, customers and general public. Footpath dining is another hazard contribution with dropped food, spilt drink or the increasing trend of small dogs on tight leads in the path of café customers and other pedestrians.

Walkers beware. ■

A Career In Insurance

...REWARDING AND FULFILLING

Thinking of a career change? Or is someone you know looking for a rewarding career path?

For a career that offers unlimited potential for personal satisfaction and financial rewards, look no further than the insurance industry for marvellous opportunities at many levels.

The insurance industry in Australia needs entrants from all backgrounds and experience: from 'new to the workforce'

school leavers to legal professionals of tried and tested capability... as well as motivated and enthusiastic persons at all levels of experience and ability in between.

Earn while you learn. No special qualifications are required to get a start in the industry. As your skills improve the qualifications follow. Graduate programs are available for those interested in a specialist field.

Job roles in Insurance can include:

- Broking
- Customer service

- Claims
- Loss Adjusting
- Administration
- Underwriting
- I.T.
- Sales & Marketing
- Finance
- Human Resources
- Legal

Find out more. A wealth of information about insurance career opportunities is available online and a good place to start is the CQIB website.

www.cqib.org.au/97/Careers

TAKE A CLOSER LOOK AT INSURANCE BROKING...

Insurance broking in particular offers the potential of an excellent career choice to the right candidate.

There are not many professions that offer involvement and diverse experiences in such a broad spectrum of industries that insurance broking can and does. One day insuring oil tankers on the high seas, the next, high rise building projects and the one after that, cover for the local festival against the risk of a rain washout.

A career as an insurance broker is your passport to knowledge, not only about your chosen profession but also about what makes the wheels of commerce and industry go round.

This extract from the website of The National Insurance Brokers Association (NIBA) explains the role of a broker:

Where do insurance brokers fit in the insurance world?

"The key differentiation between insurance brokers and the remainder of the insurance world is that insurance

brokers are professional advisors who work on behalf of their clients, not insurance companies. The main day to day aspect of the broker's role is to assist clients to manage risks associated with the property they own and the business they operate by primarily sourcing and arranging insurance cover."

If you are interested in insurance broking as a career, the CQIB will be pleased to assist. Please send your enquiry via email to The Executive Secretary, CQIB training@cqib.org.au

www.cqib.org.au/97/Careers ■

Asbestos Management

NEW RULES

There are new rules in force for dealing with asbestos in buildings used as a workplace, which is generally considered to be any commercial property.

If a building was constructed before 1 January 2004, the person with management or control of a workplace must ensure that all asbestos or Asbestos Containing Material (ACM) is identified and prepare an Asbestos Register and a written Asbestos Management Plan.

The register must record any asbestos or ACM, the date on which it was identified, its location, type and condition. Ideally it would incorporate photos of the asbestos or ACM, identifying its location.

The Asbestos Management Plan must set out how asbestos or ACM, which is identified in the workplace, will be managed. In particular, it must include:

- A link to the Register and the locations of signs and labels
- Decisions and reasons for those decisions about the management of the asbestos or ACM, including safe work procedures and control measures
- Procedures for detailing accidents or incidents involving asbestos or ACM
- Details of workers carrying out work involving asbestos, including information and training responsibilities

The Management Plan must be reviewed regularly and revised at least once every 5 years, or when

- There is a review of the Register
- Asbestos or ACM is removed or disturbed
- A Health and Safety representative requests a review

The person with management control of the workplace, which could be the occupier or landlord, must ensure the Asbestos Register and Management Plan is readily accessible to:

- A worker who carries out work at the workplace
- Workplace Health & Safety representatives
- A person conducting a business, who carries out work at the workplace

Additionally, if you intend to offer any part of the building for sale or lease, you are obliged to provide a copy of the Register and Management Plan to the proposed purchaser or lessee before the contract is entered into.

Finally, there are significant penalties for failure to comply with these obligations, with fines and imprisonment in the legislation, as well as damages under proposed contracts for sale or lease, if these obligations are not adequately satisfied.

Affected commercial entities have until 1 January 2014 to comply with the new requirements. ■

Be sure. Before you insure!

Ask your Council of Queensland Insurance Broker about...

COMMERCIAL AND RETAIL INSURANCE

- Business Property
- Business Interruption
- Machinery breakdown
- Goods in Transit
- Motor
- Burglary
- Liability, Money and Loss of Rent
- Computer
- Contractors Risk
- Tax Audit

LIABILITY

- Public Liability
- Professional Indemnity
- Employment Practices Liability
- Products Liability
- Directors and Officers
- Machinery breakdown

PRIVATE AND DOMESTIC INSURANCE

- Home and Contents
- Car, Caravan, Boat and Trailer
- Travel

INCOME PROTECTION INSURANCE

- Long Term Disability
- Sickness and Accident

LIFE, SUPERANNUATION, PARTNERSHIP

- Mortgage Protection
- Term Life
- Key Man
- Superannuation

The CQIB represents over 60 Queensland firms employing nearly 400 staff and placing in excess of \$500,000,000 in annual premiums. The CQIB charter is to maintain the level of professionalism of its members by the sharing of knowledge, information and ideas.



For more information visit www.cqib.org.au

The articles in Brokerwise are provided as information only. They are not general or insurance broking or legal advice. It is important that you seek advice relevant to your particular circumstance.

Wise words ON CHARITY

"Real charity doesn't care if it's tax deductible or not"

— Dan Bennett

"He who gives early gives twice"

— Don Miguel de Cervantes

"To ease another's heartache is to forget one's own."

— Abraham Lincoln



Fitton Insurance (Brokers) Australia Pty Ltd

ABN 90 010 987 489 AFSL No. 264671

13 Bowen Street
(PO Box 1515)
Toowoomba QLD 4350

Phone: 07 4638 4233

Fax: 07 4638 3369

Email: reception@fitton.com.au

Web: www.fitton.com.au