

Peter: Seven past one and we welcome Jeff Potter from Friedman, Lurie, Singh, and D'Angelo Lawyers. Good day Jeff.

Jeff Potter: Hi Peter.

Peter: Last time I spoke to you was, well actually a little bit before Christmas, and I think you were taking your family on a bit of a vacation around the world. How was it?

Jeff Potter: Oh, it was excellent!

Peter: Yeah?

Jeff Potter: Yes.

Peter: Where did you go?

Jeff Potter: Oh, I went to Paris and London and New York, small bits of the United States. Very interesting.

Peter: Unreal. And your boys? You got two boys, they're 17 and 16. [00:00:30] What do they think of the trip?

Jeff Potter: Oh, they loved it I think, yeah. Weren't too hot about Vegas, because they're a bit young for that, but the rest of the time, they loved it.

Peter: They might change their tune in five or six years, each of them, they'll be twenty-one.

Jeff Potter: Yeah, I think so. And we got back without killing each other, which was good.

Peter: Yeah, good. So how long all up were you traveling?

Jeff Potter: Oh, we were overseas for eight weeks.

Peter: Okay. Expensive? While you're over there or not really, considering that we live in Perth, which apparently is very expensive.

Jeff Potter: No, I wouldn't say it was that expensive. Clothes are cheap in the U.S., which is [00:01:00] good. Came back with some extra cases and all that.

Peter: Okay, well we don't have you on to be a travel guest, although I always find it very interesting, other peoples experiences. We have you on because you are a lawyer with Friedman, Lurie, Singh, and D'Angelo Lawyers. You specialize in

personal injury, medical negligence, those sorts of issues. If you got a question for Jeff Potter, nine, double two, double one, eight, 82, is the talk back number, we're here to take your questions. I just wanted to ask you, back to the travel, it's one of those dilemmas that I find myself in. Do [00:01:30] you go out and get travel insurance every time that you travel?

Jeff Potter: I think everyone ... Yeah, you need travel insurance. It's interesting when people don't have it, because you think, "Well, you're spending all this money on a holiday, why not just take a bit of extra insurance, a bit of extra security?"

Peter: I use the travel insurance that apparently, with my credit card, if I book and pay for the holiday ... I've read that it's all dramatic, so I've read the fine print and we're comfortable with that. I've never had to call on my travel insurance policy. But, what about yourself?

Jeff Potter: Well, I've asked them, [00:02:00] an appeal, in a higher authority like an Appeal court about that, which obviously is my father. My parents are obviously a bit older than me and they travel quite a bit. And they've had occasion to claim a couple of times on just, I think it's the credit card, it's a worth. And they've had no problems.

Peter: Okay.

Jeff Potter: So, yeah. I mean that's not what I took last time, and we had to claim on ours for a little sum. But I think it's a pretty ... Sounds like it's a pretty good industry, the travel insurance industry. 'Cause most people are pretty relaxed and they don't do mad things and they don't get injured.

Peter: [00:02:30] I've said this ... I've had this conversation with a few people lately, I'm just asking your opinion. They are professionals, intelligent people, successful people. I think in the main quite wealthy people, who are dead set against any type of insurance at all, with the exception I think of professional indemnity, so they take that. But they don't believe in car insurance, house insurance, contents insurance, all those sorts of travel insurance, I guess, that I believe [00:03:00] in. They just think, "Oh well, for the amount of money I'm gonna pay over a sixty year lifetime, if I do have a claim on my ass for example, probably gonna be about the same amount." That's what their belief is.

Jeff Potter: Well-

Peter: I'm not advocating this by the way people.

Jeff Potter: Depends how you live your life.

Peter: Yeah, yeah.

Jeff Potter: I have a similar discussion with clients about private health insurance sometimes. The problem is that you can never spend the money, because if you assume that the premium for your insurance is 1500 dollars a year, say it's 2000, so I can do the math. So okay, well in kind of 20 years I'm gonna save 40.000, [00:03:30] a hip replacement might only be 15. But you can actually never spend the money, because you might need to spend it on the treatment. Then the question becomes, well how much interest will you earn on it and will the interest exceed the increase in the healthcare costs? And it won't. So it's actually illogical from a financial perspective, because you can never spend the money.

Peter: Yeah, I must admit to being a little bit surprised when people were spouting those theories. Now, we're talking about, in particular, Jeff's area of expertise [00:04:00] is personal injury, medical negligence. By all means give us a call on other matters, I'm sure Jeff can give some very general advice on those as well. Nine, double two, double one, eight, 82. Shane in Maylands. Hi Shane.

Shane: Hi. How are you guys doing?

Peter: Good.

Shane: Okay, I'm [inaudible 00:04:17]. Next Monday, I'm going to court to place, like a misconduct order.

Peter: Right.

Shane: I'm wondering, what happens if the other person doesn't turn up?

Peter: [00:04:30] Okay. Jeff, probably not your sort of area of expertise, but it couldn't ... What would I do in that situation, do you think?

Jeff Potter: Well, depends what the order is. There are so many different things. It could be dismissed or it could be adjourned.

Peter: Look, probably not Jeff's area there, Shane. Sorry we can't help you a little more with that one. Look, probably either adjourned or dismissed, but perhaps just go along anyway and find out for yourself is the-

Jeff Potter: Might be a legal aid lawyer there to have a quick word with.

Peter: Yeah, that'd be the best course of action [00:05:00] for you to take. To Mark in Pedburry. Good day Mark.

Mark: Yeah, hi. How you doing?

Peter: We're well.

Mark: Yeah, good. Yeah, just a quick question. How do I go ... See, my company will no longer put me through a first aid course. How do I go under the good Samaritan act, if I actually try and help somebody in the workplace with an injury? Is there any ... If I have an injury, in the workplace?

Jeff Potter: All right guys. Formally, was your employer happy to put you through a first aid course?

Mark: Yeah, they put us through to a higher level [00:05:30] and they've decided now they wanna save the money and not do that any longer. If I was to help in a situation and I do something that I'm no longer qualified to do ... I understand, from what I've try to read, that the good Sarmatian act covers people in the streets and that type of thing, but I don't know how it goes in the workplace.

Peter: Jeff, you got a response on that one? Or again ...

Jeff Potter: No, no, it's a good question. I think it's just a question of reasonableness. We could talk for [00:06:00] hours on it, but fundamentally it's a question of reasonableness. If you think you're up to the task, well, you know, and it's an emergency situation or something, well then obviously no one's gonna hold you, if your certificate's two months out of date or something. But on the other hand, if your first aid certificate was when you were in the under 10 scouts and you're 55 and things have changed a bit.

Peter: I think the situation would be ... I don't think anyone who needs first aid is gonna be too upset, if it's particularly an emergency, if you've done your very best to [00:06:30] help them, and that's what we're talking about. I guess, if you have a choice Mark, and there's other people in the workplace that have got a current first aid certificate in place, you might deffer and let them take over. But look, I think if your intentions are right and look, you've obviously been trained in them to some respect, I think you're pretty safe there.

Jeff Potter: A bit harsh by the employer, isn't it?

Peter: Yeah, yeah. That's the bigger question out of your question. Mark, sorry we couldn't be more exact with that one as well. It is a bit harsh, I wonder. Yeah, I would've thought that it'd be a [00:07:00] good practice for most workplaces to cover the cost of first aid training for their employees.

Jeff Potter: Well, I would've thought the workers comp insurance should pay for it, to be honest. Because, I've had cases where if there was first aid applied earlier, the

extent of the disability would've been less and treatment costs, et cetera, which the insurer is paying. It's cheap.

Peter: Mark, that might be worth your time, to just go and do a little bit of investigation on those sort of matters and you might be able to come up with a solution to that current problem that you are in.

Jeff, I wanted to ask you over [00:07:30] the Christmas break, I guess, Christmas early into the New Year, there was that case down at the train station there, where a number people, I think they were rushing for a train, there's so many picking up bits and pieces, but fell over and a few of them got squashed and injured.

Jeff Potter: Oh, now I'm becoming an expert on this.

Peter: That's exactly the sort of case that you would be involved in. Are there worse injuries there?

Jeff Potter: Yes, a number of people have rung me about this.

Peter: Okay. So that is, yeah.

Jeff Potter: It's interesting actually, because it shows just how much power consumers have. [00:08:00] Because, I did a bit of research in relation to this on the internet, and places like WA Today have a fantastic websites. And where a lot of feedback, and I just spend a couple of hours reading through everything and there's lots and lots of witnesses. It's just, it's incredible, how you can learn so much now about incidents such as that. You know? I'm still waiting for the witnesses to actually call me. But, it's quite interesting how they ... You read through the sequential replies, over about three days [00:08:30] after the incident and they actually show you all these different perspectives, as to what the [inaudible 00:08:36] person says should have been done better. Which is reasonableness, which is what lawyers want. And so, it's given me an enormous amount of information for those cases.

Peter: That evidence would be persuasive, in whatever sort of, wherever it progresses? You could say, "Well look, here's some, would that be enough?" Those sort of accounts or ... I mean, obviously it'd be better if you actually contacted them and they put together a statement. But, can you put together a lot better picture because of those sort of posts, if you like?

Jeff Potter: Oh, [00:09:00] absolutely. Because, what happens with lots of injuries is the people who are injured don't actually know what happened. But, looking at those websites, I've been able to build up a picture that there was certain events that took place beforehand. 'Cause I came back essentially just after

holidays, sort of exhausted. This happened earlier in the February. I didn't even know it had happened, till the first client rang up.

And then, as I looked at the websites, it was clear there was a major event on. There was a lot of people going to go to the train [00:09:30] station. There seemed to be no awareness by the public transport authority that there were gonna be lots of people there. And then, one of the clinchers, I think, is that they seem to just wave people down the escalators, saying, "Oh, don't bother getting a ticket, just get on the trains. It's all covered, et cetera, et cetera."

Peter: Okay, well come back to this one, because we'll use it as a bit of a prototype about what the appropriate course of action if you've suffered an injury in a public place and what exactly some of the remedies might be. [00:10:00] We'll revisit this. Quickly, Steve in Quinns Rock would like to ask you a question. Good day Steve!

Steve: Yeah, good afternoon gentlemen. Mine is about life insurance, and Judy of disclosure. I've had a life insurance policy for many years during my superannuation fund. And 2010, I got a lymphoma. I'm in remission now, have been since the end of 2010. I was just wondering, was [00:10:30] I supposed to tell them? I'm in remission, I have been for four years, do I just keep going along? And if I do disclose it to them, is there anything stopping them from saying, "Well hang on mate, you're a bad risk now. You're off."

Peter: Yeah, it's an interesting one. Jeff, you got a response for Steve?

Jeff Potter: It's a bit out of my area. Generally speaking, you should disclose anything that you think might be relevant to the insurer and whether they wanna take a policy. He'd [00:11:00] have to check with someone. I'd have to do some research on the particular policy, but it's usually the case that the policy almost has to be renewed by the insurer. Or at least they're prepared to, once the policies have been paid for a few years. It's a complex matter.

Peter: Steve, this is not legal advice, this is just me speaking. I would suggest you go back, read the fine print. I would think that that sort of ordeal would be one is material and I'd want to know about. As to what reaction they make because of that, I [00:11:30] can't tell you, I wouldn't know, but your best bet would be to read the fine print in your policy. I think that full and open disclosure is always the best way, otherwise, insurance sometimes you can, they can wiggle out of it, I guess. So I would, this is my advice, not legal advice, I'd encourage you to get your own. Would be that probably, yes, you would have to disclose it. But you can take that in whichever direction that you like.

Thank you very much for calling into the program. Kevin, you're up next. We're speaking with Jeff Potter from Friedman, Lurie, Singh, [00:12:00] and D'Angelo

Lawyers. Nine, double two, double one, eight, eighty-two. We're talking about personal injury, medical negligence, primarily. Give us a call if you've got a question for Jeff Potter.