

# Turner Freeman

Lawyers Est. 1952

## Lawyers helping people since 1952

A guide to our legal services



G R E A T P E O P L E . G R E A T R E S U L T S . G R E A T V A L U E .



# Turner Freeman

Lawyers Est. 1952

## Welcome

For the last 60 years, Turner Freeman Lawyers has been providing help, support and legal assistance to Australians from all walks of life. Our ultimate aim is to restore our clients' quality of life, and to aid in every step of the process.

We define ourselves by our personal approach to each and every case we handle, and by our commitment to addressing not only your case, but all your other needs too. It is this dedication to our clients that has helped us become one of the most successful law firms in our field. We understand that life doesn't always go to plan, we understand that sometimes you need help to make your voice heard, and most important of all, we understand your rights.

When you choose Turner Freeman, you are choosing expertise and experience. Every single client is treated as a priority, and is handled by a Partner, not a paralegal.

### **No Win No Fee**

We work on a No Win-No Fee basis for Personal Injury claims. Unless you recover compensation you will not be charged by Turner Freeman for any work done by our firm or any expenses we incur in investigating your claim. Depending on the nature of your claim and your individual circumstances we may offer No Win-No Fee legal services in some non-personal injury matters. Ask one of our lawyers about our No Win-No Fee policy.

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## Our mission and vision

We believe that everyone who has experienced accidental loss of quality of life should have, readily available, the resources they need to rebuild their lives. Our vision is to create an environment where people's rights are duly recognised and protected at reasonable financial and minimal emotional expense to themselves.

Our mission at Turner Freeman is to break down the barriers that often discourage people from seeking appropriate legal representation. We aim to provide everyday people with not only the legal help, but also the support and care, that they need. When unfortunate circumstances arise, it is up to us to fight for our clients' rights, and to secure them the best future we can. With us handling the legal side of things, they can spend their time getting back to daily life.

Winning cases, while important to us, is just one part of what we do. Our relationship with our clients does not end once a verdict has been handed down; we feel it is our duty to guide our clients down the road to rebuilding their lives. We maintain a strong network of relationships with support and rehabilitative organisations to ensure ongoing positive results for our clients.

If you are too ill to travel to one of our offices, we will visit you at home or in hospital.

## Our commitment to you

The Turner Freeman difference lies in our unsurpassed dedication to our clients. Our main focus is offering the most comprehensive care possible, spanning everything from giving legal advice to recommending leading allied professionals. Our commitment to personal care includes:

### Home and hospital visits

If you are unable to visit us, we will happily visit you.

### Free consultation

Your initial case assessment is free.

### No up-front payments

You will never be out of pocket. Everything is free until you have made the decision to retain us, and even then, we only request payment upon winning your case.

### Partners, not paralegals

No single client is more or less important than any other at Turner Freeman. Every case is handled by one of our respected Partners.

### Ongoing communication

We will continue to communicate with you throughout your case's lifecycle, explaining options, giving you timeframes and offering ongoing advice.

### Support and guidance

Legal help isn't all we do – we will put you in touch with the finest allied professionals out there.

If you need legal advice please don't hesitate to call us on **13 43 63** or visit our website at [www.turnerfreeman.com.au](http://www.turnerfreeman.com.au)

# Asbestos and Dust Diseases Law

**No Win No Fee\***

\*Conditions may apply

## Our Experience

Turner Freeman has the largest and the most experienced dust diseases practice in Australia. For more than 30 years a team of experts have represented thousands of victims of dust diseases in Australian and overseas courts. We have continued to expand the nature of claims filed on behalf of victims suffering from dust diseases and we have litigated numerous test cases that have established important legal precedents improving the outcomes of people with dust diseases.

Turner Freeman's vast experience in dust diseases litigation means that it has a wealth of information in relation to possible exposures to asbestos, the development of medical and scientific knowledge as to the dangers of exposure to asbestos, the different company structures and insurers and the causes of the various dust diseases, all of which are readily available to assist in running claims.

## Making a Claim

Our teams of experts specialise in helping those who have been diagnosed with an asbestos related disease through a compensation claim. If you or someone you know has a claim, contact your nearest Turner Freeman office, explain your current situation and request to speak with one of our specialist lawyers. Special requests can be made to accommodate our clients if they speak another language. Once you are put through to one of our

expert lawyers you will be asked a series of questions based upon your current situation to determine how we can help you.

## Our fees in a dust disease claim

Our first consultation is free. If we believe you may have a viable dust diseases claim we will fund and conduct the investigation needed to then run the claim on a "no win no fee" basis. Our experience is that there is no other way to do it because we recognize that the cost of bringing such a claim is beyond the capacity of most people.

## Our Asbestos and Dust Diseases Law Team

**Armando Gardiman** – Partner  
Parramatta Office | 8833 2500

**Gerard McMahon** – Partner  
Newcastle Office | 4925 2996

**Fiona Seaton** – Partner  
Sydney Office | 8222 3333

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250



Turner Freeman has a proud record of successfully completing more dust diseases compensation claims than any other law firm in Australia.

# Church and School Abuse

## What we do

Turner Freeman provides legal advice to survivors of childhood sexual and serious physical abuse including in institutional contexts, many of whom have described their experiences to the Royal Commission into Institutional Responses to Child Sexual Abuse.

As well as participating in the Royal Commission, you may have separate legal entitlements to redress or compensation that we can discuss with you. Our experienced lawyers will advise you about the available legal options on a confidential basis.

## Do I have a claim?

If you have experienced child sexual abuse while in the care of an institution you may be able to recover compensation for damage you have suffered as a result of that abuse, including compensation for psychological injury.

Regardless of whether you have given evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse you may have legal entitlements to claim compensation against an individual perpetrator, an institution or both.

Compensation may be available to survivors of child sexual abuse through Victims Services NSW, through existing redress schemes such as church-based schemes, a national redress scheme which may be established following the recommendation of the Royal Commission, as well as a civil claim for compensation against the institution or an individual perpetrator.

## How we can help you

We have specialist lawyers who will talk to you about a potential claim. We will obtain all available records, statements and reports to support the claim and we may ask you to be examined by a medico-legal specialist on our behalf to prepare a report.

When all the relevant information has been obtained, we will discuss a draft statement with you that sets out the details of the abuse and the impact it has had on your life. The statement and medical information form the basis of a claim.

While civil claims like these have been difficult in the past, as a result of the work of the Royal Commission into Institutional Responses to Child Sexual Abuse legal reform is taking place in New South Wales. These reforms make it easier to bring a claim for compensation for child sexual abuse.

Our lawyers will represent you in negotiating a settlement of a civil claim wherever that is available and will also support you in seeking compensation through an existing or future redress scheme if that is the best option in your circumstances.

We will investigate and prepare your claim, negotiate settlement on your behalf whenever possible and commence a claim in Court and we will advise you fully about the process each step of the way.

We will act on a 'no win, no pay' basis to investigate a potential claim and we will only ask for legal costs to be paid once you are successful in your claim.

Contact our experienced lawyers to discuss a potential claim on a confidential basis.

## Our Church and School Abuse Team

**Sally Gleeson** – Partner  
Sydney Office | 8222 3333

**Annie Hoffman** – Partner  
Adelaide Office | 08 8213 1000

**Gerard McMahon** – Partner  
Newcastle Office | 4925 2996

**Fiona Seaton** – Partner  
Sydney Office | 8222 3333

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

# Defamation Claims

## What is Defamation?

Defamation occurs where one person communicates, by words, photographs, video, internet, illustrations or other means, material which has the effect or tendency of damaging the reputation of another. Traditionally there were two forms of defamation; Libel which is defamatory matter in permanent form such as writing or picture, and Slander which is defamatory matter in transient form, such as spoken word.

In Defamation, the plaintiff must identify the imputations (message or innuendo) conveyed by the publication. Court's look at the alleged defamatory material and determine the imputations according to natural and ordinary meaning of the subject matter. The tests to determine if an individual has a defamatory matter include:

- It is likely to injure the reputation of the plaintiff by exposing him or her to hatred, contempt or ridicule;
- It contains a statement about the plaintiff which would tend to make the plaintiff be shunned or avoided;
- It has a tendency to lower the plaintiff in the estimation of others.

## Defamation in the Media

The most common source of actions for defamation is publications in the mass media. The mass media includes television, newspapers, radio stations and websites under the control of media companies. Almost every media company publishes its content in its newspaper or on television or radio but also on a complementary website. The material on the website may be in identical or a differing form. So for example a newspaper might publish a story in its newspaper and also publish it on its website. A statement that may be thought to be defamatory is probably published in two places. The same considerations apply to both publications in the mass media company's primary publication and on its website.

## Injurious falsehood

Injurious falsehood is a "tort," or civil wrong, for which compensation may be available where a statement is made about a person's or company's business, which produces actual damage. It is not an action for defamation, although it shares some characteristics with defamation actions.

An injurious falsehood claim may be available if the person who is the subject of the statement can prove the following:

- That a false statement was made of or concerning the person's business or goods;
- The statement was published to someone other than the plaintiff;
- The person making the statement intended to cause harm. Malice is therefore required to be proven on behalf of the publisher by the plaintiff;
- The plaintiff can prove actual damage, such as loss of business which is caused by the false statement. The falsehood must cause the harm which is harm of a kind, which is intended, or a harm which is the natural and probable consequence of the making of the false statement.

## Our Defamation Claims Expert

**Terence Goldberg** – Partner  
Sydney Office | 8222 3333



# Employment and Industrial Law

## Employment and Industrial Law

Turner Freeman Lawyers have a strong reputation in Employment and Industrial Law earned over 50 years of fighting to protect the rights of Australian workers and their families. Confrontation and disputes in the workplace can be difficult and unpleasant and we understand that they need to be handled with determination and discretion.

We can assist at all stages of a career, and at all times within a job: helping negotiate a contract, advising on entitlements, during workplace disputes, in negotiations and on termination.

## During Employment

Many people encounter difficulties in the course of their employment. We offer pragmatic sensible advice which can assist in resolving work place issues. Some of these may include:

- Dispute Resolution;
- Workplace rights and adverse actions;
- Misleading and deceptive conduct.

## Termination

Much of the work we do is to assist people where employment has been or is about to be terminated.

We can advise on a variety of potential remedies and which is the most appropriate course of action for you. Many are subject to strict time limits:

- Unfair dismissal and constructive dismissal;
- Wrongful dismissal;
- Breach of contract;
- Restraint of trade;
- Redundancy.

## Independent Contractors

An increasing number of workers are no longer direct employees but are engaged as sub contractors. Turner Freeman Lawyers have extensive experience in acting for independent contractors in relation to work related issues. Some areas in which we can assist include:

- Contractual negotiations and advice;
- Breach of contract;
- Unfair contract;
- Sham employment contracts.



## Our Employment Law Expert

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

Sometimes retaining a lawyer is the only way to successfully resolve a workplace or employment issue.



# Family Law

## Our Experience

Just as no two people are the same, no two families are alike. Our Family Law team will listen to your concerns and work with you to ensure the best possible outcome for you and your family. You'll get a straightforward assessment of your case, and realistic advice about its likely outcome. And then we'll follow it through with you every step of the way.

Turner Freeman's highly experienced family lawyers will tell you everything you need to know about the following issues that may arise for families:

- Property settlements;
- Financial agreements;
- Spousal maintenance;
- Divorce;
- Parenting orders;
- Child support;
- Adoption.

## How we can help you

Our specialist lawyers are always available to our clients, whether it is in person or electronically, when advice or action is required. Court documents and filling out forms can be difficult for clients, so the team at Turner Freeman will ensure that you have the assistance you need with the paperwork relevant to your matter. This includes drafting Initiating Application or Responses, Financial Statements, Subpoena, Affidavits and Consent Orders.

Our team will represent you in negotiations or liaise with the people relevant to your case, whether it be your former partner, their lawyer, Independent Children's Lawyer, barristers, counsellors,

Turner Freeman understands Family legal issues are stressful and are committed to helping resolve our clients matters promptly, cost effectively and if possible without the need to attend court.

mediators, experts, witnesses, and the Court. We will appear on your behalf in Court, mediation or in settlement negotiations when required and/or instruct Counsel in hearings as necessary and ensure that, as best we can, you will have continuity of legal representation for the duration of your legal matter.

## Our Family Law Team

**Catherine Parks** – Senior Associate  
Parramatta Office | 8833 2500

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

We have an Accredited Specialist  
in Family Law



# Franchise Law

## Our Experience

Turner Freeman Lawyers has an experienced franchising law practice led by Bill Morgan, who has been involved in complex commercial litigation for over 20 years including numerous proceedings in the Federal Court of Australia, Federal Circuit Court and the Supreme Court of Queensland, with particular emphasis on consumer protection litigation, franchising disputes, contractual disputes, property disputes and insolvency and bankruptcy proceedings.

## Our Services

We offer a full service strategy for franchisors and franchisees including:

- Avoidance and management of franchise disputes;
- Resolution of franchise disputes in Court or outside Court;
- Advising prospective franchisees considering the purchase of a franchise;
- Advising franchisors about compliance with the Franchising Code of Conduct and other relevant legislation;
- Preparing franchise agreements and disclosure documents;



- Advising franchisors on the changes that need to be made to existing franchise agreements and disclosure documents to ensure compliance with the new Franchising Code of Conduct which commences on 1 January 2015;
- Pro-active advice on strategies to deal with the changes to key legislation including the proposed extension of unfair contract terms within Australian consumer legislation to franchise agreements.

We have acted in many disputes and litigation matters involving franchisors and franchisees.

## Thinking of Purchasing a Franchise?

If you are thinking of purchasing a franchise we have developed a handy guide for you to help you with your franchise purchase called 'Beginner's Guide to Buying a Franchise'. The booklet lists questions you should ask before you sign a franchise agreement and what you should look out for when renewing your franchise agreement. If you require specific advice in order to make key commercial decisions about buying a franchise our unique dual advice approach includes separate but interrelated comprehensive written advices on the franchise agreement and disclosure documents that recognises the different nature and purpose of these important documents. All for a competitive fixed fee.

If you are thinking of purchasing a franchise, require the preparation or review of franchise agreements or disclosure documents, have a question about franchise disputes or if you are a franchisor or franchisee needing assistance please call Turner Freeman today on **13 43 63**.

## Our Franchise Law Team

**John Mann** – Special Counsel  
Penrith Office | 4729 5200

**Bill Morgan** – Partner  
Brisbane Office | 07 3025 9000

# General Litigation

## Do I have a Claim?

If you have suffered loss because of the conduct of another party you may be able to recover compensation for the loss. This compensation is usually called damages. Unless the other party acknowledges it caused the loss and voluntarily agrees to compensate you, a dispute exists between you and the other party.

If you are involved in a dispute we can review the facts of your case and quickly let you know whether you have a claim against the party whose conduct caused you to suffer loss.

Once you ascertain that you have a claim, and the nature of your claim, we can advise you of the options available to you to resolve the dispute and what each option involves. If you decided to commence legal proceedings we have the expertise to prepare the court documents needed to commence proceedings and to conduct the matter to trial.

## What if there is a claim against me?

You may not have yet been sued but you are aware that another party may commence legal proceedings against you because of something you did or said. At this stage an early resolution of the dispute before legal proceedings are commenced may save you and the other party considerable legal costs and expense.

If the dispute occurs in a business, its early resolution may preserve an important business relationship that has commercial benefits to both parties.

We have considerable experience in resolving legal disputes by a negotiated settlement at mediation or some other alternative dispute resolution process.

Often, legal proceedings can't be avoided. If you are sued despite your best efforts to resolve the dispute we ensure that our strategic conduct of your defence maximises your prospects of successfully defending the other parties claims and avoiding an adverse judgement.

## Our Services

Turner Freeman Lawyers offer litigation and dispute resolution services in the following areas of legal practice:

- Property litigation;
- Corporate insolvency;
- Personal insolvency;
- Contractual disputes;
- Breach of trust and breach of fiduciary duty;
- Debt recovery;
- Trade practices;
- Consumer protection.

### Our General Litigation Team

**Terence Goldberg** – Partner  
Sydney Office | 8222 3333

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250



# Industrial Deafness

**No Win No Fee\***

\*Conditions may apply

## What is Industrial Deafness?

As its name suggests, industrial deafness is caused by exposure to loud industrial noise in the workplace. It is loss which predominantly affects hearing in the higher frequencies and causes problems for people communicating in social settings where background noise occurs. It can also affect people's ability to hear day-to-day higher pitch sounds.

Noise related hearing loss, otherwise known as industrial deafness, is a sensorineural hearing loss which affects the hair cells of the cochlear. Unfortunately, there is no medical procedure to rectify the problem and therefore the damage is permanent and irreversible.

## Industry Exposure

Industries that usually exposure workers to high levels of noise, therefore causing a higher occurrence of industrial deafness include:

- Form work and construction;
- Electrical and plumbing;
- Mining and engineering;
- Factories and processing industry;
- Agriculture and farm operators;
- Council workers;
- Railways and transport workers;
- Heavy machinery operators;
- Metal industry;
- Airline industry;
- Manufacturing;
- Printing;
- Maintenance Workers;
- Waterside workers;
- Industrial printing.

## How to Claim

If you would like further advice relating to compensation entitlements arising as a result of industrial deafness call Turner Freeman lawyers today on 13 43 63. One of our specialist lawyers will guide you through the claim process, from gaining access to your medical reports from all treating doctors, to having your hearing assessed by a WorkCover medical specialist. Once all the necessary medical evidence has been obtained we should be able to formally make your claim.

## No Win, No Fee

Turner Freeman Lawyers act on a "no win, no fee" basis if you have sustained industrial deafness. We are also willing to fund your disbursements; including medical reports and court fees, while your claim progresses. We will only seek payment of our costs and disbursements once the claim is successfully concluded.

## Our Industrial Deafness Team

**Richard Dababneh** – Partner  
Parramatta Office | 8833 2500

**Fady Dous** – Partner  
Parramatta Office | 8833 2500

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

# Medical Negligence Claims

**No Win No Fee\***

\*Conditions may apply

## What is Medical Negligence

A medical negligence claim is a claim for compensation arising out of an injury suffered in the provision of professional services by a medical practitioner, an allied health professional (such as a dentist, chemist or physiotherapist) or a hospital. A person must suffer an injury as caused by that negligence. The law is clear that a doctor treating a patient owes a duty of care arising out of that fact alone. The duty in general is to “exercise reasonable professional skill and judgment”. In other words, a health care provider is expected to provide treatment and advice that is competent and professional. If that treatment provider fails to act in accordance with the proper standard of care and if someone has suffered an injury directly as a result of that failure, then a person is entitled to claim compensation for their injuries.

## What types of settings give rise to medical negligence?

Medical negligence can occur in a wide variety of settings. Examples include: birth trauma giving rise to a brain injury; obstetrics and gynaecology; general surgery; emergency medicine; general practice; cardiology; cancer treatment; psychiatric care; cosmetic care.

## When can an action in medical negligence arise?

Examples of the situations which give rise to medical negligence include:

- Incompetent medical treatment, including during surgery;
- Incompetent post operative care after surgery;
- Failure to provide appropriate referral and treatment for a condition;
- Delay in the diagnosis of a condition;
- Failure to report correctly on test results;
- Failure to warn and advise on risks associated with treatment;
- Incompetent prescription and monitoring of medication;
- Lack of informed consent to medical treatment.

## What do you have to prove in a medical negligence case?

Establishing that a professional has breached their duty of care is the most crucial component of a medical negligence claim. Evidence is required that the health professional has acted in a manner that was unreasonable by reference to what an ordinary skilled professional in that field or in that speciality would have done. This is where expert opinion becomes crucial. Courts usually weigh up the evidence on both sides. This can often be a difficult balancing act and for this reason, the expert evidence obtained must be comprehensive and convincing.

## What is a person entitled to claim by way of compensation?

In general, if successful, a person is entitled to claim compensation for:

- Pain and suffering;
- Past and future medical and other expenses;
- Past and future loss of income;
- Care and domestic assistance, provided on a voluntary and paid basis;
- Loss of capacity to provide domestic services to a dependent.

## Our Medical Negligence Team

**Richard Dababneh** – Partner  
Parramatta Office | 8833 2500

**Nathan Edwards-Bonello** – Partner  
Campbelltown Office | 4629 1800

**Sally Gleeson** – Partner  
Sydney Office | 8222 3333

**Gerard McMahon** – Partner  
Newcastle Office | 4925 2996

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

# Personal Injury Law

**No Win No Fee\***

\*Conditions may apply

## Our Experience

Turner Freeman has been successfully resolving personal injury compensation claims for over 60 years now. We have numerous Law Society accredited specialists on our team, who are lawyers identified, monitored, and registered by the Law Society as having extensive experience and proven expertise in personal injury law.

Our experience and expertise are a combination which allows us to offer injured persons the most complete service in resolving their compensation claims.

We understand that the consequences of an injury can be stressful, tragic and painful. There are financial difficulties, and the challenges of dealing with an insurance company. It is often a legal minefield to obtain proper compensation. We are here to take the burden off you in navigating that minefield and dealing with those insurance companies.

## Personal Injury Claims

We act in all types of personal injury compensation claims. We have dedicated teams which deal with:

- All types of workers compensation claims arising under New South Wales law and under Commonwealth law (depending upon your employer's insurance arrangements) including claims for occupational diseases such as asbestos-related diseases, industrial deafness, and skin cancer;
- Claims for injuries caused by workplace negligence (known as work injury damages claims);
- Claims for injuries arising from motor vehicle accidents;
- Claims for injuries resulting from medical negligence;
- Claims for injuries received in public places or on private property as a result of the negligence of another party;
- Claims for other injuries received as a result of the negligence of another party;
- Sporting injuries;
- Injury and death during the course of travel;
- All types of superannuation claims where a person's injuries allow them to claim a benefit under their superannuation policy;

- All types of personal insurance claims where a person's injuries allow them to claim a benefit under their insurance policy.

## Why do I need a lawyer?

There are strict time limits in proceeding with most personal injury compensation claims, and most of them are now governed by the provisions in numerous statutes. It is important that claims are proceeded with expeditiously both to ensure that no time limits are breached, and also to ensure that maximum recovery and rehabilitation from an injury is achieved.

Please contact any of our offices in order to discuss your personal injury compensation claim. We are committed to providing our experience and expertise for your claim.

## Our Personal Injury Team

**Richard Dababneh** – Partner  
Parramatta Office | 8833 2500

**Fady Dous** – Partner  
Parramatta Office | 8833 2500

**Nathan Edwards-Bonello** – Partner  
Campbelltown Office | 4629 1800

**Sally Gleeson** – Partner  
Sydney Office | 8222 3333

**Gerard McMahon** – Partner  
Newcastle Office | 4925 2996

**Fiona Seaton** – Partner  
Sydney Office | 8222 3333

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

**Gaius Whiffin** – Partner  
Sydney Office | 8222 3333

**We have Accredited Specialists in  
Personal Injury Law**



# Professional Negligence

## What is Professional Negligence?

By law any professional delivering a service has a duty to exercise a reasonable degree of skill or care. When a professional fails to do so, resulting in you suffering a loss, then you could be eligible to receive compensation for such loss.

A professional practice, be it a doctor; solicitor; accountant; engineer or otherwise, carries with it a responsibility to deliver a service that is in accordance with accepted professional practice. If that professional breaches their duty of care towards you, then you must prove that you have suffered an identifiable loss. That loss, whether a financial or injury related loss, must be directly related to that professional's negligence. You also have to prove that you have become worse off as a result of that negligence.

## Our Services

Our specialist lawyers have decades of experience with disputes against a range of professional fields. Turner Freeman offers clear, comprehensive and professional advice to our clients, as well as providing assistance to determine the best course of action for each client. We consult clients who have suffered:

- Misleading or deceptive professional advice;
- Inappropriate financial advice;
- Mistakes made by an architect or builder;
- Solicitor incompetence;
- Negligence made by medical practitioners;
- Errors made by an accountant.



If you believe you are entitled to compensation call Turner Freeman today to have your case assessed, as time limits may apply.

## How we can help you

Our experienced team of lawyers can:

- Investigate whether a professional duty of care has been breached;
- Establish whether a claim can be made;
- Explore alternative avenues for compensation from poor professional advice;
- Determine the best course of action to minimise risk and maximise return;
- Offer professional litigation services when necessary.

## Our Professional Negligence Team

**Armando Gardiman** – Partner  
Parramatta Office | 8833 2500

**Terence Goldberg** – Partner  
Sydney Office | 8222 3333

**Gerard McMahon** – Partner  
Newcastle Office | 4925 2996

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250

If you've put your trust in a professional and they've let you down, you may be entitled to compensation for your losses.

# Property and Conveyancing Law

## Our Experience

A property deal for many is one of the most important transactions that is made in a lifetime. It is an exciting time but it can also be stressful, expensive and confusing. Although the completion of a sale or purchase is rewarding the consequences of a mistake can be serious for you, your family or your business. Whether you are buying your first home or making a large commercial property transaction you need expert legal advice in plain English.

At Turner Freeman we have decades of experience helping people make their way in the property and related markets. We understand that even the most simple private property deal is unique. We will examine your issues thoroughly, set out all your options clearly and take as much strain and stress out of the process as possible.

Commercial property transactions are more complex and some transactions demand a broader range of expertise. Our comprehensive services include:

- Buying and selling real estate;
- Buying and selling a business;
- Commercial and retail leasing;
- Mortgage and finance matters;
- Franchising;
- Retirement villages.



## Private Property

A home is often the cornerstone of your personal and financial security. Buying or selling it can be an anxious transaction. Although you cannot always predict what the real estate market will do you can take control in at least one crucial way by protecting yourself with good legal advice.

Our property and conveyancing Lawyers can prepare and complete your Contract for Sale, we can peruse proposed purchase contracts and advise you thereon and seek appropriate amendments and negotiate with parties to get you the most effective and cost efficient transaction.

## Commercial Property

A commercial property deal demands often more than just transactional skills. You need a Lawyer with a business mind and foresight to help you think through all the issues. This is often an area where a broad range of expertise can assist you in completing a successful transaction.

## Litigation

When you own property there is always a chance that you may be involved in a dispute. A drawn out costly battle can have serious financial consequences. Turner Freeman has excelled at protecting clients' rights for over 50 years. Our expertise in litigation provides the broad service that you might require in a dispute arising from a property and/or conveyance matter.

## Our Property Law Expert

**John Mann** – Special Counsel  
Penrith Office | 4729 5200

**We have an Accredited Specialist  
in Property Law**





# Public and Occupiers Liability

**No Win No Fee\***

\*Conditions may apply

## Public Liability Claims

A public liability claim can be made in a wide variety of circumstances where you are injured because of the failure of another person, government authority or business operators to take reasonable care for your safety. It must be proved the injury was caused as a result of the negligence of another. In some circumstances however legislation eliminates the need to prove fault, and in other circumstances legislation restricts the ability to claim negligence.

Turner Freeman can assist you with public liability claims including:

- Occupiers liability;
- Recreational and sporting accidents;
- Animal attacks;
- Road and footpath authorities.

## Occupiers Liability

A business owner, government authority or householder may be liable in negligence if you are injured as a result of a slip and fall or trip and fall accident.

There must be reasonable failure to remove slip or trip hazards from floors or stairways of the premises. For instance a supermarket operator may be liable in negligence for failing to arrange for cleaners to routinely inspect floors and remove spillages or to erect warning signs.

But an occupier of the premises will not be liable in negligence under the civil liability legislation for failing to warn of slip or trip hazards that represent an 'obvious risk'.

## Damages

Compensation in a public liability claim is restricted under the civil liability legislation to:

- Pain and suffering is limited to injuries and disabilities greater than 15% of a most extreme case of injuries;
- Past and future loss of income is reduced by a 5% discount rate for future loss;
- Past and future medical expenses;
- Past and future care and equipment including home modification expenses;

- Past and future domestic and personal assistance provided free of charge in circumstances where the assistance has been provided for a minimum of six hours per week and for period of time greater than six months. An hourly rate based upon Average Weekly Earnings rather than commercial rates can be claimed by the assistance.

You can make a claim by issuing a letter of demand upon the negligent party so that the public liability insurer for the party can be put on notice of the claim.

Any court proceedings must be commenced within three years from the date of the accident. This is to prevent the negligent party from raising a limitation defence.

## Our Public and Occupiers Liability Team

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**Fady Dous** – Partner  
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**Nathan Edwards-Bonello** – Partner  
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**Michelle Walsh** – Partner  
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**Gaius Whiffin** – Partner  
Sydney Office | 8222 3333

# Road Accident Claims

**No Win No Fee\***

\*Conditions may apply

## Do I have a claim?

When you have sustained a permanent injury from a motor vehicle accident there are significant legal considerations to make prior to lodging a claim. At Turner Freeman Lawyers we specialise in Motor Accident Compensation Law and we understand what preparations and information are needed to successfully prosecute your claim.

If you have been involved in an accident involving the use or operation of a motor vehicle that causes injury to a person during:

- The driving of the vehicle;
- A collision, or action taken to avoid a collision, with the vehicle;
- A dangerous situation caused by the driving of the vehicle, a collision or action taken to avoid a collision with the vehicle, or the vehicle's running out of control;

then you may have a claim.

It is important to make contact with Turner Freeman who can assist you in determining whether or not your claim falls within the provisions of the relevant legislation.

## What can we do for you

We act on a no win-no fee basis to determine early on whether or not your claim has reasonable prospects of success.



We then make use of our knowledge and skills to prepare your case to meet all the legislative requirements and achieve maximum compensation for you and your family.

## Why do you need a lawyer

The law governing motor accident claims is extremely complex and difficult to navigate. Often insurance companies will use technical legal arguments to limit and restrict your case. Without the advice and action of Turner Freeman Lawyers you could miss out or have your entitlements reduced.

We make use of our experience and resources to place you in the best position to win your case.

## Our Road Accident Claims Team

**Richard Dababneh** – Partner  
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# Superannuation TPD and Life Insurance Claims

**No Win No Fee\***

\*Conditions may apply

## Do I have a claim?

When you are injured and unable to work or enjoy your usual daily activities you may have insurance coverage that you are not aware of. If you are dependent on a deceased loved one you or the deceased's estate may also be entitled to claim on insurance.

This can be in the form of total and permanent disability insurance attached to your superannuation, mortgage or other loan insurance, income protection or life insurance or other occupational specific cover.

These benefits are commonly available in addition to any workers or similar compensation you may have received for the injury or illness.

Unlike other claims, when claiming for total and permanent disablement or life coverage you do not need to prove that the injury or illness was caused by someone else or that it is work related. You just need to show that the injury or illness is significant and has affected your ability to earn an income or has seriously impeded your ability to engage in your daily activities.

## What can we do for you?

We can help you find out if you are covered or not free of charge. We can assess whether a claim is viable.

If you have coverage and are injured or ill or the beneficiary of a deceased estate we can help you

bring a claim and ensure that the benefits you receive are maximised.

We will assist you with your claim on a "no win-no fee" basis meaning that you do not have to pay us anything for our work unless you are successful. We will also cover any expenses incurred in proving your claim.

Unlike other law firms we will act on a fixed fee basis so you know from the outset what your claim is going to cost.

## Why do I need a lawyer?

Insurance claims are never straight forward. The policy documents which set out the rules for who gets paid and when are often long and hard to understand. There is also a lot of regulation and laws that apply to insurance claims. If you are not familiar with those laws this may mean you miss out on receiving benefits that you really should be getting.



For further information on Turner Freeman's Superannuation TPD and Insurance Claims visit our website [www.superclaim.com.au](http://www.superclaim.com.au)

## Our Superannuation TPD and Life Insurance Claims Team

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# Will Disputes and Deceased Estates

**No Win No Fee\***

\*For Family Provisions Claims

## Challenging or contesting a will

If you decide you wish to challenge or contest a will because the will is unfair, fraudulent or undue influence was used on the testator when the will was created, then you should contact a Turner Freeman solicitor today for a consultation to determine how we can help you. To determine if you have a valid claim, the solicitor will ask you a range of questions including:

- Your relationship to the deceased;
- The circumstances surrounding the drafting of the unfair will in question;
- The contents of the unfair will;
- Why you consider the will to be unfair.

## Family Provision Claims

In some circumstances, the deceased may have considered you under their will, but the assets held by the deceased may not form part of the Estate, such as a jointly held property with a spouse or other person. If this is the case, there may not be much left for you under the terms of the Will.

If you have a family provision claim you may be entitled to seek compensation from the assets outside the Estate, known as “Notional Estate”, as a Court can make orders in regards to the redistribution of Notional Estate. It is important to contact a solicitor for a consultation as soon as possible to determine whether your matter qualifies for a Family Provision Claim, as time limits apply.

For family provision claims we offer clients our No Win-No Fee policy, which means unless your claim is settled you will not be charged for any work done by our firm.

## Estates

Estate planning is a strategy to ensure your assets go to the right people, in a way that will give them the maximum benefit. It deals with issues like tax minimisation, setting up trusts and methods of ensuring that your affairs are arranged in a way that best suits your needs and the needs of your future beneficiaries. Estate planning ensures you make the most of your estate property now and in the future.

## Why you may need a lawyer for your estate

Without professional estate planning, your beneficiaries may face higher tax or litigation costs than necessary, or your assets may go to someone you did not intend to leave them to. Where estates are involved, disputes can arise. You may need to defend a claim against an estate or to make a claim. Contact Turner Freeman today to avoid disputes and secure your estate today.

### Our Deceased Estates and Will Disputes Team

**Terence Goldberg** – Partner  
Sydney Office | 8222 3333

**John Mann** – Special Counsel  
Penrith Office | 4729 5200

For further information on Turner Freeman’s Will Disputes and Estate Litigation visit our website [www.unfairwills.com.au](http://www.unfairwills.com.au)



# Wills and Estates Law

## Why you need a valid will

A will is a legal document that allows you to say how you want your property, money and personal items to be distributed after your death. A will has no validity until death occurs. Anyone aged 18 and over can make a will and here at Turner Freeman we believe everyone should.

Our expert lawyers understand the importance of your will being prepared in a professional and capable manner. Our dedicated team will provide you with expert care when undertaking the legal process of creating your will. A properly prepared will leaves you with the security that your estate (property, money and possessions) are in the hands of your loved ones. So contact Turner Freeman today to have your will created or to make changes to your current will.

## Probate

Probate is an order from the Supreme Court stating that the will has been proved to be the last valid will of the deceased, and allowing an executor to collect and distribute the estate in accordance with the terms of the will. A grant of probate can only be made if there is a will. If you cannot find a will in the deceased's personal papers, check with their bank or solicitor, or the NSW Trustee.

## Applying for a grant of probate

At Turner Freeman a solicitor will advise you on all the relevant legal issues surrounding probate and assist you to deal with any difficulties that may arise. Being an executor is a time consuming and demanding role. A solicitor can simplify the

process for all concerned. If no executor was appointed in the will, the court will appoint an administrator, usually the major beneficiary, to carry out the terms of the will.

## Powers of attorney

A 'general power of attorney' is useful if you plan to be overseas or away for a while and need to have some documents signed on your behalf. A properly drawn general power of attorney authorises another person (or more than one) to sign documents as your agent.

An 'enduring power of attorney' must be certified by a prescribed witness like a Turner Freeman solicitor and is essential if you want to have someone who can assist with legal, financial and medical matters if you become unable to do so for yourself, for example, if you lose capacity to make your own decisions.

## Our Wills and Estates Law Team

**Terence Goldberg** – Partner  
Sydney Office | 8222 3333

**John Mann** – Special Counsel  
Penrith Office | 4729 5200

**Michelle Walsh** – Partner  
Wollongong Office | 4220 5250



**We have Accredited Specialists  
in Wills & Estates Law**



To ensure your estate is given to people you care about when you die, prepare a legal will.

# Workers Compensation

**No Win No Fee\***

\*Conditions may apply

## Statutory workers compensation claims

Unfortunately many injuries happen in the workplace. If you are injured at work, or your work contributed to you suffering an injury, you are entitled to claim workers compensation benefits.

Workers compensation entitlements can include:

- Weekly payments for periods that you are unfit for work or fit for only suitable or part time light duties;
- Medical, hospital, and treatment expenses;
- Lump sum compensation if a permanent impairment is suffered;
- Claims for dependency in the event of the death of a worker.

The workers' compensation legislation is quite complex, and legal advice is recommended in order to ensure that an injured worker's compensation entitlements are fully claimed.

So that we might be able to assess your workers compensation claim, please contact your nearest Turner Freeman office and ask to be put through to our specialist workers compensation team.

## Work injury damages claims

If a worker is injured in circumstances where the employer is negligent or at fault, they may be entitled to bring a work injury damages claim. The bringing of such a claim will terminate the injured worker's statutory workers compensation entitlements.

A work injury damages claim cannot be brought against an employer unless the injured worker has been assessed and agreed as having at least 15% whole person impairment in accordance with WorkCover Guidelines.

In those circumstances, the injured worker will receive their statutory workers compensation entitlements, including lump sum compensation pursuant to those entitlements for the degree of impairment until the work injury damages claim is resolved.

The work injury damages claim then allows the injured worker in addition to claim compensation for the entire extent of their past and future economic losses, including the loss of superannuation benefits. These losses are generally greater than a worker would receive under the statutory scheme.

It is necessary to comply with strict time limits and procedures in order to make work injury damages claims, and it is therefore recommended that legal advice be obtained as soon as possible in this regard.

For an assessment of your work injury damages claim please contact your nearest Turner Freeman office.

## Our Workers Compensation Team

**Richard Dababneh** – Partner  
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**Fady Dous** – Partner  
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**Nathan Edwards-Bonello** – Partner  
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**Sally Gleeson** – Partner  
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**Gaius Whiffin** – Partner  
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We can help you bring a claim and ensure that the benefits you receive are maximised.

## Our People



MANAGING PARTNER

### **Armando Gardiman** (PARRAMATTA OFFICE)

Armando has the overall responsibility for the Dust Disease Litigation practice of Turner Freeman. He specialises and practices in the area of Asbestos Litigation and acts for clients suffering from mesothelioma, asbestosis and asbestos related lung cancers.

Telephone: (02) 8833 2500  
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In person: Level 8, 100 George Street, Parramatta NSW 2500



PARTNER

### **Terence Goldberg** (SYDNEY OFFICE)

Terence is highly renowned and respected within the legal community. He is an exceptionally experienced lawyer with a breadth of legal knowledge and technical ability that is unique to Sydney and surrounding areas. Terry specialises in complicated and technical cases that employ this vast knowledge.

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PARTNER

**Accredited Specialist,  
Personal Injury Law**

### **Gerard McMahon** (NEWCASTLE OFFICE)

Gerard has been the Managing Partner of the Newcastle office since 2003. Gerard is an Accredited Specialist in Personal Injury Law and is a highly experienced plaintiff lawyer who specialises and practices in the area of asbestos litigation, acting for clients suffering from mesothelioma, asbestosis and asbestos related lung cancers. Gerard also has an extensive personal injury practice involving CTP claims, Work Injury Damages claims and also practices in the area of Elder Law.

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**We have Law Society Accredited Specialists  
in a range of practice areas**





### **Gaius Whiffin** (SYDNEY OFFICE)

Gaius is an Accredited Specialist in Personal Injury Law. He has extensive expertise in the areas of Compensation claims, Motor Vehicle Accident claims, Work Injury Damages, Skin Cancer as well as Public And Product Liability matters.

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PARTNER  
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### **Sally Gleeson** (SYDNEY OFFICE)

Sally specialises in Medical Negligence, Work Injury Damages and Motor Vehicle Accident claims. She also has an extensive practice in Public Liability and Total and Permanent Disability claims.

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PARTNER



### **Richard Dababneh** (PARRAMATTA OFFICE)

Richard is an Accredited Specialist in Personal Injury Law. Richard specialises in personal injury litigation with a focus on Workers Compensation claims, Work Injury Damages, Comcare claims, Motor Vehicle Accident claims, Public Liability and Industrial Deafness claims.

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**Fiona Seaton (SYDNEY OFFICE)**

Fiona is an Accredited Specialist in Personal Injury Law. She specialises in Dust Diseases Litigation, Workers Compensation claims, Work Injury Damages, Medical Negligence and Public Liability claims. Fiona also has a background in Employment Law.

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**Michelle Walsh (WOLLONGONG OFFICE)**

Michelle Walsh is the Managing Partner of our Wollongong office. She is experienced in civil litigation for client’s rights and insurance disputes in the District and Supreme Court and other courts. She also has extensive experience in the areas of Employment Law, Family Law and Litigation and Dispute Resolution.

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PARTNER



**Nathan Edwards-Bonello (CAMPBELLTOWN OFFICE)**

Nathan is a Partner and managing solicitor of Turner Freeman Campbelltown. Since arriving in Campbelltown Nathan has successfully built a very substantial legal practice with strong emphasis on personal injury claims. He specialises in all types of personal injury work including Motor Vehicle Accident claims, Public Liability claims, Medical Negligence claims, Workers Compensation claims and Total And Permanent Disability claims.

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PARTNER

**We have Law Society Accredited Specialists  
in a range of practice areas**





PARTNER

**Fady Dous (PARRAMATTA OFFICE)**

Fady is a Partner practicing in the area of Personal Injury Litigation with a focus on Workers Compensation claims, Work Injury Damages claims, Motor Vehicle Accident claims, Public Liability claims, Industrial Deafness and Total and Permanent Disability Claims.

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SPECIAL COUNSEL  
**Accredited Specialist,  
Property Law, Wills and  
Estates Law**

**John Mann (PENRITH OFFICE)**

John is an Accredited Specialist in Property Law and in Wills and Estates Law. He has a high level of expertise in relation to all aspects of Conveyancing, Tenancy Law and Property Litigation. John also has a high level of expertise in relation to the drawing of Wills, the Administration of Probate, Probate Litigation and Family Provision claims.

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SENIOR ASSOCIATE  
**Accredited Specialist,  
Family Law**

**Catherine Parks (PARRAMATTA OFFICE)**

Catherine is an accredited Family Law Specialist. She practices exclusively in the area of Family Law and has significant experience and expertise in assisting clients through the legal implications of the breakdown of a marriage or de facto relationship. Catherine is a skilled litigator in all manner of Family Disputes but is also a competent advocate in all forms of alternate dispute resolution. Catherine is a member of the Greater Sydney Collaborative Family Lawyers.

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## Great People

At Turner Freeman Lawyers offices throughout Australia you'll find friendly and expert professionals who are passionate about doing a great job for our clients. We have Accredited Specialists in wills & estates law, as well as family law, personal injury law, employment law and property law. Our lawyers are some of the most experienced in their area of practice.

## Great Results

Since 1952 Turner Freeman Lawyers have been achieving exceptional results for our clients in legal matters of all sizes and across all areas of law. We have achieved some of the largest damages payouts awarded in Australia and indeed the law has been changed as a result of cases run and won by Turner Freeman. We will go the distance to ensure the best possible outcome is achieved for you.

## Great Value

We provide the highest quality legal services at a reasonable fee, often at no up front cost to our clients. We are so confident of the value we provide and encourage you to speak to one of our Partners about our legal fees before you sign a costs agreement with another law firm.

**Turner  
Freeman**  

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**Lawyers** Est. 1952

## Contact us

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### **We also have interstate offices located in:**

Adelaide, Brisbane, Cairns, Ipswich, Logan City, Maroochydore,  
North Lakes, Perth, Southport and Toowoomba.

**Ring our toll free number to be connected  
to your nearest Turner Freeman office**

**13 43 63**

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