



FROM THE INSTITUTE PRESIDENT, IAN LAVIN

Hello again,

As raised in the October newsletter the Board has been working on a solution to the issue of attainment of a Diploma in Loss Adjusting by mainly (and in some cases, total) recognition of prior learning (RPL) and the consequences affecting entry requirements for AICLA membership (Affiliate & Associate classes).

The changes in membership criteria have been formally adopted as a solution and you have all been circulated with details of the amendments. We had other options such as withdrawing the study programme from the Australian Qualification Framework but this would have resulted in a myriad of other issues.

Although the action taken is open to criticism from some parties, the integrity of acceptance as a member of AICLA is considered paramount and I believe the amendments effected provide a suitable compromise. We simply can't totally ignore RPL as an acceptable vehicle but at least the more onerous time requirements for entry coupled with acceptance by a Professional Standards committee go some way to appeasing further concerns.

Naturally our preferred model is for the examination process to be the norm and that indeed should also be the in the minds of aspiring applicants for both the knowledge obtained and discipline experienced.

We have recently received a draft report from the Consultant engaged to investigate and compile a 'base entry' course. This project is being championed by ex President Ian McWalter and the report will be considered over the next few weeks prior to any decision on changes or implementation moving forward.

The Insurance Ombudsmen Service (IOS) have recently released a number of findings relating to flood losses arising from the 2011 catastrophes in Australia. The findings cover such areas as Product Disclosure (including appropriate

evidence of transmission to an Insured), generalised declinature (i.e. not taking account of specific circumstances or ignoring physical factors), technical deficiencies at point of sale etc. At this early stage I have not studied them in detail but there are clearly a number of very clear lessons for the insurance industry in general. Details are available by [clicking this link](#), and the full text of each determination is available at www.fos.org.au

On 11 November I had the pleasure of attending the annual Queensland 'retirees' function held at the Tattersall's Club. There was a capacity crowd to hear an interesting address on Australia's earthquake propensity.

Volume losses in the region continue to be tame with the exception of Thailand where the ongoing flood situation is creating havoc.

Until next month...

**Kind Regards,
Ian Lavin, President**



VALE ALAN CUTHBERT

Alan was a Stalwart in the SA Loss Adjusting industry. He commenced his career with SCIC, then worked for various firms including Cuthbert and Yeomans, Freemans and Crawford & Co (Moonta) situated on the Yorke Peninsula.

His daughter Leah was his assistant who will continue to work at the Moonta office.

Alan was well known for his humour, practical jokes and his passion for regional areas.

He will be sadly missed by all.

Michael Collins
Crawford & Co

QUEENSLAND

The Queensland Division annual luncheon was held at Tattersalls Club with over 80 attendees.

The luncheon guest speaker was Russell Cuthbertson who spoke on the topic Earthquakes in Australia. Fact and Fallacies.

The event was an opportunity for retired members to meet with the current members. Congratulations Tina Bayar from Crawford & Company who was on hand to receive two AICLA academic awards, The Charles Buchanan Prize and Brian Geraghty Prize.



ON-LINE CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

In September's AICLA News, we mentioned a paper coming shortly, in which important legal changes in Victoria are addressed. We are pleased to confirm that this paper is now available at the on-line CPD section of the AICLA website. The details of these changes became changed themselves by the change (!) in Victorian Government, but the broad thrust remained the same. We refer to the Civil Procedure Act 2010, which aims to 'redress an imbalance in the civil justice system to achieve essential goals of accessibility, affordability, proportionality, timeliness, and getting to the truth quickly and easily.'

This is achieved by requiring all participants in civil litigation (which of course includes insurance matters) to 'act honestly', 'co-operate with other parties and the court' and 'use reasonable efforts to resolve a dispute by agreement', amongst many other things. Whilst such intentions seem unremarkable, their enshrinement formally in law is of interest. Disclosure of critical documents is also a cornerstone of the legislation and takes a new approach to the well-known principle of discovery. It is apparent that modern civil procedure has moved away from imposing prescriptive 'front-loaded' obligations on parties before they can issue proceedings, to directing parties towards the culture of resolving disputes readily and less expensively.

The potential of this type of legislation to simplify and improve such matters as insurance legal disputes is clear. Whilst confined to Victoria currently, it is expected that in due course similar legislation will be enacted across Australia.

This paper deals with the Civil Procedure Act in an easy to understand manner, refreshingly improved on those dense legal papers that seem to say 'It's all too hard! Leave it to us!'. We are grateful to Andrew Seiter of Wotton Kearney for his permission to publish the paper and for the necessary revisions following the election of the new Victorian Government. We commend the paper to members. You will find it at CPD038.

To enter the on-line CPD menu, use the hotlink below or do so at any time via 'Professional Development' on the AICLA Home page. Members should use the User name **cpduser** and the Password **aiclacpd**. Your browser may give you the opportunity to check the box to 'Remember this password'.

We look forward to seeing you there!

[Go to on-line CPD now.](#)

NEW SOUTH WALES

The Council presented a morning seminar on contract works on Friday 23 September 2011 in Sydney.

The seminar was compiled and presented by Simon Hovian, Tony Gupta and Andrew Bristow and was attended by more than 30 Adjusters, Brokers and insurers.

The NSW/ACT Annual Cocktail function will be held at the Museum of Sydney on Wednesday 30 November 2011.



CATASTROPHE CLAIMS

The Insurance Council of Australia recently released updated figures on major Cat events in Australia:

- **Regional Floods – Qld:**
\$401 million – 17,900 claims
- **Lockyer Valley – Qld:**
\$316 million – 11,665 claims
- **Brisbane Floods – Qld:**
\$1.68 billion – 57,981 claims
- **Regional Flooding – Vic:**
\$122 million – 7890 claims
- **Cyclone Yasi – Qld:**
\$1.3 billion – 71,495 claims
- **Vic Storm Event – Vic:**
\$413 million - 49,350 claims
- **Perth Fires – WA:**
\$36 million – 425 claims



NEW AND ELEVATED MEMBERS

Congratulations to the following recently admitted and elevated members:

NEW MEMBERS

Name	Class	Division
Dan De Silva	Affiliate	Queensland
Glenn Cotton	Provisional	Western Australia

ELEVATIONS

Name	Class	Division
Rames Supramaniam	Associate	International
Mark Rochman	Associate	Victoria

AUSTRALIAN NETWORK ADJUSTERS (VRS GLOBAL PARTNER)



General Property Adjusters- New South Wales, South Australia, Tasmania

Specialist Lines Adjusters – All States

Australian Network Adjusters (ANA) has earned an enviable position in the market as providing one of the best claims handling services. The Company's competitive advantage and growth strategy is based on using the best people to deliver our proprietary developed Process Management System to Clients who value knowledge based expertise, experience and personal service. Our business model of strategic alliances allows us the flexibility to form partnerships with companies who share this vision.

ANA has been in the market for over 10 years and following the cyclones, floods and storms in Queensland, Melbourne and Perth, over the last 18 months, has been endorsed by our Clients as continuing to deliver on our promises and commitment of providing reliable and quality service. As a result of this and following the securing of additional contracts, we continue to increase our work load and in anticipation of more work in the near future, would like to invite additional independent loss adjusting companies to join us as ANA Network Members.

In addition, ANA has been appointed as the Australian partner of VRS Global, an international network of over 300 adjusting companies from more than 70 countries and with adjusting nominations on over 100 international corporate accounts. This partnership has led to ANA receiving a number of major loss appointments in Australia and as such we are looking to invite additional independent specialist adjusters to compliment our current specialist team and assist in servicing this program.

We are currently looking to engage Network Members (independent adjusting companies) with expertise in general property adjusting (NSW, SA, TAS) and specialist adjusting (All States). We expect that you would be an experienced adjuster working on your own or employing a few adjusters, have experience in handling all types of Property losses and / or as a Specialist adjuster in the fields of Liability, Contract Works, Business Interruption and Marine claims.

If you want to continue to be an independent operator but are willing to comply with ANA's service and compliance standards and share the benefits of the support and assistance of a national management company, with international partnership then we would like to hear from you.

Membership of AICLA or willing to join would be an advantage.

Please direct all applications to recruit@ana.net.au or call the Managing Director, Jaye Kumar on 0418 922 755 for further details.

All enquiries will be handled in strict confidence.

FT ADJUSTING PTY LTD



FT Adjusting Pty Ltd is a niche loss adjusting practice, operating out of Sydney NSW, specializing in the area of construction & engineering public/products liability and professional indemnity claims.

We are seeking an individual who may be looking for something a little different to the more usual general based liability practice.

The role would suit an individual some 3 to 5 years out from university, or their final qualification, who has had a grounding in the construction/engineering industry with an interest in the legal side of matters, or vice versa.

We consider this to be a unique opportunity to join a small progressive company in a dedicated area of specialization.

On offer is culture based on empathy, equity and having fun. Salary is negotiable dependent on your level of experience.

Please apply with a current resume in the first instance to Lesley Thompson at, Lesley@ftadjusting.com.au



AICLA offers members the opportunity to advertise positions vacant in LA News.

The cost is \$250.00 (+ GST) and the advertisement will be run for up to two months. The advertisements also appear on the AICLA website www.aicla.org. If you wish to advertise, please send information to adminoffice@aicla.org. Advertisers can remain anonymous with job applicants responding direct to AICLA.