



FROM THE INSTITUTE PRESIDENT, MICHAEL COOKE

I commenced this month's LA News whilst on tour in Asia.

It is with great pleasure that I am able to report the Asian Claims Convention (ACC) held in Singapore 2-3-4 April 2014 was a wonderful success. This was our third convention following on from Shanghai 2012 and Bangkok 2013.

The ACC continues to grow and this year's convention was attended by over 130 delegates from 16 countries.

We are very grateful to Alan Cleary from the UK who was our key note speaker for the convention. Alan gave generously of his time over the days preceding the convention itself, facilitating at an open forum for delegates, speaking personally to delegates and entertaining delegates and guests at the gala dinner with his clever wit and humour. I again thank Alan and his charming wife Beryl for their participation at the convention and support of AICLA.

We received excellent feedback from convention delegates and sponsors with the event featuring a large number of high quality presentations covering a wide range of topics. Following on from Singapore we are already in the throes of planning ACC15, with the first major task to choose a location and venue. We are grateful to the many sponsors who support the ACC and look forward to working with them again in 2015.

Following on from ACC in Singapore our Chief Executive Tony Libke, International Division Chairman Budi Maharesi and I travelled to Jakarta, Kuala Lumpur, Hong Kong and Bangkok, to meet with members, prospective members, CEO's of loss adjusting firms and various organisations within the industry, such as Singapore Insurance Institute, Indonesian Insurance Council, Indonesian General Insurance Association and Malaysian Insurance Institute. These meetings are extremely worthwhile and continue to raise the profile of AICLA and our education and training offerings in the Diploma of Loss Adjusting and Claims Technicians Course.

Member attendance at venues in Asia was high, very pleasing indeed and we thank members for giving us the opportunity to meet one on one and enabling us to give a detailed briefing on the achievements in recent years and future developments. It was also an opportunity for members to explore the pathways for achieving chartered status, which Tony was able to expand on in greater detail and personally with the individuals concerned.

I am also pleased to report that the visit gave us the opportunity, for the first time, to meet with three other loss adjusting institutes at the one time and to put in place some combined planning initiatives. We will be able to elaborate on these initiatives as they progress further. Present at ACC14 was the President of CILA

Candy Holland, the Chairman of APKAI (Indonesia) Budi Maharesi and Aziz Nor Chairman of AMLA (Malaysia). I thank them for their open and frank discussions which showed we have much in common and can all work together to benefit our members.

In May Tony and I will visit the New Zealand Division to attend their AGM and Conference. I am looking forward to this visit and meeting with members again. The NZ Division is very active with their members strong supporters of the annual NZ conference as well as the Sydney and Asian conventions. This will complete my visits to all Divisions, some more than once. These meetings with members have been a great pleasure and a highlight of my presidency.

We are holding the Education and a Directors' meetings in Melbourne on 5 and 6 May 2014, with many issues up for discussion. We will meet with ANZIIF representatives to discuss developments within the Diploma of Loss Adjusting, this is important to all members studying the course. We are working very closely with ANZIIF to strengthen our already strong relationship. ANZIIF is the provider of the Diploma of Loss Adjusting to the industry, however AICLA own the intellectual rights to the Diploma.

I am pleased to announce that the Sydney Claims Convention (CC14) is well advanced with just the finishing touches now being made. This year the convention will be held on a Wednesday, Thursday 13-14 August 2014, Sofitel Wentworth Phillip Street, Sydney. Please put these days aside for this important event.

The workshop for trainee adjusters and claims staff will be held on the 12 August the day before the claims convention and is open to anyone wishing to attend. This workshop will be conducted in the same manner as last year with senior loss adjusters presenting, giving of their time and experience to further educate younger and less experienced industry participants. The workshop proved very popular last year so please look out for the registration form as numbers will be limited.

The Carey Bird Scholarship applications close on 31 May 2014. This is a very worthwhile initiative and is open to AICLA members under 40 years and members undertaking the Diploma Course, who may be over 40 years of age. The prize is travel and free entry to either the Asian or Sydney claim conventions and reimbursement for reasonable expenses. Last year's winner Richard Mayne from Sydney attended the Asian Convention in Singapore and was able to spend some valuable one on one time with Alan Cleary, an added bonus for his efforts.

In conclusion I would like to comment on the wonderful feeling of fellowship I experienced amongst the delegates attending ACC14. As I mentioned earlier delegates from 16 countries attended the convention. There was a buzz around the convention during the breaks which was commented on positively by many of the delegates. This is one of the great attractions for delegates and sponsors attending the claims conventions and a wonderful aspect of our industry, that although very competitive, it still remains friendly. These conventions (ACC and Sydney CC) are ideal for networking, and I endorse that aspect of them to you.

**Kind Regards,
Michael Cooke**

ASIAN CLAIMS CONVENTION AND ASIA VISIT 2014



SINGAPORE

[Click here to view the complete photo gallery](#)

GENERAL INSURANCE CODE OF PRACTICE 2014

The new ICA General Insurance Code of Practice has now been published and will take effect for each participating Insurance Company upon adoption (starting 1 July 2014), with all Code signatories to be compliant by 1 July 2015.

The Code binds its participants to maintaining various standards, and binds its Service Suppliers as well. By definition this includes Loss Adjusters, so we are in effect bound by the Code although we are not signatories.

The Code does not apply to Worker's Compensation, Marine, Medical Indemnity, Motor Vehicle Injury, Life and Health or Reinsurance.

The Independent reviewer Mr Ian Enright presented a comprehensive 200 page report which the ICA describes as 'the most comprehensive review of the Code to date'. Developing a code such as this is a fine balancing act. The final Code of 2014 appears to be very similar to the 2012 Code that it replaces, at least insofar as claims handling is concerned. Nevertheless, provisions appear under completely different paragraph numbers and in some clauses are reworded, so members are advised to study it carefully in its latest form.

The overall thrust of the Code remains as it was in providing reassurance for insurance customers, with the old provisions of good faith, the Code requiring the Insurer (and its Service Suppliers, which includes adjusters) to '...be open, fair and honest in our dealings with you...'

We will now list some of the changes in the new Code that are applicable to the work of members.

There is some revision of terminology, for example a 'Service provider' is now a 'Service Supplier'.

In the 2012 Code the clause relating to adjuster qualifications (at 3.7.5) reads'

...our service providers will have and maintain...membership of a relevant professional body or sufficient expertise.'

In the 2014 Code, the relevant provision at 6.3 (a) reads 'We will only appoint Service Suppliers who... reasonably satisfy us at the time of their appointment that they are, and their employees are qualified by education, training or experience to provide the required service competently and to deal with [the insured] professionally (including but not limited to whether they hold membership with any relevant professional body)...'

The Code separately defines Retail and Wholesale Insurance with many sections such as section 6, Standards for our Service Suppliers, section 7 Claims and sections 9-10 Catastrophes and Complaints only applying to Retail Insurance.

While not new provisions the following three points are important for members to bear in mind.

Under section 7.19 (c) if a claim is denied the claimant will have the right to ask for copies of any service suppliers or external experts reports that were relied on in assessing the claim.

Also external expert reports are to be completed generally within 12 weeks of engagement by the insurer.

Claims will generally be finalised within four months of receipt unless exceptional circumstances prevail (eg. catastrophe as declared by ICA, suspected fraud, failure of claimant to provide information or documents).

As a footnote to Section 7, in the provision for notifying a claimant of the appointment of a loss assessor, it is pointed out that 'An appointed loss assessor, loss adjuster or investigator may be an Employee or an [independent] Loss Assessor/Loss Adjuster/Investigator'.

Under Section 8, Financial hardship (a provision that in Section 3.8 of the 2012 Code applied to claimants in need of a rapid settlement for financial reasons), reference is now made to '...an individual Insured or Third Party Beneficiary who owes us [ie the Insurer] money...' or '...an individual we are seeking recovery from'. However those provisions of the 2012 Code that applied to claimants experiencing financial hardship (3.8) are now under Section 7.7, Urgent Financial need of Benefits.

Under Section 9, Catastrophes, there is change at 9.3 relating to the time allowed after finalisation of a claim for the insured to apply for a review of this. Under the 2012 Code this time was six months and in the 2014 Code it is twelve.

Section 10, Complaints, has been substantially re-arranged. The internal dispute procedure is now formalised into two named stages (Stage One and Stage Two), the second being specified as to be handled at first by '...an employee... who to the extent that it is practical... is different from the person... who was involved in the stage one decision' (in the 2012 Code this was at 6.3). Stage Two moves on to information on accessing the services of the Financial Ombudsman.

It is of interest that under definitions Co-Insurance is defined as when '...two or more insurers agree to insure a proportion of the same risk under the same policy.' Adjusters will welcome this clarification in the light of many traditional policy wordings that define Co-Insurance quite differently, viz. where an insured has underinsured (and is in fact unwittingly sharing the cover with its insurer!).

Members are Service Suppliers to our Insurance Principals, and as such are automatically bound by the Code. It follows that all members should have an intimate working knowledge of the latest version of the Code — particularly the various time constraints, which are mostly unchanged.

[Click here to view the complete 2014 Code.](#)

Prepared by Alan Ford & Tony Libke

ELEVATION IN MEMBERSHIP

For the assistance of members attached is a copy of the [Pathways for Elevation in Membership](#). If you have satisfied the requirements to be elevated please [complete the attached form \(click here\)](#) and forward it with supporting evidence to adminoffice@aicla.org

NEW AND ELEVATED MEMBERS

Congratulations to the following recently admitted and elevated members:

NEW MEMBERS

Name	Class	Division
Dolawat		
Wanichwatphibun	Provisional	International
Phen Yee Sng	Provisional	International
Thatchawut		
Chaychayanon	Affiliate	International
Omar Mostafa	Provisional	Victoria
Dean Charalambous	Affiliate	Victoria
Jimmy Lim	Affiliate	International
Paron Saengrattanachai	Provisional	International
Naruenart Chaiyata	Provisional	International
Phiriya Koraviyotin	Provisional	International
Jakkrit Jesdangkul	Provisional	International
Kraipop Kesjarernkul	Provisional	International
Lucksanara		
Khoohawatthana	Provisional	International
Krit Chantachot	Provisional	International
Al Le Nhan	Affiliate	International
Ekapop Boonyou	Provisional	International
Fiona Davis	Provisional	Victoria
Anthony Asser	Provisional	New Zealand
Philip Van Zyl	Affiliate	New Zealand
Gregory Harris	Affiliate	South Australia

ELEVATIONS

Name	Class	Division
Stanley Bin G Yulip	Associate	International
Jaideep Kuntawala	Affiliate	New Zealand
Gillian Jacobsen	Associate	New Zealand
Patrick Wilson	Affiliate	New Zealand
David Maritz	Fellow	New Zealand

CAREY BIRD SCHOLARSHIP

Members are reminded that submissions for the 2014 Carey Bird Scholarship are now open. This is a prestigious award and is designed to showcase loss adjusters' skills at preparing a report based on a practical claims scenario. The prize for the winner is a framed certificate and attendance at either the Sydney Claims Convention or the Asian Claims Convention (including expenses) with the winner to choose. Entries close 31 May 2014. [For further information click here.](#)

ICT LAUNCHES

The Institute of Claims Technicians has been launched by AICLA following demand from those who have completed the Claims Technicians Course (CTC).

The CTC has been operating successfully in Singapore for a number of years and is now running in the Middle East as joint venture with the Arab Loss Adjusters based in Dubai.

The course is also attracting interest from Indonesia, Malaysia and the Philippines.

The ICT Website is www.ictasn.com

NSW

Members Meeting

Cammeray Golf Club - **22 May 2014**

Speaker: Lachlan O'Neill from WorkCover

Regional Workshop - Tamworth - ISR

The workshop originally scheduled for 3 April 2014 has been postponed until **17 July 2014**.

The ISR Workshop will be hosted and delivered by regional loss adjusters with the support of the NSW / ACT Committee members.

The ISR Workshop will also be delivered in Newcastle later in the year, with a date to be confirmed.

Annual Luncheon

Royal Sydney Yacht Squadron - **25 July 2014**

Please save the date, with formal invitations to be provided shortly.

VICTORIA

Marc Gibson Crawford & Company

Victorian / Tasmanian Property Manager



- 1. How long have you been there?**
I have been with Crawford and Company since 1979 and emigrated to Melbourne in 2001
- 2. What lines of business does your company offer?**
General Property, Casualty, Marine, TPA, Motor, Liability, Marine
- 3. Where did you grow up?**
South London, UK
- 4. What did you want to be when you grew up?**
Professional Soccer player but that was dream was extinguished quickly!
- 5. How did you get started in Insurance / Loss Adjusting?**
After Year 12 I didn't know what I wanted to do so applied for a job at Lloyds of London in the Marine Claims Department.
- 6. What are some of your greatest challenges in your business?**
Ability to keep up with Society's demands and expectation of adequate service and to be constantly ahead with communication, a team of people who have skill sets and resourcing tools to meet society's demands.
- 7. Please can you think of someone within your business, other than someone in management, that best exemplifies your best business practice and what make them stand out?**
Communication – they are a very good communicator
Organization Skills
Understanding the customer service industry
Responds well
No false promises
- 8. Do you have a mentor? Who is it? Why?**
I don't really. I have a few peers who I look at and think that's a good initiative, I like how they do things. There are a couple of people at Crawfords UK whom I chat to occasionally.
- 9. What do you never leave home without?**
My Manners – "Please and Thank you"
- 10. How do you relax?**
The general perception is I don't relax, but I am involved in Soccer with my sons and I play in an over 40's league in Beaumaris. I read and like to go to the movies.
- 11. What was the last movie you saw?**
Django Unchained, with Leonardo DiCaprio. I give it 7/10.
- 12. What is the one piece of advice you could give to new comers to the Industry?**
Goes back to communication, Email is a wonderful thing but may have gone too far. Sometimes pick up the phone instead of email. Speaking to people is the new skill to be learnt. Kids are losing the ability to speak.
- 13. Where do you see the Industry heading?**
There will still be a need to do a conventional report and I am intrigued how it will operate in the future. I believe there will be a "claims cloud" with claims in the sky that all insurers, brokers and insured can see.

Article written by Narelle Handley

ON-LINE CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

INSURANCE CONTRACTS ACT SECTION 54 — LITIGATION

Section 54 of the Insurance Contracts Act has often troubled even experienced loss adjusters. Briefly, the effect of this section of the Act is that insurers are not automatically entitled to deny claims on the grounds that policy conditions are not complied with, except insofar as any non-compliance prejudices the insurer (financially). This is particularly relevant in liability matters when it comes to the requirement, within the period of cover, to notify an insurer of circumstances which may give rise to a claim.

At paper CPD049, we discussed cases that went to the Financial Ombudsman, and we discussed the non-litigated position generally. As a progression from this position there have been a number of cases that have been heard in the courts, many of them progressing to the High Court of Australia. While invariably very expensive to conduct, these cases and the reversals of findings as a case proceeds through the system of appeals, often finishing with dissenting opinions in the High Court itself, all combine to produce interesting reading.

At paper CPD059, we examine the Court findings during actions involving Section 54, including the well-known case of *FAI v Australian Hospital care*, as well as the *Ferrcom, DellaVedova, Triple C Furniture* and *Highway Hauliers* cases.

Such semantics as a circumstance being a 'state of affairs' rather than an 'omission', whether an 'omission' was the same as 'inaction' and whether an omission was within the control of the Insured, are explored as well as some easier to understand reasoning.

Once again it becomes evident. Despite the rules of precedent there is in fact little certainty in the law!

Our on-line CPD facility is available on a 24/7 basis and papers may be read in any order. Access the facility via the hotlink below, or by navigating through 'Professional Development' on the AICLA website Home Page. Members should use the User Name cpduser and the password aiclacpd. Your browser may offer the opportunity to 'Remember this password'.

We look forward to seeing you there!

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



Hayden Lloyd & Associates Ltd was established in 2006 and is a small but growing Loss Adjusting firm in Papua New Guinea; due to new opportunities opening up, we are now seeking to employ a suitably qualified and motivated Loss Adjuster to be part of our growth and success.

The candidate we seek will provide services across Domestic and Commercial Lines, including conducting onsite meetings with customers, clients, contractors, brokers and agents. You will document and report on true outcomes of events.

Your Responsibilities:

- Clarifying claim circumstances surrounding loss and causation
- Verifying nature and extent of loss
- Quantifying work on reinstatement/replacement (Material Damage Claims)
- Determining policy liability and providing recommendations to principals
- Identifying and pursuing avenues for salvage or recovery, where possibilities exist
- Contributing to the growth and success of HLA

We are looking at a candidate who possesses the following attributes:

- Insurance Loss Adjusting experience, relatively in the areas of Commercial and Domestic Claims
- Insurance Claims Management experience in both Commercial and Domestic front
- Relevant industry qualifications
- Strong analytical skills, good communicator, written and verbal
- A strong customer service delivery focus for clients including Insurers, customers and brokers
- Ability to lead, work and participate in a team environment

If you are still continuing your studies, we will support and encourage you to continue your studies to reach the required qualifications.

Your package will be commensurate with the qualification, skills and attributes you bring to the role.

Benefits include, accommodation, fully maintained company vehicle, closed group mobile phone, laptop, and consideration for bonus scheme.

If this is a call for a career advancement in a country that is both challenging and emerging economically, please send us your credentials with a covering letter and resume to tmaune@hlloyda.com or gmanton@aol.com

Applicants will be treated in the strictest of confidence. We are an equal opportunity employer.



EXPERIENCED LIABILITY LOSS ADJUSTER – HOBART

Crawford & Company

(www.crawfordandcompany.com) is the world's largest independent provider of claims management solutions to the risk management and insurance industry, with an expansive global network serving clients in more than 70 countries.

Due to continued business growth we have an opportunity available for our Liability team in Hobart.

Team Leader/Senior Liability Loss Adjuster – Hobart Office

Working closely with the liability management team you will effectively manage and support our small, high performing Hobart liability team, while maintaining significant loss adjusting responsibilities.

If you have substantial experience as a Liability Loss Adjuster (ideally with some property and commercial claims experience), staff management or team leader experience, a strong customer focus, and developed organisational, interpersonal and communication skills then would like to hear from you now!

An attractive remuneration package is on offer including base salary, generous bonus scheme, motor vehicle allowance, mobile phone, laptop and various employee discounts.

All applications will be treated with the utmost confidentiality. Please send a detailed CV to jobs@crawco.com.au quoting the role you wish to apply for.

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

The cost is 200.00 (+ GST) and the advertisement will be run for one month. 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.