



## FROM THE INSTITUTE PRESIDENT, JAYE KUMAR

Dear Member,

On 4th February, 2019, the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry made a number of recommendations relating to the insurance industry in its Final Report. Recommendation 4.8, was that the “handling and settlement of insurance claims, or potential insurance claims, should no longer be excluded from the definition of ‘financial service’”. This relates to claims for both life and general insurance products. Treasury has been tasked with preparing the recommendations for Government (whoever is in power) to introduce legislation and regulations based on the Final Report. Treasury has now invited comments from interested parties on matters to be considered in respect of the impending legislation. This consultation process gives AICLA a rare opportunity to have input into the regulatory landscape in Australia for loss adjusters and others involved in claims.

As President, I and CEO, Tony Libke held consultation meetings with members in Melbourne, Sydney and Brisbane and via skype from members in other States over the last week. The purpose was to obtain members comments on what we should be including in our submission to Treasury. Despite the short notice, we were pleased with the positive contribution and feedback from members at the consultation meetings.

So, how does this affect claims handlers and especially loss adjusters. Well, recommendation 4.8 states “handling and settlement of insurance claims or potential insurance claims, should no longer be excluded from the definition of ‘financial service’”.

Currently, the exclusion arises in two ways. Firstly, many claims handling activities do not fall within the current definition of providing a ‘financial service’. Secondly, even where they do fall within the definition, Regulation 7.1.33 of the Corporations Regulations 2001 (Corporations Regulations) expressly excludes these activities from the definition.

Just as background, Regulation 7.1.33 states that; a person is not taken to be providing financial advice or dealing in an insurance product (as defined in the Corporations Act), where these actions are taken in the course of:

- a) Handling of a claim or potential claim in relation to an insurance product; and
- b) The settlement of a claim or potential claim in relation to an insurance product.

There are a number of examples of services to which the exemption applies and these include, negotiations on settlement amounts, interpretation of relevant policy provisions, estimates of loss or damage, and a few more that clearly falls within the roles and responsibilities of what loss adjusters do.

The Hayne Royal Commission believes there is no basis for this exclusion to continue and that claims handling is as much the provision of a financial service as any other financial service. AICLA agrees with this and will be making a strong case for all those involved in handling and settlement of claims be included in the regulatory framework.

AICLA believes insurers will be licensees and that loss adjusters and others providing claims advice will Authorised Representatives of insurers. We are advocating for the setting of minimum standards for all claims handlers including: meeting CPD (Continuing Professional Development), being member of a professional body, recognition as suitably qualified under an industry approved training scheme and other compliance requirements.

What is encouraging is that the loss adjusting profession may gain in relevance and be recognised for the important role loss adjusters play in the claims process. For a copy of the AICLA submission to Treasury [click here...](#)

On other matters, registrations are open for the Asian Claims Convention in Phnom Penh (24th to 26th April) and we expect approximately 150 delegates and partners to attend. For those who are planning to register, I recommend you do so as soon as possible.

**Kind regards**

**Jaye Kumar, Chartered Loss Adjuster  
President - AICLA**

## NEW AND ELEVATED MEMBERS

**Congratulations to the following new and recently elevated members:**

### NEW MEMBERS

Name	Class	Division
Hannah Ramsey	Affiliate	Western Australia
Claire Lees	Provisional	Queensland
Diego Ascani	Provisional	New South Wales
Stephanie Holt	Provisional	Queensland
Gary Whitford	Affiliate	Victoria



## INNOVATION, DISRUPTION AND FORENSIC ADVANCES IN CLAIMS

This is a reminder that today is the deadline for the early bird registration discount for ACC19, to be held at the Sofitel Phnom Penh Cambodia on 24, 25, 26 April – [click here](#).

The convention is a unique opportunity to network with loss adjusters and other claims professionals from across many countries. The venue is Phnom Penh, an exciting and emerging city which is a four and half hour drive or a short plane flight to Siem Reap, home of the famous Angkor Wat and other historic temples.

The convention offers the following inclusive: cocktail function, two-day convention and gala dinner. An attractive discount registration rate is available for members and for bookings of 3 or more from one organisation.

## POST NOMINALS

The following are guidelines for members regarding the use of AICLA post-nominals. Full details of the use of post-nominals and the requirements for the different classes of membership are outlined in the [Qualifications and Rights for Classes of Membership](#).

- Affiliate: AICLA (Aff)
- Associate: ACLA
- Fellow: FCLA

Provisional members and Ordinary members (legacy membership class) are not eligible to use post-nominals, but may state they are Provisional members of AICLA or Ordinary members of AICLA. Also, Associates and Fellows who maintain CPD accreditation are eligible to use the term “Chartered Loss Adjuster”. Details of CPD requirements are outlined in the [CPD Information Sheet](#).

## UPCOMING EVENTS

Members and guests are invited to attend the following events. For further information and to register, please [click on the event](#).

DATE	EVENT	LOCATION
24-26 Apr 2019	ACC	Phnom Penh
29 Apr 2019	President’s Visit	Bangkok
30 Apr 2019	President’s Visit	Kuala Lumpur
2 May 2019	President’s Visit	Hong Kong
3 May 2019	President’s Visit	Jakarta
6 May 2019	President’s Visit	Singapore
21 May 2019	Claims Conference	Brisbane
24 May 2019	Conference & Luncheon	Auckland
26 July	Luncheon	Sydney
24 Sept 2019	Claims Convention	Sydney
15 Nov 2019	Lunch	Brisbane
5 Dec 2019	Awards Gala	Melbourne

## INTERNATIONAL

The International Division is holding meetings to be attended by the President, Jaye Kumar, International Division Chair, Andrew Khoo, and CEO, Tony Libke following ACC19. The meetings will cover a range of AICLA matters, and there will also be short professional development presentations by Jaye - General Insurance: Checklist for Claims, and Andrew - Restoration: Options, Benefits & Challenges. There is no cost for attendance for members or their guests, and lunch/dinner will be provided.

**Click below to register for the meetings** (*required by 22 April for catering purposes*):

– <b>Bangkok</b>	5.30-8.30pm	29 April
– <b>Kuala Lumpur</b>	5.30-8.30pm	30 April
– <b>Hong Kong</b>	12-2pm	2 May
– <b>Jakarta</b>	10.30am-2pm	3 May
– <b>Singapore</b>	12-2pm	6 May

## NEW SOUTH WALES

The NSW Division will be holding its annual July lunch at the Royal Sydney Yacht Squadron on Friday 26 July 2019. Invitations will be sent out in mid-June and members are encouraged to book promptly after this time to avoid disappointment.

The day promises to be a great success with excellent entertainment. Look forward to seeing you there.

## QUEENSLAND

The AICLA & WII  
Charity Race day



The AICLA & WII Charity Race day was held on Wednesday 27 February, and was an outstanding success. Through the generosity of sponsors (Morse Building Consultancy, Advanced Buildings, Bay Building Services, Johns Lyng Group, Steamatic, Paynters, Queensland All-Trades and Cowan Restoration) and attendees, a final donation amount of over \$18,000 will be made to the Children's Hospital Foundation. The raffle on the day raised a record \$3970.

[Click here for more photos...](#)



The first Qld Division Breakfast Seminar for 2019 was held on 27 March. The seminar, Tips for Assessing Property Damage Claims, was co-presented by Rebecca Stevens and Ryan Stehlik from Carter Newell Lawyers. The event was sold out with 60 attendees, and our thanks go to sponsors Advanced Buildings, Steamatic and Intebuild.

The Inaugural Queensland Claims Conference will be held on Tuesday 21 May at the Sofitel Brisbane Central. The program will feature: Global Investigation Management; Product Recall; How Adjusting, Technology and the Law Can Co-Exist in the Future; Flooding: Brisbane 2011 & Townsville 2019; Major Losses in Australia; and Techniques for Dealing with Difficult Claimants.

For more information and to register [click here...](#)

## ON-LINE CPD

### DISCOVERY AND PRIVILEGE

Some adjusters habitually head their reports 'Privileged'. Does that ensure any legal status or indeed have any meaning?

Most of our members do not normally get involved in legal action except as witnesses. Indeed, one school of thought is that if a claim finishes up in the courtroom it is a sign that the adjuster may have failed in that critical part of our task, which is bringing a claim to a settled conclusion to the satisfaction of all parties — admittedly one of the most difficult parts of our work.

Two aspects are worth mentioning here: One is that there are some claimants who are simply unable to be satisfied. Either they are convinced that their claim is genuine in principle (unfortunately that includes those sure that 'my policy covers everything!') and in quantity; or they may be fearful of the financial consequences of a claim denied or severely adjusted — even loss of the family home if given in guarantee of a small business loan; or in some cases the claim may be fraudulent and a 'shout loudly' methodology is being employed. Most members have had to tread that minefield more than once!

The second aspect is happily more controllable, and that is the absolute necessity to be technically competent in interpreting policy terms and able to explain the reasons for any necessary adjustment, or — depending on the principal's procedures — denial. It is common — again depending on the principal's procedures and wishes — to explain to the broker, who will explain to the naturally disappointed claimant. The key here is a combination of competence in the matter of policy limitations coupled with the art of communicating effectively.

But what if a case does reach the courtroom? It is not our role to be lawyers but it is helpful to know some of the rules. Two of interest and associated with each other are discovery and privilege. Basically, discovery is the right of one party to an action not to be ambushed in court by relevant information held by the other. Broadly, the practice is for opposing lawyers to release to each other well prior to the action copies of all the documents that may be used in the case. Again broadly, on the other hand privilege is attached to confidential communications between each party to the action and their own lawyers, which need not be released. This might include discussions as to strategy or the likelihood of courtroom success.

But privilege is able to be waived (either voluntarily or not!). To delve further into this area, we recommend CPD115, where we reproduce with permission a comprehensive paper on the subject written by Michael Schoenberg, Partner of Allens Arthur Robinson.

The password to the Member section of our website is **aicla2018** and you proceed via **CPD Papers and Quizzes**. Unless you opted to turn off cookies, you will only need the password the first time you access that section.



# Steve Mann

1961 – 2019

As many AICLA members and industry participants would be aware, our friend and colleague, Steve Mann tragically passed away on 10th February 2019 in a motorcycle accident on the Strzelecki Hwy near Mirboo North, Melbourne, Australia.

Steve joined Technical Assessing (TA) in March 2018 as the Practice Leader for Property and the State Manager for VIC, having spent his entire working life (almost 40 years) as a Chartered Loss Adjuster both here in Australia and in the UK.

Prior to coming to Australia, where he spent the majority of his career (approx. 25 years), Steve worked in the UK within Claims Management and Adjusting, moving to Melbourne in January 1994 with Thomas Howell Group. Once in Melbourne and after some internal transfers, Steve became the Victoria State Manager, with responsibility for service delivery, business development and growth of the VIC operation and representation of the firm's global clients.

Steve then joined GAB Robins in Melbourne and took over responsibility for the Rural Division looking after a team of 20 plus across 5 offices, until November 1999 where he joined Crawford's as Victoria and Tasmania Operations Manager. Steve's responsibilities also included technical training for the team as well as ongoing mentoring, where he honed his excellent people and stakeholder management skills.

Steve continued with Crawford's as an Executive Adjuster until approx. 2013, where he took on Executive Adjusting roles with the likes of Cerno (Melbourne), Cunningham Lindsay (Adelaide) and ANA before joining TA Victoria as State Manager to

replace Steve Hodge, who left in July 2018 to work with TA's international affiliate Abaco International Loss Adjusters in New York.

Not only was Steve a brilliant Loss Adjuster, dedicated to his clients, according to the team at Technical Assessing; "he was a fantastic State Manager and highly valued team member. His ability to attract and build a team of exceptional Loss Adjusters in TA Victoria demonstrated his wonderful people skills and standing in the industry he loved. Liked by insurers, brokers and colleagues, Steve was a true gentleman of the Chartered Loss Adjusting profession."

Steve's funeral was held at Warragul, Victoria on the morning of Wednesday 20th February 2019 and was well attended by industry colleagues. Given the funeral service was approximately 1 ½ hours from Melbourne CBD, many industry colleagues were unable to attend, however gathered in the afternoon at the iconic Mitre Tavern at Bank Place, where many of Steve's colleagues gathered to 'pay tribute' to his career.

Steve will be remembered not only as a diligent and prudent Loss Adjuster but a man who was devoted to his family and friends, which was no wonder why so many colleagues became close friends. Our deepest sympathies are with Steve's family and friends, especially his wife Janine and three adult children, Catherine, Jessica and James.

The team at Technical Assessing, especially TA Victoria, would like to express their appreciation for the words of condolences and support, since Steve's passing, from AICLA as well as friends and colleagues throughout the industry.

It's fitting that a couple of comments from various LinkedIn posts about Steve's passing be shared with all AICLA members;

"I recruited Steve from GAB in the early days under the Robertson banner and we worked together over many years in sometimes trying conditions. He was such a good guy and the attendance at his funeral from the wider insurance community was testament to his standing in the Industry." – *Bruce Murphy*

"Steve Mann – great family man who loved his wife and kids. Brilliant adjuster, generous with sharing his time and knowledge, always cared about his colleagues and friends before himself, 1st class bloke and mate who will be dearly missed." – *Matt Donnelly*

# SUNCORP Loss Adjuster (Commercial Property)

- *Assist our insureds through the commercial property claims process*
- *Leverage your experience and technical knowledge to make decisions and recommendations on commercial claims via onsite assessments, desktop assessments and potential involvement in large/complex corporate claim situations*
- *Work with a team of dedicated commercial property assessors/loss adjusters*
- *Locations in Melbourne & Sydney*

## THE ROLE

You will assist insureds through the claims' process having regard to the determination and application of policy terms and conditions. You will ensure proactive communication is maintained with various stakeholders including insureds, their brokers/agents (ie intermediated channel), claims' teams and key suppliers throughout the life of the claim.

You will help minimise claims costs by using our supplier network and driving outcomes to reduce claim duration, whilst maintaining a strong customer focus.

## KEY RESPONSIBILITIES

- The accurate application of policy liability, terms and conditions
- Maintain proactive communication with insureds, brokers and agents throughout the life of the claim
- Attend site visits to assess claim, gather critical information and set expectations with various stakeholders
- Determine appropriate methods of settlement to reduce both average claims cost and claim duration
- Work proactively to resolve challenges and potential roadblocks to deliver better Customer outcomes
- Actively develop relationships with internal stakeholders including various Claims teams, Recoveries, Fraud and Investigation & Underwriting

## SKILLS & EXPERIENCE

- A minimum of 5 years' commercial property assessing experience
- Formal qualification or progression toward ANZIIF Diploma of Loss Adjusting

- Exposure to business interruption claims
- Strong knowledge of products, policy interpretation and ability to identify cause
- Sound knowledge of the regulatory environment including Privacy Act, Insurance Contracts Act, GST compliance and Code of Practice
- Membership of relevant industry bodies would be well regarded

## BENEFITS

- Flexible working arrangements including ability to work from home
- Salary package includes an ability to participate in Suncorp's bonus structure
- The provision a mobile phone/laptop and opportunity to package a motor vehicle
- Up to 25% off insurance, Banking, superannuation plus discounted home Loan and Personal Loan rates
- Ability to participate in employee share scheme
- Employer of choice for gender equality

## ABOUT THE COMPANY

Our Marketplace of products, services and experiences is designed to make it easier for our customers to meet their financial needs. It brings together our strong portfolio of banking & wealth and insurance solutions from across our many brands including Suncorp, Vero, AAMI, GIO, Apia and Shannons, as well as those from our partners.

## CULTURE

At Suncorp we believe we are our best when our workforce is as diverse, talented and passionate as the communities in which we live and operate, and where our people feel included, valued and connected. We are passionate about inspiring our people by creating an inclusive culture, offering flexible work, career development and internal mobility, and building connected relationships amongst our team members and with our customers.

For additional information about the company click on link below.

[www.suncorp.com.au](http://www.suncorp.com.au)

*If this sounds like you, apply online today.*



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

The cost is \$300.00 (+ GST) and the advertisement will be run for one month. The advertisements also appear on the AICLA website [www.aicla.org](http://www.aicla.org).

If you wish to advertise, please send information to [adminoffice@aicla.org](mailto:adminoffice@aicla.org).

Advertisers can remain anonymous with job applicants responding direct to AICLA.