

# L.A. NEWS

NEWSLETTER #213, NOVEMBER 2022



## FROM THE INSTITUTE PRESIDENT, GLYN LLOYD

Dear Member,

As we race towards the end of 2022, AICLA has had what can only be described as an exceptional year. One of the highlights being the highly successful Claims Convention held in Sydney in late September. Feedback received from sponsors and delegates has been extremely positive, and based on the level of support received this year it is apparent that a new, bigger venue will be required moving forward. The CC22 organising committee held a debrief meeting and new venues for CC23 are currently under consideration. We will announce the venue and date for CC23 in the near future.

ACC23, to be held in Bangkok Thailand in May 2023, is already receiving excellent support from sponsors and partners. The organising committee is very confident of an excellent program as planning is in an advanced stage and the registration brochure will be available within a week. Amongst the already confirmed speakers, there will be a panel discussion featuring two Lifetime Achievement Award winners, Tony Morgan (Sedgwick Australia) and Chan Hwee Seng (Crawford & Co Singapore), plus Maria Widiyasanty from McLaren Indonesia. This panel discussion with these highly experienced loss adjusters sharing their insights into the industry and the changes that they have observed during their long and distinguished careers will, I believe, be a highlight of the convention.

Divisions of AICLA had a busy month, with events being held in Victoria, jointly with AILA, which was a panel discussion on the insurance recovery and liability ecosystem. Comments from attendees have been extremely positive. The Queensland Division held their annual End of Year Luncheon with almost 300 attendees, which featured an inspirational presentation from Dr Jessica Gallagher, the first Paralympian to win medals at both the Summer and Winter games. Feedback from attendees has been exceptional, and our thanks go to the QLD committee for arranging such an exceptional speaker and great event.

Upcoming events include the Sydney Charity Race Day planned for 2 December at Royal Randwick Racecourse as a twilight meeting. The Western Australia Christmas function is scheduled

## 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
2 December	Christmas Function	Perth
2 December	Charity Race Day	Sydney
15 December	Vic Awards	Melbourne
10-12 May 2023	ACC23	Bangkok

for 2 December, with over 130 registered. The final event for the year, the Victoria Division Awards dinner is to be held on 15 December, and an incredible 580 attendees have registered. The amount of work undertaken by Divisions is gratefully acknowledged for both educational and networking events, and my thanks go to all Divisions for the excellent work done by Councillors.

Recently, a meeting was held with ASIC, discussing the activities of unlicensed claims advocates. Since the new regulatory landscape has come into place, we have continued to liaise with ASIC over the regulations applying under the legislation for loss adjusters, claims preparers and others. ASIC remains keen to receive advice concerning individuals or businesses providing services in the claims area without appropriate authority.

AICLA recently raised concerns with the Government that short-term visas for overseas loss adjusters assisting during catastrophe events was too short (three months). I am pleased that the term has now been extended to six months.

Alan Ford, who manages the CPD online resources for AICLA, has created an extensive database of excellent education material for the benefit of members. Alan is keen to expand the range of material available, and I invite members to suggest topics for Alan to research and create a CPD paper. If you have a particular area you wish to see covered, please contact [adminoffice@aicla.org](mailto:adminoffice@aicla.org)

Kind regards,

Glyn Lloyd,  
Chartered Loss Adjuster  
President – AICLA

## NEW AND ELEVATED MEMBERS

Congratulations to the following new and recently elevated members:

### NEW MEMBERS

Name	Class	Division
Jarrold Smythe	Affiliate	NZ
Wahyu Hidayatullah	Affiliate	Int. Indonesia
Ravinesh Karan Nair	Provisional	Int. Fiji
Calvin Lee	Provisional	Int. Malaysia
Tom O'Hara	Provisional	QLD
Sinead Johnston	Provisional	QLD
Jassinta Outred	Provisional	WA
Julien Geffroy	Provisional	SA/NT
Rosemary Williams	Provisional	VIC

### ELEVATIONS

Name	Class	Division
Natasha Blanch	Associate	QLD
Emily Pohnan	Associate	QLD
Claire Lees	Associate	QLD
Warwick Dyke	Associate	QLD
Zoe Young	Associate	QLD
John Cousins	Associate	SA/NT
Martin Chan	Associate	Int. Hong Kong
Natee Thongpakdee	Affiliate	Int. Thailand
Jordan Clewes	Affiliate	QLD
Amber Goodwin	Affiliate	QLD
Josh Walters	Affiliate	QLD
Ruarai O Luanaigh	Affiliate	QLD
Damon Roberts	Affiliate	QLD
Stephanie Holt	Affiliate	QLD
Nick Holloway	Affiliate	NSW/ACT

## CONTINUING PROFESSIONAL DEVELOPMENT

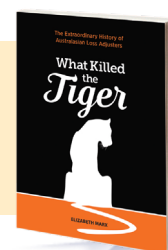
Access to CPD online papers and other restricted information is available on the AICLA website 'member section' via the password **aicla2018**. Members are reminded that to be eligible for membership upgrades CPD accreditation must be achieved. Online activities provide one source of valuable training during Covid, when face to face training/seminars are limited. During this period there is no limit on the number of CPD points that can be gained via webinars and other distant learning arrangements.

## NON-MEMBER MAILING LIST

**Sign up here** to receive LA News and notifications of upcoming events

## WHAT KILLED THE TIGER

Copies of the book *What Killed the Tiger: the Extraordinary History of Australasian Loss Adjusters* are available, and if you would like to order a copy please **click here...**



# ACC23

## CLAIMS IN A POST-PANDEMIC WORLD

### BANGKOK – THAILAND

10-11-12 MAY 2023

ACC23, to be held at JW Marriott Bangkok, Thailand on 10-11-12 May with the theme **Claims in a Post-Pandemic World** has received strong support from sponsors and supporting organisations.

Some topics will include:

- Cyber Overview: Security, Response & Insurance
- The Art of Loss Adjusting
- When Two Transformers are Better Than One
- Construction Claims: Dealing with Multiple Parties & Managing Expectations

Limited sponsorships are available for this event and enquiries can be directed to the CEO.

## QUEENSLAND

The End of Year Luncheon was held at the W Brisbane on Friday 18 November, with a record attendance of almost 300 and guest speaker Paralympic medallist Dr Jessica Gallagher.

The Brian Geraghty prize was awarded to Alistair Stevenson, Crawford & Co. The prize was established in memory of

Brian Geraghty, a leading Queensland loss adjuster who recognised the importance of education in raising the professional standards of loss adjusters.

To view the photo gallery [click here...](#)

The QLD Committee is arranging dates and venues for 2023 events, which will be available on the AICLA website when confirmed.



## ONLINE CPD

First some housekeeping: In last month's CPD piece discussing the impact of flood-induced power outages, the second and third sentences became compressed in production. They should read 'That is why true empathy — an essential part of the loss adjuster's toolkit — is so difficult to achieve. The misery caused to the many victims of the ongoing floods cannot be fully appreciated except by other victims.'

The vast majority of our members are not qualified lawyers and our principals do not engage us as such. Nevertheless, our work certainly operates in the legal arena, since the assessment and settlement of a claim is a central part of the operation of the legally binding contract that is the insurance policy. Obviously, as part of our training we must become thoroughly familiar with the Insurance Contracts Act 1984 and other insurance regulation, and have complete familiarity with the latest General Insurance Code of Practice.

As part of and beyond that we have to be mindful that in the process of assessment of a claim and in the course of interactions with the claimant and with third parties or repairers we are constantly exposed to legal implications, and if these interactions are not handled with care they could have unwanted effects for our principals. Technical though our role is, this boils down to a simple human issue. The often fairly junior claims officer hands over a claim to our member expecting to receive a report and probably a settlement recommendation in due course, and would be distinctly unhappy if instead his/her employer was ambushed by a solicitor's communication alleging a legal breach. Insurers cannot possibly run a viable operation if too many claims have to be handled against a background of legal dispute requiring intervention by a solicitor — or worse, a time-consuming court process.

Naturally the behaviour of the adjuster must be completely beyond reproach and certainly this must not breach any part of applicable legislation or codes of practice. As well, a high degree of human interaction skills is required. New adjusters early in their careers are sometimes taken by surprise by allegations of negative behaviour, and the first step toward peace of mind is to be sure that they are not justified! Even then it may be alleged that the adjuster has not behaved appropriately — and often that is as a result of the claimant's distress coupled with a certain amount of paranoia. Very occasionally worse.

In CPD162 we discuss the legal concept of estoppel. Here we are not referring to estopping a breach of the general legal rule of precedent — where judgments of a higher court are binding upon future judgments of that and lower courts provided that the circumstances of the case are the same in all material aspects — but to the rule that prevents (estops) a party from making a promise to another and later resiling from it to the detriment of the promise.

In the context of assessing claims this is not so clear cut as simply refraining from explicitly promising 'The insurers will pay your claim' without clear authority — apart of course from where an adjusting firm is instructed to bring claims to a conclusion and arrange settlement. Where our brief is only to assess, even the implication that a claim will be paid can be enough to cause a problem. Despite our clear description of our role — given in compliance with the General Insurance Code of Practice — the claimant will invariably assume that we are the insurer. Just one of our responsibilities is not to lead our principals into the peril of estoppel! At the same time, a negative stance may invite hostility when it is not justified. A fine balance indeed, much like so much of our role!



### **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.