



FROM THE INSTITUTE PRESIDENT, MICHAEL COOKE

September has been a very busy month for me with insurance claims to handle, attending meetings and a seminar and AICLA duties.

Whilst many areas of Australia are experiencing benign weather, Tasmania has had months of strong winds and above average rainfall, resulting in large claim numbers and keeping our adjusters very busy.

I note that our Asian colleagues have had to contend with a typhoon that has caused a great deal of damage in many regions, so no doubt there will be large claim numbers reflected in that event.

I attended a combined meeting of the ANZIIF Faculty Advisory Boards meeting on 5 September, some 90 members of the combined boards were present, with the aim to utilise the experience of the Board's members to gather ideas to promote ANZIIF and what ANZIIF has to offer to the insurance industry and to an even wider field within the business community. The Board that I am on is the Claims Faculty Board, which is made up of a very experienced team of claims professionals from within the insurance industry. I found the day to be very interesting and I personally gained a great deal from the event, ANZIIF hailed the day as a great success.

Whilst at the combined ANZIIF Boards meeting I had the pleasure of meeting the new ANZIIF CEO Prue Willsford, who takes over from Joan Fitzpatrick in November. It was a pleasure to meet and talk with Prue and we at AICLA look forward to working with Prue and her team and further cementing the excellent relationship between our Institutes.

I attended a seminar two weeks ago in Hobart, the Hands On - Unimutual Conference 2013, this was a risk seminar and a very well organised event. The attendees were from universities and insurance organisations from all over Australia. It was very informative and I made some very worthwhile contacts, one in particular is willing to assist us with next year's Claims Convention in Sydney.

Our Chief Executive Tony Libke and his team have been preparing the AICLA Annual Report for our upcoming AGM. This has been a major task, putting together the report, gathering information from the various Directors, and preparing the accounts for audit. I am pleased to advise this has all been done and the report will be circulated

shortly ahead of the AGM, this year being held in Brisbane on Tuesday, 29 October 2013, 4:30pm – 5:00pm at Tattersalls Club.

I am also aware that Tony and his team have had a somewhat difficult time in recent months trying to identify the location of all members for publication in the AICLA diary. There have been many changes of members between loss adjusting firms and elsewhere, which has meant that tracking them and identifying their new location has taken time. I thank Tony and his team, as I have experienced some of the frustration and pressure they have been under. I believe the diary is now complete and ready for printing. The good news is that the diary has a record level of advertising and is looking profitable for the foreseeable future.

The ACC committee has been working hard on arranging the Asian Claims Convention, which is now reaching its final stages. All presenters have been identified, the venue and key note presenter Alan Cleary have been secured, with only the programme topics to be finalised. The committee hope to have this completed by the end of October.

In November Tony and I will be visiting Divisions, starting in Queensland on 1 November, South Australia on 7 November and Western Australia on 8 November. I look forward to meeting with members and discussing with them AICLA activities and their experiences in this challenging industry.

**Kind Regards,
Michael Cooke**

NEW AND ELEVATED MEMBERS

Congratulations to the following recently admitted and elevated members:

NEW MEMBERS

Name	Class	Division
Gareth Barnes	Provisional	New South Wales
Alex Yacoub	Provisional	New South Wales
Michael Knight	Provisional	Queensland
Gary Franklin	Provisional	Queensland
John Macmurray	Affiliate	Queensland
Stacey Barton	Provisional	New South Wales

ELEVATIONS

Name	Class	Division
Peter Ford	Fellow	New South Wales
David Brown	Fellow	Victoria
Stephen Monte	Associate	New South Wales
Amy Postuma	Affiliate	South Australia
Chan Chung Lun Alan	Affiliate	International
Katrina Aarts	Affiliate	New South Wales
Andrew Buchanan	Affiliate	New South Wales

TASMANIA

Office Bearers elected for 2013/14 at the AGM on the 13th August 2013 were:

Chairman	Nick Ackers	Technical Assessing
Sec/Treasurer	Peter Norton	Cunningham Lyndsey
Committee	Gary Price	Gary Price & Assoc.
	Georg Rosevear	Asta
	Hugh Khull	Cerno
	David Appleby	Cunningham Lyndsey
	Peter Pearce	QBE Insurance
	David Farmer	David Farmer
Secretariat	Brian Aherne	Brian Aherne Consultancy Pty Ltd

On the 26th July a very successful seminar was held at the Old Woolstore Apartment Hotel in Hobart. 53 people attended to hear four guest speakers talk on the "2013 Bushfires in Tasmania"

The speakers were John Pereira (Crawford) Laurie Ratz (ICA< Sydney) Michael Potter (Potter and Co) Daniel Gardner (Aldanmark). AICLA President, Michael Cooke also addressed the seminar on AICLA activities.

QUEENSLAND

The annual Charity Golf Day was held at Gainsborough Greens Golf Club on 18 September 2013. AICLA wishes to sincerely thank the sponsors of the event BMR Building Solutions, Bay Building Group, Westaway Restorations, Lloyds Auctioneers and Valuers, Allen & Newton, Australian Building Insurance Services and Juvenile as the event was successful in raising \$6000 towards the Children's Hospital Foundation. The amount contributed to the foundation is now in excess of \$50 000.

The end of year luncheon is scheduled for Friday 1 November at Tattastalls Club. Guest speakers for the lunch will be test cricket great Jeff Thomson and AICLA President Michael Cooke.



ON-LINE CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

PRECEDENT IN AUSTRALIA

This month we feature paper CPD054, where Justice Michael Kirby, previously of the High Court of Australia, has kindly allowed us to reprint the text of his speech on legal precedent, which was delivered to a conference of the International Academy of Comparative Law at Utrecht in July 2006.

Justice Kirby is of course familiar to all loss adjusters, since the major piece of Australian legislation, the Insurance Contracts Act 1984, was enacted largely as a result of his work in the Australian Law Reform Commission. These days, the Insurance Contracts Act 1984 may seem 'old hat' to some newcomers but at the time of its coming into force it broke much new ground, and the adoption of its principles changed the scene of insurance, claims and loss adjusting for ever. It seems to be well accepted that the necessary adoption of the Act's requirements led to a distinct improvement in the way that insurers carried out their tasks, flowing into an improved public image and consequently easier times for an industry that had been beset with dispute and what might even be called 'compensatory' fraud in the 1970s and early 1980s.

The doctrine of precedent is fairly well understood by those adjusters who have interested themselves in the workings of the Australian court system. Prior to various constitutional developments, the final court of appeal for Australians was the Judicial Committee of the Privy Council in London. Whilst this would be logical when Australia was a 'new' colony of Great Britain, Australia has of course developed since then as an Oceanic country in its own right, subject to many other influences while being geographically far from the original 'mother country'. Continuing migration from all parts of the world and Australia's growing independence and maturity has made the concept of the very remote British Privy Council as the final court of appeal in the Australian court hierarchy distinctly anachronistic. Our final court of appeal is now the High Court of Australia.

We invite you to read and consider Justice Kirby's full speech which discusses this and other issues relating to precedent, including the extent to which precedent is truly binding. There is no quick quiz for this paper.

Our on-line CPD facility is available on a 7/24 basis. 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...](#)

VALE – TED WYLY

Ted was born into an insurance family, as his father, Percival Truman Wyly, was a long serving Manager of CIC Insurance Ltd in Adelaide.

Ted was initially employed by The Atlas Insurance Company Ltd until joining the army in 1941, serving with the infantry, around New Guinea, during World War II. After the War, he joined The Scottish Insurance Company and was eventually promoted to Manager of the Sydney office in the 1950s.

Through the 60s he traded as Truman Wyly and Co Loss Adjusters in the Sydney area.

In 1970 he sought to re-establish himself in Adelaide, initially working for Don Westwood and then later reopening Truman Wyly and Co, Adelaide.

He retired in about 1987 but with the Stock Exchange crash he found himself back in business for several years, always working with his wife Jean as the mainstay of the back office. He was responsible for training a handful of well-known adjusters in the Adelaide area.

He later worked with The Fire & Accident Underwriters Association, controlling their 'Hail Assessment Pool scheme' for several years, well into his 70's.

Following the passing of Jean and the onset of age related difficulties Ted moved into a care situation, where within days he was running a musical appreciation group and he was the life and soul of the nursing home. After a recent fall resulting in a fractured hip and subsequent surgery Ted never really recovered and passed away on Sunday 15th of September with his family around him.

Ted supported The Insurance Sub-Branch of the RSL for 40 years, including 10 years as President, handing over the reins at 80 years of age.

A lifelong member of various Loss Adjusting Institutes in NSW & SA, and including The Chartered Loss Adjusters Institute, UK.

A wonderful, jovial, happy gentleman, lost from this world but a good innings at 91 years of age.

By Richard Knight.

WESTERN AUSTRALIA

At the W.A division AGM the following members were elected for 2013/14:

Chairman/Secretary Gary Sewell

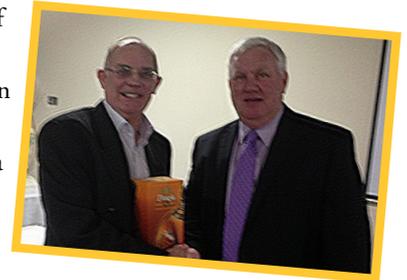
Councillors Jaye Kumar

Doug Bicknell

David Outred

The chairman thanked retiring councillors Rex Manning Voyce and Brad Verreyne.

Also after many years of service Brian Sowden retired from the position of Secretary and Treasurer and received a presentation from Gary Sewell in recognition of his long service.



The W.A division recently held a technical breakfast session on the topic of Common Building Defects with presenters Wes Gregory and Joel Hanson from MCS Group.

The division will be holding a half day Business Interruption Claims seminar to be conducted by Tony Morgan. The B.I. seminar will be held on the Royal Perth Golf Club from 8.30 am – 12 noon on Thursday 17 October.

NEW SOUTH WALES

Robin Shute of Wotton + Kearney Insurance Lawyers made a presentation recently on, 'Bushfires – Lessons Learned from the Litigation'. The event at the Cammeray Golf Club was very interesting and informative with approximately 30 members in attendance.

The annual Cocktail Function will again be held at the Museum of Sydney on Thursday 28 November, with members required to invite a guest. We look forward to seeing you at this end of year/pre-Christmas event. Please save the date

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.

