

## TPA amendments 'no insurer panacea'

Despite the Trade Practices Act amendments, plaintiff lawyers will find ways to circumvent them, says Queensland barrister Peter Lane.

The amendments followed states and territories introducing civil liabilities Acts and were designed to prevent plaintiffs avoiding CLAs by taking action under the TPA.

The amendments "may provide some comfort for insurers, but are not the panacea insurers may have hoped for", he said.

Mr Lane told an AILA Queensland breakfast briefing that attempts to limit or exclude liability using tools such as exclusion clauses, disclaimers, waivers, indemnities or releases had been common for many years, but insurers and defendants had had "limited success" in enforcing them in the courts.

For example, courts ruled that waivers were unenforceable if they were not part of the contract. "Common law does not like exclusion clauses," Mr Lane said.

If a waiver were effective, it meant the injured party had no right to redress for a fundamental breach of contract and no choice about what to do, for example, terminate or affirm the contract. There was ongoing tension between tort law and contract law.

In principle, parties should be able to contract under whatever terms they liked. However, that created a potential disincentive for risk management. "If parties know they are absolved of liability by an exclusion clause, why bother with risk management?" While organisations may appreciate the need for risk management to avoid bad publicity and "inconvenience"

created by incidents, that view may not be shared by employees, he warned.

Mr Lane said in a "rare" Queensland case, in which a clause was enforced, despite evidence of the injured person having been misled (*Neill v Fallon & ors*, QCA 18, February 20, 1995), the injured plaintiff had argued negligence on the part of a gym operator. Mr Lane suggested the result may have differed, had the claim been based on s74 of the Trade Practices Act, which implied two different warranties into the contract - that services will be rendered with due care and skill and that any materials used in the provision of the services are fit for the purpose. While the introduction of the new

s2A into the TPA was a "significant pulling back" of s74, Mr Lane warned that plaintiffs would "look for other warranties to cling to and they will yield dividends". The courts would not impede their searches for other options.

The TPA contained other warranties, apart from s74. For example, there was no equivalent to s2A that applied to s71 (implied undertaking as to quality or fitness). "Why, I'm not sure," Mr Lane pondered. S71 extended beyond the contracting parties to anyone acquiring the goods, including importers. "Insurers of those entities should continue to be concerned."

*Continued page 6.*

## NZ HOSTS THE TIES THAT BIND



Christchurch's New Regent Street offers an array of restaurants and retail outlets. Christchurch, New Zealand, is host city for the joint AILA-NZILA conference in September. Mark your diaries now and schedule a trip to the land of the long white cloud. You can enjoy an educational program of interest to industry practitioners on both sides of the Tasman and an exciting social program. See page 7.



### Victoria

By Peter Chapman

The Victorian chapter had national president Steve Knight as a guest at the annual dinner and AGM in late February at the Victoria Club at Rialto.

Steve presented a short address emphasising the national agenda of AILA and the importance of continuing education at state and national level.

Victorian chair Justin Meyer reviewed the 2006 program, in which 10 events were held either solely or in cooperation with other organisations. He previewed 2007 and promised another active and interesting year.

Justin was re-elected unopposed as chairman.

The committee and sub-committee for 2007 are: Kim Bradey, Dibbs Abbott Stillman, national board representative; Belinda Buckley, Middletons; Ganga Narayanan, Deacons; David Abel, ANZ; Mark Attard, Monahan + Rowell; Peter Chapman, McLaren Young, treasurer/secretary; Ross Donaldson, Moray & Agnew; Simon Heath, Logie-Smith Lanyon; Colin Hender, Wesfarmers Federation; George Karalis, Exxon Mobil; Joe Naccarata, Cornwall Stodart; Jason Newman, Tresscox; Kieran O'Brien, DLA Phillips Fox; Chris Rodd, CGU; Michael Thompson, SC; and George Triantopolous, Ebsworths.

New committee members are Michael Beasley, Jardine Brokers; Michael Gehring, IFS Brokers; and Cain Jackson, DLA Phillips Fox.

The keynote speech by Ms Sam Moysten, IAG group executive, culture and reputation, covered topics from global warming to the impact of insurance on Australia Rules Football, which was well received.

The first seminar of the year was held in early April when Lloyd's representative in Australia,

Keith Stern, discussed the history of Lloyd's of London and its continuing impact on the Australian market, where it is the sixth largest insurer.

Dr Andries Terblanché, of KPMG, presents his annual report on the financial health of the Australian and world insurance markets on May 28. His incisive, informative delivery is not to be missed.

Preparation for the annual joint AILA-ANZIIF General Insurance Law half-day workshop is in progress.

### Australian Capital Territory

By Doug Galbraith

The ACT Branch held a lunch seminar in April at which Master David Harper, of the ACT Supreme Court, spoke on local judgements, procedures and liability. President Steve Knight was present.

Peter O'Connor, of the Sydney Bar, spoke on aspects of the Insurance Contracts Act and the seminar attracted more than 90 people, with a number of Fed Government risk and insurance managers among the attendees.

The next event will be the Geoff Masel Memorial Lecture in July.

The major development in insurance law has been amendments to the Comcare scheme that abolish the right to claim benefits for certain injuries suffered away from work, in particular journey claims.

### Queensland

By Rebecca Stevens

Queensland will host a breakfast seminar on June 14 on how to start a Lloyd's syndicate.

Presenter is Peter Nash, managing director of Sportscover Australia Pty Ltd. He will explain what is involved in transitioning from an underwriting agency to a Lloyd's syndicate. What have been the challenges? What are the benefits?

How can it be managed, especially when it has an Australian base?

Queensland is planning its annual workshop, covering *Policy exclusions and indemnity issues*. The date and speakers are yet to be decided.

### New South Wales

by Penny Paterson

NSW has begun the 2007 Twilight Seminar Series and to date the response has been sensational.

The first seminar, *Insuring Professionals: Trends, Caps on Liability and market conditions*, at which Peter Taylor, SC, spoke, Vanessa Maher, of Liberty International Underwriters, commented and Matthew Harding, of Ebsworth & Ebsworth, chaired, was extremely interesting and a full house.

The balance of the seminars are:

**May 30:** *An update on interpretations of industrial special risks policies*  
Speaker: Stuart Donaldson, SC  
Commentator: Tony Isgro, QBE Insurance  
Chair: Michael Lowenstein, barrister

**June 13:** *You didn't think you could be liable – vicarious liability, the High Court's last word*  
Speaker: John Maconachie, QC  
Commentator: Judge Nigen Rein, SC  
Chair: Kerry Stewart, Henry Davis York

**July 18:** *Prudential regulation and the role of the legal adviser*  
Speaker: John Trowbridge, APRA  
Commentator: Kathryn Rigney, Ebsworth & Ebsworth  
Chair: Kiley Hodges, Wotton and Kearney

**July 25:** *Relationship counselling: The obligations between an insurance broker and the insured*  
Speaker: Nick Codd, Arthur J Gallagher  
Commentator: Michael Green, Aon Risks Services  
Chair: David Speiser, DLA Phillips Fox

Congratulations to the Twilight Sub-Committee, Matthew

Harding, Ebsworth & Ebsworth; Ivan Griscti, barrister; Michael Loewenstein, barrister; Kerry Stewart, Henry Davis York; Kiley Hodges, Wotton and Kearney; and David Speiser, DLA Phillips Fox, for another tremendous seminar series.

Future planning this year includes a half-day seminar on statutory schemes and a half-day seminar on reinsurance issues. If anyone has topics they would like to see included in the seminars, please phone or email Penny Paterson.

### Western Australia

By Craig Hollett

In the March edition of *AILA News*, details of the 2007 committee for the WA Branch inadvertently omitted John Charouhas, a long-standing committee member.

Hilary Whitely, from CGU Insurance, has left Perth following a promotion. We wish her well in the future and thank her for her contribution on the committee in 2006.

The WA Branch's monthly breakfast seminars have continued. The March seminar at the Duxton Hotel was on the topic, *Are you losing sleep over stress claims?* Presenters were psychiatrist Dr Gemma Edwards-Smith and rehabilitation consultant Loan Tang. The seminar analysed common causes of industry-related stress claims and gave practical advice on managing stress claims.

The April 24 seminar was at the WA Club. The topic was *The Civil Liability Act - Isn't it obvious?* Speakers Keith Bradford and Bruce Dodd spoke on the impact of the Civil Liability Act 2002 (WA) on public liability claims and the provisions relating to 'obvious risks' and 'dangerous recreational activities' and how those concepts were being interpreted judicially.

There was no seminar in May, as the WA Branch participated in the WA Insurance Expo organised jointly with ANZIIF. The WA Branch arranged for the presentation of a hypothetical with barrister Geoff Hancy as moderator and recognised

industry experts making up the discussion panel.

On the social front, the WA Branch held a sundowner on March 14 in the reception area of DLA Phillips Fox, overlooking the magnificent Swan River and Perth. More than 40 people from the industry attended and had the opportunity to taste fine wine, eat tasty finger food and catch up with friends in a relaxed atmosphere.

Planning is in progress for the branch's premiere social event of the year, the AILA dinner-dance on August 4 at the Royal Freshwater Bay Yacht Club. The night will have a Bollywood theme and guests will be encouraged to dress as Bollywood characters. We hope a visit to WA by AILA national president Steve Knight will coincide, so Steve can attend the evening. The committee will again seek donations from the industry for the raffle and silent auction that will raise much-needed funds for the Princess Margaret Hospital for Children Foundation. The social committee is working hard to make the night one to remember.

### Tasmania

At the AGM on November 24, 2006, the following office bearers and committee were elected.

Chairperson, Robert Webster, Dobson Mitchell & Allport; secretary, Kim Hay, Wesfarmers Federation; treasurer, Bill Callaway, RACT Insurance; committee, Lionel Banks, Willis; John Stanick, Zurich; Steve Knight, DMA; Paul Driessen, Marsh; Pam McPherson, Vero; Audrey Mills, DMA; David Barclay, Page Seager; David Farmer, Crawford; Jack Golding, QBE; Brian Speers, Marsh; Murray Thomas, Thomas Whayman; and Elise Archer, DMA.

Brian Aherne, independent insurance consultant, was engaged to act as administration officer for the branch.

The first committee meeting for 2007 was on April 3. A comprehensive program of five seminars is being developed around such topics as the role of mediation and conciliation

on claim settlements, review of the Workers' Compensation Act and implementation of an injury management model for workers' compensation claims.

Other issues discussed were the annual conference in Christchurch, New Zealand, in September, the Geoff Masel lecture series and the pursuit of new members.

### South Australia

by John Homburg

The 2007 insurance law education program began with the annual general insurance law review, held in conjunction with ANZIIF on February 15.

The half-day seminar was chaired by Anna Williamson, from Lawson Smith Lawyers. The speakers, Fiona Errington, from Thomson Playford, James Bruun, from DLA Phillips Fox, Chris Wellington, from Wallmans, and John Homburg, from Fountain + Bonig, spoke to papers delivered last year at a similar review conducted by AILA and ANZIIF in New South Wales.

On April 4, David Leggatt, from DLA Phillips Fox in Melbourne, addressed members and guests at a breakfast briefing. His well-received paper was titled *Can the Insurer sit on the Fence?* Mr Leggatt mused, some might suggest wagered, as to what the High Court might do in *CGU v AMP* and gave some practical advice to insurers and lawyers managing claims where there is a reservation of rights.

On May 16, John White, from Mitchell Chambers, will discuss *Recreation and Risks - Accidents While Having Fun*.

On a social note, chairman John Homburg was a guest at the 4th Australasian Institute of Chartered Loss Adjusters lunch at the Adelaide Oval on March 30. Guest speaker was paramedic Peter Davidson who will be well known to Victorian members. He was part of the first helicopter rescue crew to reach survivors of the ill-fated Sydney to Hobart yacht race in 1998. The lunch has become a much-anticipated, enjoyable event in the Adelaide insurance calendar.

On April 3, the chapter was privileged to present certificates of achievement and a cheque to the joint winners of the 2006 AILA Prize awarded by the Flinders University Law School for Advanced Contract (Oral Advocacy). The winners were Kate Wheldrake and Brian Stoffell.

## Christchurch

The next meeting of the Christchurch branch of NZILA will be on Monday, June 11, where Richard Johnstone will discuss the High Court decision of *Davies v NZ Police*, considering the liability of a criminal defendant under the Sentencing Act for reparation to compensate a shortfall of Accident Compensation Commission lost earnings.

Other meetings held this year have been:

Monday, February 12: Anna Chartres, University of Canterbury, spoke about the Court of Appeal decision in *Jaggav Lyttelton Marina Holdings Ltd*.

Monday, April 2: Chris Hlavac, of Young Hunter, spoke about the proposed legislative changes to the duty of disclosure in the Ministry of Economic Developments discussion papers.

## Axis extends Dexta partnership

Axis Specialty Europe Ltd, the insurance partner of underwriting agency Dexta Corporation, has signalled its commitment to Dexta and the Stardex Insurance Group by extending its initial three-year agreement for a further two years until June 30, 2010.

Stardex, of which Dexta is a member, is Australia's largest, most diverse specialist underwriting agency group.

Tony Wheatley, Dexta managing director, said the extended partnership meant greater security for clients and brokers transacting business with Dexta.

# NZILA President's message

## Foster the antipodean community

In 1980, Professor Ken Sutton published his seminal text *Insurance Law in Australia and New Zealand*. By the time the second edition of the text was published in 1991 it had become simply *Insurance Law in Australia*.

In the decade between the first and second editions, New Zealand and Australia had taken divergent paths in developing their "indigenous" insurance law. The NZ Court of Appeal looked longingly at the reform achieved through the introduction of the Insurance Contracts Act 1984. In *State v McHale* [1992] 2 NZLR 399 the court observed that the law in New Zealand in relation to a material non-disclosure was far from clear and that it was to be hoped that New Zealand would soon follow Australia's lead in introducing legislation.

The hint so broadly given by the Court of Appeal more than 15 years ago is about to be followed - at least to a degree. In contemplating significant reform to its insurance laws, New Zealand has looked across the Tasman and drawn on the Australian experience. However, Justice Bruce Robertson, the then President of the Law Commission, noted in the commission's 2004 report, the close relationship between New Zealand and Australia and the predominance of Australian life insurers in the market meant New Zealand needed to develop reforms and solutions primarily suited to New Zealand's conditions but which were also compatible with the Australian approach.

Justice Robertson, who is now a permanent member of the New Zealand Court of Appeal, will give the opening address at the 2007 joint national conference of AILA and the NZILA. His topic is *Something Old, Something New, Something Borrowed: The connections between the New Zealand and Australian insurance industries and their impact on reform in New Zealand*.



Christine Meechan

The connections between the New Zealand and Australian insurance industries and the issues which confront them both will be traversed by many speakers at the joint conference in Christchurch. The program is all but complete. It is topical, informative and perhaps even a little provocative. Details of the complete program will be posted on the website shortly and registration packages sent to members of both associations in early June.

In his preface to the first edition of Kelly and Ball, *Principles of Insurance Law in Australia and New Zealand*, Justice Michael Kirby observed the growing tendency of legal text books on commercial subjects to look at issues in an Australasian way. His Honour noted: "This can only benefit the countries on both sides of the Tasman and foster our own antipodean community of nations."

Make your own contribution to fostering our antipodean community of nations by being in Christchurch at the joint conference on September 19-21, 2007.

**Christine Meechan**  
NZILA President

## NZILA Contacts

### President

Christine Meechan (Auckland)  
christine.meechan@bellgully.com

### Vice President

Roger Scholes (Auckland)  
roger.scholes@ace-ina.com

### Secretary

Frank Rose (Auckland)  
froze@keegan.co.nz

### Treasurer

Darryl Cowan (Auckland)  
darryl\_cowan@gabrobins.co.nz

### Committee members:

Nigel Allott (Christchurch)  
nigel.allott@mclarenstoplis.com  
Melanie Biss (Wellington)  
melanie.biss@russellmcveagh.com  
Neil Campbell (Auckland)  
n.campbell@auckland.ac.nz  
Paul Michalik (Wellington)  
paul.michalik@morrisonkent.com  
Mark Dennett (Auckland)  
m.dennett@kennedys-law.co.nz  
Craig Langstone (Auckland)  
craig.langstone@jonesfee.com  
Richard Johnstone (Christchurch)  
richard.johnstone@wynnwilliams.co.nz

---

## AILA President's message

# Wrongful acts 'like ripples on a pond'

"The law has always had difficulty as to where to draw the line."

Those are the words of Prof Harold Luntz, professorial fellow at the University of Melbourne Law School and a world-renowned specialist on compensation cases. He was speaking on ABC Radio National's *The Law Report*, discussing a case in which the NSW Rail Authority was found liable and ordered to pay an injured woman almost \$240,000 in compensation.

According to Prof Luntz, the woman was injured at a Sydney railway station when she slipped on wet steps, injuring her ankle. Some weeks later, she was raped and beaten at a private home. She claimed she would have been able to avoid the attack, had her ankle not been in plaster.

She suffered psychiatric damage after the rape. *The Sydney Morning Herald* reported that she became increasingly depressed, lost her will to socialise and her hair turned gray.

The judge found the consequences of the rape, the woman's psychiatric damage, were attributable to the slip on railway premises and thus the NSW Rail Authority was liable for the consequences.

Prof Luntz made the point on *The Law Report* that the consequences were not those which one would "ordinarily expect to occur after an accident of that nature".

However, foreseeability was an issue for the judge to decide.

Prof Luntz said the judge found the injured woman's consequences foreseeable, although common law tests were "supposedly superseded by the Civil Liability Act".

He said the judge had no difficulty in saying the assault would not have occurred, but for the rail authority's negligence, because she was unable to escape the rapist.

Prof Luntz told the ABC any wrongful act had consequences "that stretch into the future, like ripples in a pond".

The *Sydney Morning Herald* reported that District Court Judge John Goldring said: "The psychological injury to the plaintiff, which she would not have suffered but for the ankle injury, but which she did suffer because of the sexual assault, is within the scope of [RailCorp's] responsibility." It's a curious outcome that I understand RailCorp plans to appeal.



Steve Knight

Another interesting case serves as a reminder to us to consider that, with an insurance policy, you get what you pay for. Homeowners' policies range from fairly simple defined-events policies, which may be cheaper but have limited cover, to accidental damage policies, which may cost more, but provide extended coverage.

In the South Australian District Court, a complex case involved several plaintiffs taking action against, in the first instance, Kent O'Halloran, an employee of advertising agent Bocksoffice. Mr O'Halloran had gone to his office after hours. A fire occurred after he and a female companion had smoked cigarettes in the office, contrary to the building's no-smoking policy. The building, which housed Bocksoffice and

other companies' offices, was damaged.

The companies sued Mr O'Halloran, who joined RAA Insurance as a third party claiming indemnity under his homeowners' policy.

The policy insured Mr O'Halloran against "such sums as he shall become legally liable to pay in respect of claims made against him arising from damage to property caused by any accident occurring anywhere in Australia".

When RAA denied indemnity, Mr O'Halloran sued RAA Insurance, his employer Bocksoffice for vicarious liability and its broadform liability insurer, QBE.

The judge found each of the corporate plaintiffs (except one) entitled to judgement against Mr O'Halloran for whatever damages they could prove. He found Mr O'Halloran entitled to be indemnified by RAA for any such judgements.

Mr O'Halloran was not entitled to be indemnified by QBE Insurance. The judge found no connection between Mr O'Halloran's work and his presence in the office. That was "a folly of his own", the judge said. (*Intrend P/L & ors v O'Halloran & ors (no 2)*, SADC 38/April 20, 2007; *Intrend P/L & ors v O'Halloran & ors*, SADC 95/Aug 25, 2006)

On another note, I urge all members to attend the forthcoming AILA-NZILA joint conference in Christchurch in September.

As a member of the organising committee, I am aware of the hard work that has gone into putting together some fascinating sessions.

The venue is excellent and the social events a highlight.

Register early. I look forward to seeing you there.

**Steve Knight**  
**AILA President**



---

## Word waivers carefully

---

From page 1

Mr Lane warned that the TPA changes were not as dramatic as some had thought.

Although the NSW CLA allowed exclusion clauses, the Court of Appeal had been reluctant to uphold them. Mr Lane said the principle that if a document was signed, a person was bound by it, regardless of whether they had read it, was not always applied.

In *Lormine Pty Ltd & Anor v Xuereb, NSWCA 200, July 25, 2006*, the defendant's reliance on a waiver "fell at the first hurdle", despite it being signed.

A woman was injured on a whale watching trip. She denied reading the form, despite having ticked various options and signed the form. Mr Lane said the trial judge, "as benevolent judges do", had agreed the relevant clauses were not brought to the woman's attention. The primary contract was made earlier, when the woman paid by credit card on the phone, and contained no exclusion clause. "Even if the clause had been clear in meaning, it would not have been effective," Mr Lane said.

He advised insurers to use the provisions of the Victorian Fair Trading Act as a precedent for what needed to be said in a waiver. The Victorian law contained some "onerous conditions", but waivers had to be "very carefully worded".

While insurers could take some comfort from the High Court decision in *Toll*, it was still open to plaintiffs to "look to whether a document is misleading, even if innocently" (*Toll (FGCT) Pty Ltd v Alphapharm Pty Ltd, HCA 52, November 11, 2004*).

Mr Lane warned against trying to put too much into a waiver clause. He cited one example that tried to be a "catch all" by also asking clients to give permission for the organisation to use their photos, distribute other information to them and ascertain how they heard about the business.

"Why muddy the waters unnecessarily? There's a danger in putting too much into the one document," he said.

## Avoid common mistakes in mediation

Successful mediation requires a "balancing act" and lawyers can use several tactics to avoid common mistakes, says Peter Munro, barrister and mediator.

He told an AILA Queensland seminar that lack of preparation, poor timing, non-attendance, inflexibility, impatience and a tendency to lose focus on desired outcomes were reasons that settlement mediations often failed.

Bringing mediations on too early, before evidence had been collected, was a waste of time and holding preliminary conferences with clients immediately before mediation could be a barrier to settlement.

Leaving mediation until it was "too late" was almost as bad. "It's probably never too late to mediate, but no one wants to settle on the eve of a trial," Mr Munro said.

Personal attendance at mediations with authority to make decisions increased the rate of success.

For example, the HIH Claims Support team, run by Gallagher Bassett, has a policy of sending claims officers to all mediations.

"I'm convinced that, by doing that, by being involved and giving their claims officers appropriate authority to make decisions has contributed to their success rate," Mr Munro said.

"Progressive bargaining" was more effective than taking an "insulting" approach.

"Everybody wants to get to the end as soon as possible. Lawyers tend to be busy and have other clients demanding their time.

"But no one is going to cope well if you come to a mediation and say 'this is my offer, take it or leave it'.

"By doing that, you are saying 'I am right, you are wrong'," Mr Munro said.

With multi-defendant actions it was important to focus on a sum of money to settle for and work from

there, rather than "arguing all day about your respective liabilities".

He advised having a clear monetary range to work from, based on similar settlements and court rulings. "Inflexibility generally comes from the plaintiff's side.

"They sometimes have a perception that 'I'm injured and therefore worth a lot of money'.

"Make sure a plaintiff doesn't think they are worth \$1 million when a reasonable settlement would be \$100,000 to \$150,000," Mr Munro said.

Too much time could be spent on factual matters, instead of focusing on outcomes.

"Evidentiary issues that would be important at trial take up too much time in mediations. You will never achieve resolution of factual matters."

He said parties should state their positions and work towards outcomes, rather than concentrating on particular details.

Parties should disclose "what the other side doesn't know" to help reach settlement.

"If one side knows something about the case that the other side doesn't know, it can hold up the process.

"It could be that you have documentary evidence of the plaintiff doing more than they said they could. You have to leak all, or part, of that evidence, even if you may be giving up an advantage for trial," Mr Munro said.

He said parties should use mediators' expertise and objectivity. "A lot of people think, from time to time, that [mediators] are there to carry messages."

Asking mediators what you could do to advance settlement, rather than what the other side wanted, allowed them to give an objective viewpoint, based on their experience.

# Conference tackles emerging risks

## 'Devil in detail' on DOFI response

With the second joint AILA-NZILA conference getting closer, the conference program and a partners' program have been released.

The partners' program offers some of the best sights and tastes in New Zealand, and one of the world's great railway journeys.

The conference theme is The Ties That Bind. Among topics to be covered are emerging areas of insurance risk, the insurance implications of climate change, reinsurance disputes and developments, and expert witnesses in insurance cases. For Australia delegates, the tort reforms revisited and litigation funding and, for NZ delegates, the proposed Insurance Contracts Bill.

For partners, while there are the usual opportunities to play golf and a city sights tour of Christchurch, one trip will take people on a special visit to Governor's Bay, a quiet bay at the end of Christchurch harbour.

Here they can visit an exquisite private garden, an historic residence and art gallery. A highlight of the tour is a cooking demonstration under the guidance of well-known restaurateur, award winning author and food consultant Michael Lee-Richards, featuring the best NZ produce, followed by lunch.

Trips to the Christchurch Art

Gallery and the International Antarctic Centre are also on offer, as is a post-conference visit for delegates and partners to the Waipara wine region, with tastings and visits to wineries.

Post conference, organisers are encouraging people to extend their stay in NZ by skiing and snow boarding at Mt Hutt snowfields, visiting Queenstown and, a highlight of the program, riding the TranzAlpine.

The railway trip, which lasts more than four hours, is from Christchurch to Greymouth - from one coast to the other - through 16 tunnels and over five viaducts. It is rated one of the great scenic railway journeys of the world.

Delegates and partners can visit Kaikoura, two hours' north of Christchurch and nestled between the Southern Alps and the Pacific Ocean, which offers close viewing of marine mammals and seabird life.

While final details are being worked out, go to the AILA website to register to attend the event. On-line registration should be available from late May.

The conference organising committee is AILA president Steve Knight, NZILA president Christine Meechan, Michael Gill (chair of the Australian sub-committee), David McKenna, Richard Johnstone and Mark Dennett.

The Underwriting Agencies Council (UAC) was welcomed the Federal Government's long-awaited report on its proposed regulation of direct offshore foreign insurers (DOFIs).

But UAC chairman Murray Rogash says UAC can offer only qualified support for the proposal until there is sufficient information available on how the government intends to implement the regulation of DOFIs.

Assistant Treasurer and Minister for Revenue Peter Dutton announced the government's response to the Potts Review in early May, but Mr Rogash said the announcement was bare bones only, and UAC would await "the flesh" that would allow members to understand the government's intent.

"The devil may well be in the detail," he said.

Mr Dutton's announcement said there would be "limited exemptions... enabling those unable to obtain appropriate cover domestically to access the world insurance market".

Mr Rogash said: "My question is who determines exemptions and on what basis? Is the criteria to be availability of a product in Australia, or availability at a reasonable price?"

Mr Rogash said continuity of cover was vital for insureds, particularly for professional risks lines. "Availability of cover and capacity changes as the market fluctuates. Will we have a situation where a line is available from an exempted underwriter one year and not the next because domestic capacity has changed?"

"Some UAC members place only small portions of premium income with DOFIs and it is unlikely those DOFIs would agree to fund the cost of being regulated in Australia when their premium income derived from here is very low. However, that then limits availability of cover for Australian policyholders," he said.



Christchurch offers easy access to the Mt Hutt ski field.

# Call to retain tort reform

Tort reforms should not be wound back, according to the Federal Government's medical indemnity policy review panel, but plaintiff lawyers say the panel is biased.

The panel, which includes representation from insurers, medical practitioners and government, said tort reform and other measures introduced since 2003 had curbed "sharp rises" in medical indemnity premiums.

Federal health minister Tony Abbott said the panel's second report showed the medical indemnity industry was "now more stable and viable" and insurance was more affordable. "This is good news for participants. When doctors have confidence in their medical indemnity cover, it helps maintain the range and level of medical services."

The panel's report, *Achieving stability and premium affordability in the Australian medical indemnity marketplace*, said the panel was "committed to maintaining prudential supervision" to manage insolvency risk and maintain marketplace stability. "As such, the panel supports further consultation by Treasury with key stakeholders, especially insurers, particularly in circumstances where change may be proposed."

The report covered outcomes of schemes for government premium support, high-cost claims, exceptional claims, run-off cover, incurred but not reported claims and United Medical support payments. It recommended most schemes be continued "without substantial change in policy or practice".

The report said that, while it was expected claim numbers would gradually rise again, they were not expected to reach levels experienced before the spike in 2001-02 as "smaller and/or vexatious claims" were less likely to proceed.

States and territories should be encouraged to "advance the tort law reform process", achieve greater consistency and examine the feasibility of introducing "mandatory structured settlements"

for high-cost claims. The Federal Government's medical indemnity package had provided "a solid framework in which insurers, doctors and governments have worked together to achieve greater industry stability and improved premium affordability.

"When combined with tort law reforms across states and territories, the measures that make up the package have assisted in the recovery of the medical indemnity industry and strengthened it for the future benefit of doctors and the community," the report said.

But David Hirsch, a Sydney barrister who specialises in medical negligence, said the panel had not met its original terms of reference and was an "insurance industry and doctors' panel".

He said Mr Abbott had "refused to allow anyone" on the panel to represent patients' interests and that had cost taxpayers. "The terms of reference of the original review included making sure proposals were fair to patients, taxpayers and doctors."

Mr Hirsch said taxpayers were paying for most injuries caused by medical negligence. "This much is clear from the UMP bailout and other schemes whereby the government subsidises certain claims. The cost is put at \$160 million to \$180 million a year. But that fails to take into consideration that insurers are required by law to repay Medicare and, if applicable, private health insurers, from medical negligence settlements or judgements. Because of tort reform these repayments have ceased because most injured people are unable to make claims. The taxpayer foots the bill, not the insurer of the negligent doctor or hospital."

Mr Hirsch said the panel's warning that the number of claims was expected to rise again was misguided because doctors and hospitals had taken active steps to "improve their practices and lift their games" because of litigation. "There should be fewer incidents of negligence, not more," he said.

## Insurer wins travel claim

Insurers have no liability to pay medical providers directly for treating their insureds, the Queensland Court of Appeal (QCA) has found.

Nicoll Holdings Pty Ltd appealed to the QCA against a Queensland District Court finding that it did not have any real prospect of success in a claim for payment of medical services against Tokio Marine & Fire Insurance Ltd.

From February 1, 1999, to April 2000 Nicoll treated people insured under Tokio Marine travel policies if they provided approved claim forms, but did not ask them to pay upfront for the services.

Instead, Nicoll submitted the claim forms to Tokio Marine, or its authorised agent, SOS International Pty Ltd, with invoices for services and was paid by Tokio Marine up until December 1999.

Nicoll claimed that, from 1 February, 1999, to April 2000, it provided medical services to Tokio Marine policyholders and was owed \$114,516 for 350 claims in that time.

In a letter dated November 30, 1999, Tokio Marine told Nicoll it was "prepared to pay for reasonable medical services rendered" to its insureds, but would not make further payments directly to the clinic. "Further medical services rendered to our insured will require your clinic to render an account to our client," the letter said.

The trial judge found there was no contract between Nicoll and Tokio Marine and the insurer was not obliged to pay Nicoll for services rendered to its insureds. Its obligation was only to reimburse its insureds for medical expenses paid.

The QCA found the trial judge was correct and Nicoll had no real prospect of succeeding in its claim.

Justice Patrick Keane said Tokio Marine's letter predated the services Nicoll was claiming for, so Nicoll could not expect payment directly from Tokio Marine. "No such expectation could stand with [Tokio Marine's] express statement that its intentions were to the contrary," he said.

(*Nicholl Holdings P/L v Tokio Marine & Fire Insurance Co Ltd*, QCA 57/ March 2, 2007)



# APRA disqualifies Zurich executives

Former Zurich Australia Insurance Ltd (ZAIL) executive John Butler has failed to overturn an APRA disqualification over his role in two sham reinsurance transactions with General & Cologne Re Australia (GCRA).

Mr Butler held several executive positions with ZAIL from 1999 to 2004, including chief financial officer, general manager for general insurance, chief operating officer and chief executive officer.

APRA disqualified Mr Butler on February 6 from holding an insurance role in Australia or being a foreign insurer's agent. He applied to have APRA reconsider its decision and was granted a stay of the disqualification by the Administrative Appeals Tribunal while his case was reconsidered. The stay was lifted on March 5 when APRA reconfirmed its decision.

Mr Butler is one of several Zurich executives disqualified since APRA began investigating in 2004, when it found ZAIL had overstated profits in 2000 by A\$61.3 million in its audited accounts and annual

financial return.

ZAIL had entered into a loss portfolio transfer agreement on September 28, 2000, with GCRA. The contract reinsured part of ZAIL's general liability portfolio for losses incurred on or before December 31, 1999, and paid after January 1, 2000. The limit was A\$254 million, in excess of A\$10 million. A single premium of A\$137.75 million, which included a A\$3.75 million fee to GCRA, was paid in 2000.

A calendar-year, stop-loss reinsurance agreement replaced that contract on December 11, 2000. It reinsured ZAIL's whole account against deterioration in its net incurred loss ratio.

APRA found that, if the reinsurance transactions had been correctly reported, ZAIL would have failed to meet statutory solvency requirements.

In May 2005, ZAIL and Zurich Financial Services Australia Ltd (ZFSA) signed enforceable undertakings with APRA accepting that information was withheld and that several people "knowingly

misled APRA" about the true nature of the transactions.

ZAIL and ZFSA agreed to help APRA with its investigation and APRA agreed not to prosecute the companies. The undertakings did not stop APRA taking action against individual officers.

John Stanbridge, former ZAIL chief financial officer, last November was the first to be disqualified. APRA found he was involved in preparing and presenting ZAIL's accounts to deceive auditors, APRA and Standard & Poor's about the reinsurance contracts. Robert Stevenson, former group reinsurance officer for Zurich Re, was disqualified on February 14 for knowingly facilitating the transaction.

Florian Salzgeber, formerly a senior manager with ZAIL responsible for capital management and APRA reporting, was disqualified in January. He was found to have knowingly acted on improper directions from others in ZAIL and ZFSA to mislead auditors.

## High Court rules on commission evidence

The High Court has dismissed an appeal by Hannover Re senior executives Jurgen Graeber and Henning Ludolphs over APRA's right to issue them with show-cause notices.

Mr Graeber and Mr Ludolphs (initially identified as X and Y during the proceedings because of a suppression order) challenged whether APRA could disqualify them from acting as insurance executives in Australia based on evidence they gave at the HIH Royal Commission.

The pair argued that relying on commission evidence to disqualify them was "a disadvantage" that breached s6M of the Royal Commissions Act (RC Act).

But the High Court found APRA was not restricted under the RC Act from using the evidence. "Any

disadvantage suffered by [Graeber and Ludolphs], as a consequence of the proper application of those regulatory provisions, would not be 'for or on account of' his attendance at the Royal Commission or the evidence he gave," the judgement said.

"The evidence [they] gave at the HIH Royal Commission may provide some, or even all, of the material APRA may consider, and upon which it may rely, in giving effect to the regulatory provisions of the Insurance Act.

"Neither [APRA senior manager Mark] Godfrey nor APRA has victimised, and neither proposes to victimise, [Graeber and Ludolphs] in the sense required for the commission of an offence under s6M of the RC Act."

Justice Michael Kirby said the suppression order in force during the appeal had an "air

of unreality" about it. "I realise identification of the names of [Graeber, Ludolphs and Hannover Re] might be embarrassing to all of them. I accept that, in contemporary times, with the ready availability of the internet, the disclosure of their identities and of the proceedings designed to prevent [APRA] from taking the administrative steps foreshadowed, might do some harm to individual and corporate reputations," he said.

"However, every day, in our courts, parties and witnesses must disclose their names and identities, although this is doubtless often uncongenial and even damaging. It is part of the strong tradition of open justice that characterises the courts of this country."

(*X v APRA, HCA 4/Feb 21, 2007*)

## Profile Travel keeps family together

Robert Webster is looking forward to the AILA-NZILA conference, as it offers an opportunity for him and his family to travel and spend time together - something the Led Zeppelin fan has missed for several years.

A former amateur AFL player - half-forward for the University First 18 in Hobart - he now spends a lot of time transporting his three children to various sporting activities.

"As a result, we have not travelled much and have not been overseas for some time. This trip to the conference in NZ is a great opportunity for us to travel and spend quality time together," he said.

Mr Webster and his wife, Samantha, have three children, Tom, 10, Madeleine, 7, and Henry, five months.

Mr Webster is a partner at Dobson Mitchell & Allport with more than 17 years' experience specialising in insurance and personal injury litigation.

Elected to the AILA board in Hobart in 2005, he is in his third year and originally thought joining AILA would be a useful way of meeting people in the same industry.

"The aims of AILA are noble and educative, it's not a political lobby group. Here in Tasmania we are now trying to cater to younger members of the industry.

"Lots of lectures and conference papers are pretty high-end stuff, so we step it down a level to help people understand things easier.

"It has worked well over the last few years and I am keen for us

to continue the program."

Mr Webster admits his music choice is not everyone's - he likes Led Zeppelin to such an extent that he has every record and CD the group has issued, including bootleg versions and re-mastered discs.

"I saw Jimmy Page and Robert Plant live in Melbourne a few years ago and loved every minute of it. I also love the

crackling you get on vinyl records that just don't come out on CDs."

While the last movie he saw was a children's film, *The Incredibles*, he spends some of his free time on his other love - cooking.

"I like Italian food, but,

living in Tasmania, you cannot go past the fresh seafood, such as scallops and crayfish, that are an essential part of my cooking regime."

Mr Webster and seven others in his office are currently in a hair regrowth state. They entered the world's greatest shave to raise money for the Leukemia Foundation and all had their heads shaved.

"It took a bit of getting used to, but we are now all regrowing our hair ready for the conference."

His wish is to have a little more time each day for exercise, saying "half an hour each day really is not enough. I was fit when I played AFL, cricket and touch and would like to get near that fitness level again".



Robert Webster

## National board contacts

**President:** Stephen Knight  
Dobson, Mitchell & Allport  
Phone: 03-6222-1111  
Fax: 03-6223-6633  
Email: stephen.knight@doma.com.au

**Secretary:** David McKenna, Jarman McKenna  
Phone: 08-9492-2222  
Fax: 08-9492-2255  
Email: dmckenna@jmck.com.au

**Treasurer:** David Berry, Aon Risk Services  
Phone: 08-8301-1169  
Fax: 08-8301-1100  
Email: david.berry@aon.com.au

**Immediate past president:**  
Peter Backe-Hansen, Allianz  
Phone: 02-8258-5372  
Email: Peter.Backe-Hansen@allianz.com.au

**COMMITTEE MEMBERS**  
Damon Bennett, GAB Robins Australia  
Phone: 07-3121-6800  
Fax: 07-3121-6811  
Email: damon\_bennett@abrobins.com.au

Kim Bradey, Dibbs Abbott Stillman  
Phone: 03-8080-3522  
Fax: 03-8080-3866  
Email: kim.bradey@daslaw.com.au

John Fountain, Fountain & Bonig  
Phone: 08-8239-1114  
Fax: 08-8239-1077  
Email: jfountain@fountainbonig.com.au

Doug Galbraith, Clayton Utz  
Phone: 02-6279-4000  
Fax: 02-6279-4099  
Email: dgalbraith@claytonutz.com

Michael Gill, DLA Phillips Fox  
Phone: 02-9286-8419  
Fax: 02-9283-4144  
Email: michael.gill@dlaphillipsfox.com

Michael Raymond, Munich Reinsurance  
Phone: 02-9272-8179  
Fax: 02-9272-8115  
Email: mraymond@munichre.com

Chris Rodd, CGU Insurance  
Phone: 03-9601-8036  
Fax: 03-9601-8366  
Email: chris.rodd@iag.com.au

Roger Sands, Talbot Olivier  
Phone: 08-9420-7100  
Fax: 08-9420-7101  
Email: rsands@talbotolivier.com.au

Robert Webster, Dobson Mitchell & Allport  
Phone: 03-6222-1111  
Fax: 03-6223-6633  
Email: robert.webster@doma.com.au

Doug Webb, Territory Insurance Office  
Phone: 08-8946-2257  
Fax: 08-8946-2268  
Email: dwebb@tiofi.com.au

**WEBSITE ADMINISTRATOR**  
Mike Quinlan  
Phone: 0409-057-760  
Email: webwork@aila.com.au



## PEOPLE

Experienced insurance industry professional **Gerry Power** (pictured) has been promoted to general manager of Macquarie



*Gerry Power*

Underwriting Pty Ltd, a member of the Stardex Insurance Group. Mr Power has 25 years' insurance industry experience. He was worked in senior roles with Dexta Corporation Pty Ltd, another member of the Stardex Insurance Group, since 2002. His most recent role was national manager, online strategies and cluster group relations. Mr Power developed Dexta's online strategy and was responsible for the roll out of professional indemnity, technology insurance and directors & officers' liability products online.

**Peter Blackmore** has been

appointed chief executive officer at Oamps Insurance Brokers. He was most recently CEO, Jardine Lloyd Thompson's national resources and WA branch.

Qld super fund Sunsuper has appointed **Tony Lally** as its new CEO. Lally, now with Deloitte, has previously worked for AMP and the former Colonial Mutual Life Insurance. He replaces Don Luke, who announced last December that he would step down in mid-2007.

Industry stalwart and former National Insurance Brokers' Association president **Robert Harrison** has retired as Aon Australia Pacific's (AAP) non-executive chairman. Aon Australia chairman and AAP CEO **Bernie Fung** is now executive chairman. Mr Harrison, who has 50 years' insurance industry experience, remains a director of Aon NZ and chairman of loss adjuster Freemans.

The Insurance Ombudsman Service has reappointed all three of its independent decision makers. They are **Peter Hardham**, panel chair, who also takes on

the roles of alternate referee and alternate adjudicator; **Ron Beazley**, adjudicator, who continues as alternate chair and alternate referee; and **John Price**, who continues as referee and alternate adjudicator. He has also been appointed alternate panel chair.

**Peter Muir** has been appointed senior underwriter with Vero Corporate. He has been with Vero for more than 35 years.

Moray & Agnew has hired former Abbott Tout head of insurance in Canberra, **John Solomon**.

The board of the Risk Management Institution of Australasia Ltd has appointed **Grant Whitehorn** as president. Former president Kevin Knight has stepped down to allow him more time to focus on his work with Standards Australia and the International Organisation for Standardisation where he has been active for many years in developing risk management standards. Mr Whitehorn is director of enterprise risk management with the Department of Defence, Canberra.

## AILA Membership Application Form

(Photocopies are acceptable)

Name:		Position/Function:	
Company/Firm:			
Address:		Postcode:	
DX:		Location:	
Telephone:	Facsimile:	Email:	

Please tick your particular specialist area for the insurance industry:

☐ Adjuster ☐ Broker ☐ Insurer ☐ Lawyer ☐ Reinsurer ☐ Other (please specify).....

<input type="checkbox"/> Enclosed is my cheque for \$143		<h3>TAX INVOICE</h3> <p>Australian Insurance Law Association ABN: 81 052 374713</p> <p>Total subscription, including GST \$143</p> <p>I agree to abide by the rules and regulations of AILA.</p> <p>Signature ..... Date .....</p> <p>Do you need a receipt? YES / NO</p> <p><b>Return to:</b> AILA National Secretariat McPhail &amp; Partners Pty Ltd PO Box 93 Box Hill VIC 3128 Australia</p> <p>Ausdoc DX 12815 Box Hill Ph: (03) 9899 5382 Fax: (03) 9890 6310</p>	
<b>Credit Card Payment</b>			
<input type="checkbox"/> Visa	Card number: .....		
<input type="checkbox"/> Mastercard	Expiry date: .....		
<input type="checkbox"/> Diners Club	Card name: .....		
<input type="checkbox"/> American Express	Signature: .....		
	Amount: .....		

# DIARY 2007

## June 11

Christchurch branch meeting, Richard Johnstone, on the High Court decision of *Davies v NZ Police*.  
Go to [www.nzila.org](http://www.nzila.org).

## June 14

Qld branch breakfast seminar, How to start a Lloyd's syndicate. Speaker Peter Nash, Sportscover Australia.  
Go to [www.aila.com.au](http://www.aila.com.au).

## July 11

SA branch breakfast seminar, Hilton International Hotel, Adelaide.  
Go to [www.aila.com.au](http://www.aila.com.au).

## July 24 - July 26

Insurance Law & Litigation, Four Seasons, Darling Harbour, Sydney.  
Go to [www.iir.com.au/insurancelaw](http://www.iir.com.au/insurancelaw).

## August 29

SA branch breakfast seminar, Hilton International Hotel, Adelaide.  
Go to [www.aila.com.au](http://www.aila.com.au).

## August 30 - September 1

14th annual Sunshine Seminar: A World of Change, Sheraton Noosa.  
Go to [www.theinstitute.com.au](http://www.theinstitute.com.au).

## September 19 - September 21

AILA-NZILA annual conference, The ties that bind. Christchurch, New Zealand. Go to [www.aila.com.au](http://www.aila.com.au).

## October 10

SA branch breakfast seminar, Hilton International Hotel, Adelaide.  
Go to [www.aila.com.au](http://www.aila.com.au).

## October 13 - October 16

25th Annual NIBA Convention, Conrad Jupiters, Broadbeach.  
Go to [www.niba.com.au](http://www.niba.com.au).

## November 10

SA branch AGM, Hilton International Hotel, Adelaide.  
Go to [www.aila.com.au](http://www.aila.com.au).

This newsletter is compiled by Kate Tilley Journalism Pty Ltd on behalf of the Australian Insurance Law Association and the New Zealand Insurance Law Association.  
Editor: Kate Tilley

Please forward contributions to KT Journalism: PO Box 165, Spring Hill, Qld, 4004; phone (07) 3831-7500, fax (07) 3831-7541 or email [ktj@bigpond.com](mailto:ktj@bigpond.com).

Copy deadlines for forthcoming issues are:

August 2007: Monday, July 2, 2007

Conference issue: Friday, September 28, 2007

December 2007: Monday, November 5, 2007

## To contact AILA and NZILA

AILA ABN 81 052 374713

### AILA NATIONAL

Web site: [www.aila.com.au](http://www.aila.com.au)

**President:** Stephen Knight  
*Dobson Mitchell & Allport*  
Ph: 03-6222-1111; Fax: 03-6223-6633  
Email: [stephen.knight@doma.com.au](mailto:stephen.knight@doma.com.au)

**Secretary:** David McKenna  
*Jarman McKenna*  
Ph: 08-9492-2222; Fax: 08-9492-2255  
Email: [dmckenna@jmck.com.au](mailto:dmckenna@jmck.com.au)

**National Secretariat:** Megan McCann  
*McPhail & Partners Pty Ltd*  
PO Box 93, Box Hill, Vic 3128  
DX 12815 Box Hill.  
Ph: 03-9899-5382; Fax: 03-9890-6310  
Email: [national@aila.com.au](mailto:national@aila.com.au)

### NEW ZEALAND

**President:** Christine Meechan  
*Bell Gully*  
Ph: +64-9-916-8800; Fax: +64-9-916-8801  
Email: [christine.meechan@bellgully.com](mailto:christine.meechan@bellgully.com)

### NEW SOUTH WALES

**Chairman:** Michael Raymond  
*Munich Reinsurance*  
Ph: 02-9272-8000; Fax: 02-9272-8815  
Email: [mraymond@munichre.com](mailto:mraymond@munichre.com)

**Secretary:** Robert Beaton  
*CGU Professional Risks*  
Ph: 02-8224-4650; Fax: 02-8224-4030  
Email: [robert.beaton@iag.com.au](mailto:robert.beaton@iag.com.au)

**Secretariat:** Penny Paterson  
PO Box 1241, Dee Why, NSW 2099  
DX 9147 Dee Why  
Ph: 02-9975-7198; Fax: 02-9975-2998  
Email: [ailansw@bigpond.net.au](mailto:ailansw@bigpond.net.au)

### VICTORIA

**Chairman:** Justin Meyer  
*Marsh*  
Ph: 03-9603-2208  
Email: [justin.meyer@marsh.com](mailto:justin.meyer@marsh.com)

**Secretary/Treasurer:** Peter Chapman  
*McClarens Young International*  
Ph: 03-9729-5590; Fax: 03-9720-4104;  
0403-468-444  
Email: [peter.chapman@mcclarensyoung.com](mailto:peter.chapman@mcclarensyoung.com)

**Secretariat:** Megan McCann  
*McPhail & Partners Pty Ltd*  
Ph: 03-9899-5382; Fax: 03-9890-6310  
Email: [vic@aila.com.au](mailto:vic@aila.com.au)

### SOUTH AUSTRALIA

**Chairman:** John Homburg  
*Fountain & Bonig*  
Ph: 08-8239-1114; Fax: 08-8239-1077  
Email: [jhomburg@fountainbonig.com.au](mailto:jhomburg@fountainbonig.com.au)

**Secretary:** Julie Kinnear  
*DLA Phillips Fox*  
Ph: 08-8124-1812; Fax: 08-8231-0014  
Email: [julie.kinnear@dlaphillipsfox.com](mailto:julie.kinnear@dlaphillipsfox.com)

**Secretariat:** Margaret Cloy  
PO Box 617, Port Adelaide SA 5015;  
Ph: 0439-817-330; Fax: 08-8341-0948;  
email: [mackdog@telstra.com](mailto:mackdog@telstra.com)

### WESTERN AUSTRALIA

**Chairman:** Felicity Davis  
*Francis Burt*  
Ph: 08-9220-0544; Fax: 9325-2041  
Email: [fdavis@francisburt.com.au](mailto:fdavis@francisburt.com.au)

**Secretary:** Craig Hollett  
*DLA Phillips Fox*  
Ph: 08-6467-6027; Fax: 08-6467-6001  
Email: [craig.hollett@dlaphillipsfox.com](mailto:craig.hollett@dlaphillipsfox.com)

**Secretariat:** Brian Moore  
Ph: 08-9761-2363; Fax: 08-9761-4713;  
email: [wa@aila.com.au](mailto:wa@aila.com.au)

### QUEENSLAND

**Chairman:** Damon Bennett  
*GAB Robins*  
Ph: 07-3121-6800; Fax: 07-3121-6811  
Email: [damon\\_bennett@gabrobin.com.au](mailto:damon_bennett@gabrobin.com.au)

**Secretary:** Rebecca Stevens  
*Carter Newell*  
Ph: 07-3000-8347; Fax: 07-3000-8466  
Email: [rsteven@carternewell.com.au](mailto:rsteven@carternewell.com.au)

**Secretariat:** Kim Logan  
Ph: 07-3886-5861; Fax: 07-3886-3362  
Email: [qld@aila.com.au](mailto:qld@aila.com.au)

### TASMANIA

**Chairman:** Robert Webster  
*Dobson Mitchell & Allport*  
Ph: 03-6222-1111; Fax: 03-6223-6633  
Email: [robert.webster@doma.com.au](mailto:robert.webster@doma.com.au)

**Treasurer:** Bill Callaway  
*RACT Insurance Pty Ltd*  
Ph: 03-6232-6382; Fax: 03-6232-6433  
Email: [b.callaway@ract.com.au](mailto:b.callaway@ract.com.au)

### NORTHERN TERRITORY

**Chairman:** Doug Webb  
*Territory Insurance Office*  
Ph: 08-8946-2257; Fax: 08-8946-2268  
Email: [dwebb@tiofi.com.au](mailto:dwebb@tiofi.com.au)

### AUSTRALIAN CAPITAL TERRITORY

**Convenor:** Doug Galbraith  
*Clayton Utz*  
Ph: 02-6279-4005  
Email: [dgalbraith@claytonutz.com](mailto:dgalbraith@claytonutz.com)