



**QUEENSLAND INTENSIVE 2019**  
**UNDER THE MAGNIFYING GLASS**

**Friday 24 May 2019**

**The Calile Hotel, 48 James Street, Fortitude Valley**

**One-day program; wide variety of topics; highly qualified and respected speakers; network with colleagues; morning, afternoon tea and lunch included with educational program followed by drinks and canapes**

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#QLDINTENSIVE2019



# WELCOME

On behalf of the AILA Queensland committee, welcome to this year's Insurance Intensive. This year we chose the theme 'Under the Magnifying Glass' as we will be exploring and examining up close and personal in detail the insurance and legal issues behind recent front-page headlines including the Strawberry Needle Contamination Crisis product recall, and also trending hot topics such as the new wave of defamation litigation.

Another unifying theme to emerge from the broad range of panel discussions and seminars that our industry and business leaders and top-notch legal minds will be presenting is the need for insurance and the law to both continuously evolve, like society, to keep up with the new technological innovations constantly being introduced and adopted into our everyday lives. The best and most recent example of this being the launch of Lime Scooters into Brisbane city, which features in the program.

This year we are delighted to have **The Honourable Justice Roslyn Atkinson AO** join us as our keynote speaker who will share with us her insights from 20 years on the bench.

The program provides a full day of insurance industry and legal education with the sessions covering a balance of market analysis, substantive law, ethical challenges and strategic thinking, followed by drinks and canapes and networking at the beautiful and magnificent venue for the event, The Calile Hotel.

AILA Queensland is extremely grateful for the very generous and important support of our sponsors for this year's Intensive, without which this event could not be held. We also extend our grateful thanks to our many presenters, many of whom have travelled from interstate, and all of whom have kindly donated significant time and effort to share their knowledge and experiences with us.

I wish to thank the Committee and especially the Intensive Sub-Committee for their hard work and dedication to bring together this event and program, which I trust will leave all of our delegates well equipped with new wisdom and perspectives for the year ahead from the discoveries they will learn about 'Under the Magnifying Glass'.






**Berren Hamilton**  
AILA QLD State President

## 2019 AILA QLD COMMITTEE

Emma Baker | Tamara Baldwin | Joanna Burton | Alex Canavan  
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Tom O'Hara | Melanie Quixley | Olga Sashko | Paul Spezza  
Anna Stewart | Emma Topen | Claudia Virgona




# PROGRAM

TIME	TOPIC & CHAIR	SPEAKER
7:45am	Registration, Refreshments & Networking	With thanks to our barista sponsor:  <b>MORAY &amp; AGNEW</b> LAWYERS
8:15am	Welcome & Introduction	<b>Berren Hamilton</b> Accredited Specialist (Commercial Litigation) - Qld Moray & Agnew
8:30am	Early Morning Session	With thanks to our session chair Jacinta Long and sponsor:  <b>CLYDE &amp; CO</b>
8:40am	<i>Keynote Address:</i> <b>Reflections on Insurance Litigation after 20 years on the Bench: Lessons Learned and Suggestions for the Future</b> Could a comprehensive no-fault liability scheme work in Australia? Do we need insurance, or does insurance need us?	<b>The Hon. Justice Roslyn Atkinson AO</b> Supreme Court of Queensland
9:10am	<b>Know Your Opponent – Trends and Predictions From the Plaintiff Perspective</b> The top recent cases and developments which most excite, and which most worry, a plaintiff lawyer. Find out in advance the new and novel arguments and case theory respondents will next be facing.	<b>Travis Schultz</b> Councillor, Queensland Law Society; Principal, Travis Schultz Law; Accredited Specialist (Personal Injuries) – Qld and Member, Queensland Law Society Accident Compensation/Tort Law Committee
9:50am	<b>Hark the Savage Beats of the Ethical Conundrums!</b> Welcome to the jungle! Not just for the lawyers – this is for everyone! <i>QLS CPD Practical Legal Ethics - ½ point</i>	<b>Associate Professor Kay Lauchland</b> Bond University Alexia Education and Training
10:20am	<b>Morning Tea &amp; Networking</b>	
10:45am	Late Morning Session	With thanks to our session chair Yvette McLaughlin and sponsor:  <b>SPARKE</b> <b>HELMORE</b> LAWYERS



10:55am	<p><b>Panel Discussion:</b>  <b>Product Recalls – Insurance Issues and Impacts</b>  The recent Queensland Strawberry Needle Contamination Crisis made headlines around Australia. Our panellists will discuss:</p> <ul style="list-style-type: none"> <li>• The practical implications of product recalls.</li> <li>• The different roles played by the various stakeholders in attempting to mitigate the loss, and help the industry get back on track.</li> <li>• How product recall insurance works in practice.</li> <li>• The appetite for product recall insurance in the current market.</li> <li>• Behind the news of the Strawberry Crisis.</li> </ul>	<p><b>Stephen Elms</b>  National Head of Food Production, Gallagher</p> <p><b>Dr Martin Miller</b>  Director, Crawford &amp; Company</p> <p><b>Donna Niblock</b>  Assistant Vice President, Crisis Management, Liberty International Underwriters</p> <p><b>Moderator:</b>  <b>Kiley Hodges</b>  Partner, Sparke Helmore Lawyers</p>
11:55pm	<p><b>You have the right to remain silent!</b>  Obtaining stays of civil proceedings pending the determination of criminal or quasi criminal charges under workplace safety and similar legislation. Avoiding compulsory abrogation of privilege against self-incrimination. Deferring disclosure of expert reports and documents in civil proceedings where there are related criminal or quasi criminal proceedings.</p>	<p><b>Peter Roney QC</b>  Griffith Chambers</p>
12:25pm	<p><b>Lunch &amp; Networking</b></p>	<p>With thanks to our beverage sponsor:  </p>
1:15pm	<p>Early Afternoon session</p>	<p>With thanks to our session chair  <b>Matthew Hollings and sponsor:</b>  </p>
1:25pm	<p><b>The Continuing Evolution of the Reinsurance Market</b>  How the global reinsurance industry is both adapting to change and driving innovation in an increasingly risk exposed environment.</p>	<p><b>John Philipsz</b>  Deputy CEO, Willis Re</p>
1:55pm	<p><b>Defamation in the Digital Age</b>  Justice Ipp famously described defamation as ‘the Galapagos Islands division of the law of torts’, with it yet to evolve like other areas of torts despite being the most affected by the radical growth of the online world. Defamation litigation is growing rapidly in numbers, which is no surprise as it applies to all forms of</p>	<p><b>Rob Anderson QC</b>  Level Twenty Seven Chambers</p> <p><b>Anastasia Nicholas</b>  North Quarter Lane Chambers</p> <p><i>Moderator</i></p>



	communication whether it is your Facebook post, your Tripadvisor review, tabloid magazine or radio announcement. The potential remedies are also growing – just ask Rebel Wilson, Allan Jones and, if his claim is successful, Geoffrey Rush. With a review of the Model Defamation Provisions overdue but underway, our speakers will consider developments in this area of tort law.	<b>Mark Martin QC</b> Level 10 Inns of Court Chambers
<b>2:45pm</b>	<b>Afternoon Tea &amp; Networking</b>	
<b>3:10pm</b>	Late Afternoon Session	<b>With thanks to our lanyard sponsor:</b>  Medicolegal Specialists
<b>3:10pm</b>	<i>Panel discussion:</i> <b>The Rise and Rise of Lime Scooters –</b> Are Lawmakers and Insurers Keeping Up with the New Technological Innovations Constantly Being Introduced and Adopted into our Everyday Lives? The secrets to the global success of Lime Scooters. Behind the news of the Lime Scooters trial run in Brisbane, and what is next. The extent of legal liability cover under policies that may cover electric scooter riders for the damage they cause. What has been the insurance industry’s response? Are new policy extensions or exclusions covering rideable modes of transport being considered?	<b>Mitchell Price</b> Director of Government Affairs and Strategy APAC, Lime Scooters  <b>Andrew Mahon</b> General Manager (Transport Regulation) Department of Transport & Main Roads  <b>Jeremy Barton</b> Client Director – Growth, Aon Risk Solutions  <b>Cr Ryan Murphy</b> Chairman for Public & Active Transport Councillor for Doboy  <i>Moderator</i> <b>Jessica McClymont</b> 18 Inns Barrister Chambers
<b>4:20pm</b>	<b>‘I’ll Have Mine With Chips’ –</b> <b>Out of the Frypan and Out of the Fire</b> The most important ethical issues for liability insurers and their lawyers.  <i>QLS CPD Practical Legal Ethics - ½ point</i>	<b>Greg Pynt</b> Francis Burt Chambers – Perth Author of ‘Australian Insurance Law: A First Reference’  <b>Roger Traves QC</b> Level Twenty Seven Chambers
<b>5:00pm</b>	Wrap Up & Close	AILA
<b>5:10pm –</b> <b>7:00pm</b>	<b>Drinks, Canapes and Networking</b>	



# GENERAL INFORMATION

## TIMING

Registration	7:45am to 8:15am
Commencement	8:15am
Drinks & Canapes	5:10pm to 7:00pm

## CPD

Participants will receive the core CPD points in accordance with the QLS requirements.

This event attracts:

- CPD - 7 points, including 1 ethics point
- ANZIIF – minimum of 7 points (*TBA*)
- NIBA – minimum of 7 points (*TBA*)

## DRESS CODE

Delegates should note that the dress code for the Intensive is smart-casual.

## DIETARY REQUIREMENTS

Delegates should notify the AILA Office of any dietary requirements during the registration process or at least five days prior to the Intensive to ensure the venue is able to cater to your requirements.

## REGISTRATION

Registration is available via the AILA website [www.aila.com.au](http://www.aila.com.au) or via a manual registration form which is located at the end of this brochure. The manual registration form acts as a tax invoice once completed.

**NOTE: Topics and speakers are subject to change**

# SPEAKERS



**Rob Anderson QC**  
Level Twenty Seven Chambers

Rob is an experienced and versatile trial and appellate advocate, providing advice on a wide range of commercial matters, with defamation, insurance and professional negligence, property law, land valuation and compulsory acquisition, and insolvency as areas of particular focus. His expertise in defamation law and associated areas of media law extends from pre-publication advice to litigation, and includes experience in applications concerning urgent injunctive relief, suppression orders, the operation of the Shield Laws, the implied Constitutional freedom of speech, trials and appeals. He acts for plaintiffs and defendants in QLD, NSW and WA. Further, Rob has acted for sports governing bodies, athletes, clubs and other entities in a wide range of sports related matters, and is an experienced mediator of commercial disputes.



**The Hon. Justice Rosyln Atkinson AO**  
Supreme Court of Queensland

Justice Atkinson AO was appointed to the Supreme Court of Queensland in September 1998. Her Honour has a particular interest in case management and the fair and most cost-effective conduct of litigation. On Australia Day 2015 she was made an Officer of the Order of Australia for distinguished service to the judiciary and to law reform in Queensland, through contributions to the legal profession and for promoting awareness of the issues of injustice and inequality in Australia and internationally.



**Jeremy Barton**  
Client Director – Growth, Aon Risk Solutions (Melbourne)

Jeremy has been with Aon for over three years and is responsible for leading strategic growth initiatives with Aon Inpoint's clients across APAC. During his time with Aon Jeremy has also led Aon's internal innovation area, focussed on creating client and staff value through technology and data; implemented an agile methodology to develop new processes and products that deliver value outside of Aon's core historical business. During his time with Aon, Jeremy has been heavily involved in the sharing economy, developing new insurance propositions that help to create trust and deliver value to all parties. As part of this work, Jeremy led the process to agree a strategic partnership between Aon and Collaborate Corp to support the 2017 launch of their online sharing economy rental marketplace, Mobilise.



**Stephen Elms**  
National Head of Food Production, Gallagher (Sydney)

Stephen is the national practice lead at international brokerage, Gallagher, with more than 30 years corporate risk advisory experience based in the UK and Australia, developing insurance programs for the food, beverage and agribusiness sectors. Working in partnership with clients to establish a robust risk management culture and mindset in their organisation and to align their approach with a constantly evolving regulatory landscape.

Food production is one of Gallagher's specialist capability areas bringing together more than 20 years experience in the sector and a diverse portfolio of Australian clients, ranging from food producers – including meat/poultry, wine, fruit, seafood, confectionary, grains, rice and nuts – through to providing risk management advice on the production facilities and associated manufacturing capability.







**Kiley Hodges**  
Partner, Sparke Helmore

Kiley is a specialist insurance and construction lawyer with over 20 years' experience resolving disputes on behalf of local and UK-based insurers and private companies as well as front-end contract negotiation.

Kiley specialises in financial lines, liability and construction, with a particular emphasis on professional indemnity, D&O, management liability, commercial crime, cyber, product recall, property damage, ISR and office bearers. She also provides front-end construction advice including contract negotiation and risk management.

Kiley works with private companies in the construction industry, as well as Australian and overseas insurers, Lloyd's syndicates, underwriting agencies, brokers, TPAs and insured organisations that manage their own under deductible claims. She has experience across variety of jurisdictions throughout Australia, New Zealand, Europe and South East Asia.



**Associate Professor Kay Lauchland**  
Bond University, Alexia Education & Training

Kay Lauchland has been admitted as a solicitor of the Supreme Court of Queensland and has worked as a commercial litigation lawyer.

She has substantial experience as a law lecturer, including several years teaching professional legal skills at undergraduate and LLM level and in professional legal practice courses and Professional Workshops. She also has a Master of Education. Kay has taught in Hong Kong; Shanghai, China and Scotland.

Kay is particularly interested in legal education and in professional training. She teaches the subjects Civil Procedure and Legal Ethics & Professional Conduct, as well as advocacy, dispute resolution, client interviewing, Legal research and writing skills. Kay's qualifications include: Bachelor of Laws (Honours); Master of Laws; Bachelor of Arts and Master of Education.





**Andrew Mahon**  
**Land Transport Safety & Regulation**  
**Department of Transport & Main Roads**

Andrew Mahon is a regulatory policy specialist with eighteen years' experience in policy and legislative reform as part of the Queensland Government.

Andrew is currently the General Manager (Land Transport Safety and Regulation). Land Transport Safety and Regulation (LTSR) manages the state's road and rail safety policy agenda, along with the regulatory access and use of the state's road network. LTSR is charged with managing and reforming transport legislation, regulations and standards, and setting key policies for registration and licensing, road rules, vehicle standards, industry licensing, heavy vehicles and prosecutions.



**Jessica McClymont**  
**Inns of Court Chambers**

Prior to commencing practice as a barrister, Jessica practised as a solicitor and was a Queensland Law Society Accredited Specialist in personal injuries law. She has practised almost exclusively in that area, over the course of her legal career spanning more than 20 years. Jessica's practice is spread across all aspects of personal injuries law. She is a panel member of most major insurers within the Queensland jurisdiction, including WorkCover Queensland, Suncorp CTP and General Insurance and Q-Comp. She accepts instructions on behalf of both plaintiffs and defendants.



**Dr Martin Miller**  
Director, Crawford & Company

Dr Martin Miller is a Director of Crawford & Company and the Head of Global Technical Services in Australia. Crawford Global technical Services has over 100 staff specialising in areas such as Financial & Forensic Accounting, Large & Complex Loss, product contamination/Recall, Liability, Construction and Power, Energy & Engineering.

Martin has over 27 years' experience in forensic loss adjusting and has worked extensively on multi-million dollar product contamination/extortion/recall claims in Australia and throughout Asia.

Martin's qualifications include: Bachelor of Science (Civil Engineering) (Honours); Doctor of Philosophy (Civil Engineering); Fellow, Chartered Accountant in England & Wales; Associate, Chartered Institute of Loss Adjusters (UK)



**Donna Niblock**  
Assistant Vice President,  
Crisis Management & Victorian Branch Manager  
Liberty International Underwriters

Donna underwrites Liberty Crisis Management business for Asia Pacific from her base in the Liberty Melbourne office. Her emphasis is on the development of new business and the education of clients and brokers on Product Recall insurance.

Donna has more than 15 years' experience in insurance, having held positions with both Australian and international insurers. She has extensive underwriting experience in specialist insurance areas, including Contaminated Products, Kidnap, Ransom & Extortion and Product Recall.

Donna joined Liberty in 2008, bringing several years of crisis management experience to the launch of the Liberty Crisis Management Solutions product suite in the Asia Pacific region.





**Anastasia Nicholas**  
North Quarter Lane Chambers

Anastasia has a broad commercial litigation and administrative law practice with an emphasis on corporate regulatory proceedings, professional negligence, contractual disputes, resources and insolvency. She has appeared for company directors and officers in a range of trials in the Supreme Court of Queensland and the Federal Court of Australia, including civil penalty proceedings. Anastasia was junior counsel assisting the Queensland Health Payroll Commission of Inquiry. She represented parties in the Barrett Adolescent Centre Commission of Inquiry and the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. Anastasia has appeared as counsel in Queensland's Court of Appeal, Supreme Court, District Court, the Federal Court of Australia, the Full Federal Court and a range of tribunals. Anastasia was previously a Senior Associate at Corrs Chambers Westgarth and an Associate at Baker & McKenzie (Sydney). Anastasia held in-house litigation roles at broadcasters in Australia and the United Kingdom. She was Associate to the Hon. Justice Chesterman AO RFD QC in the Supreme Court of Queensland.



**John Philipsz**  
Deputy CEO, Willis Re (Sydney)

A graduate of Trinity College in Dublin, John has over 20 years of investment banking experience, primarily covering the insurance sector. He held various roles at Merrill Lynch and Bank of America in London, New York and Tokyo before joining the founding team of Willis Towers Watson Securities (WTW's investment banking division) in London in 2009. John moved to Sydney in 2015 to launch the Securities division in the region, and in 2016 was appointed the Co-Head of Asia Pacific. He was subsequently appointed Deputy CEO of Willis Re Australia in January 2019.





## **Mitchell Price**

**Director of Government Affairs and Strategy APAC,  
Lime Scooters (Melbourne)**

Mitchell is experienced in providing seamless executive management through utilising his communication and interpersonal skills, enthusiasm and ability to solve complex problems. He constantly strives to achieve quality results within the workplace, and to understand the primary drivers and motivators of the team he is working within. He has considerable management and technical experience which spans public affairs, public policy, strategic communications, issue and crisis management as well as media management.



## **Greg Pynt**

**Francis Burt Chambers - Perth**

Greg Pynt graduated from the University of Western Australia with a Bachelor of Laws in 1977 and moved to London in 1981 where he worked for Willis Faber & Dumas, Insurance Brokers. Between 1981 and 1983, Greg worked in the Litigation Department of Clifford-Turner (now known as Clifford Chance) in London. He then returned to Perth and in 1987 became a partner in Mallesons Stephen Jaques (now King & Wood Mallesons). Greg left Mallesons Stephen Jaques in April 1996 to set up Pynt + Partners, where he remained until October 2012. He was a Senior Claims Solicitor at Law Mutual (WA) between December 2012 and May 2013, and joined Francis Burt Chambers in July 2013. Greg won the Australian Insurance Law Association Insurance Prize in 2000 and is an AILA Honorary Life Member. He is a Visiting Fellow at the University of Western Australia, where he has co-ordinated and lectured in insurance law in the Faculty of Law at undergraduate and postgraduate level since 1991. The fourth edition of his book 'Australian Insurance Law: A First Reference' was published in November 2017. Greg is also the General Editor of the Insurance Law Journal, published by LexisNexis.





**Peter Roney QC**  
Griffith Chambers

Peter's professional practice has specialised in advocacy in commercial litigation, corporate management, equity and trusts, confidential information, breach of fiduciary or good faith duties, passing off, insolvency, consumer protection, real property franchising and leasing, body corporate and community management litigation, occupational health and safety law, mining, coal seam gas related litigation, Coronial Inquiries and Inquests particularly involving management system failures mechanical and engineering failures, major building and construction and engineering disputes, defamation anti-discrimination law, and some commercial criminal trial work. He has appeared in many substantial defended prosecutions of health and safety laws. He sits and has sat as a member of Queensland Civil and Administrative Tribunal particularly in the Human Rights division for more than 10 years. For 6 years he was a member of the Queensland Anti-Discrimination Tribunal. He sat in Appeals at the Public Service Commission. He has appeared as a Prosecutor in trials on indictment. He is the Chair of the Queensland Bar's Equal Opportunity and Diversity Committee and sits on the Law Council of Australia's Equal Opportunity Committee.



**Travis Schultz**  
Councillor, Queensland Law Society; Principal, Travis Schultz Law; Accredited Specialist (Personal Injuries) – Qld and Member, Queensland Law Society Accident Compensation/Tort Law Committee

Travis the principal of Travis Schultz Law and has expertise as a commercial litigation and personal injury lawyer in the areas of workers' compensation, motor vehicle and public liability law. Travis's career has seen him become managing partner of an established firm (by the age of 27) and then continued to grow that entity to a total staff of 76 at the time it was sold in 2014. His service to profession includes two terms as president of the Sunshine Coast Law Association, life membership of the Sunshine Coast Legal Service, membership of the Human Research Ethics Committee of University of the Sunshine Coast, and membership of the QLS Personal Injuries Specialist Accreditation Committee and Accident Compensation Committee. Travis is highly motivated to ensure access to justice is accessible for everyone in the community.





**Roger Traves QC**  
**Level Twenty Seven Chambers**

Roger has over thirty years of experience in commercial, property, equity and administrative matters. Roger is highly regarded for his expertise in mining law, compulsory acquisition, compensation and valuation. Roger has appeared as leading counsel in the High Court, the Queensland Court of Appeal, the Full Court of the Federal Court, the Federal Court, the Land Court of Queensland, the Supreme Courts of Queensland, the Planning and Environment Court, and before a number of Commissions of Inquiry. Roger has an extensive and broad ranging appellate, arbitration and mediation practice. He is a qualified mediator and mediates a wide range of disputes. He has also acted as an expert determiner. Roger is an active member of the Australian and Queensland legal community having served in numerous roles for both Bar Associations, including as President of the Bar Association of Queensland.



# REGISTRATION & TAX INVOICE

2019 QLD Intensive | 24 May 2019

ABN: 81 052 374 713

## REGISTRATION DETAILS

	Delegates Name, Firm (if different) & Dietary Requirements	Member EARLYBIRD & GROUP OF 5* \$250.00 Incl GST From 1 May \$280.00 Incl GST	Non-Member EARLYBIRD & GROUP OF 5* \$340.00 Incl GST From 1 May \$380.00 Incl GST	YP's & Industry EARLYBIRD or GROUP OF 5* \$290.00 Incl GST From 1 May \$330.00 Incl GST
1				
2				
3				
4				
5				
			Total Incl GST	\$

\*Discounted prices are applicable for earlybird (until 30 April 2019) or for groups of five delegates or more

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## PAYMENT METHOD

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<b>Cheque</b>	Send cheques with a copy of this Tax Invoice/Registration Form to AILA (postal details below) made payable to ' <b>Australian Insurance Law Association</b> '.
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<b>EFT</b>	Account Name: AILA QLD BSB: 033 172 A/C Number: 455 205 Reference: Use the delegate/firm name and event date
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Return to: AILA, PO Box 2011 FOREST HILL VIC 3131

P: 1300 699 140 W: [www.aila.com.au](http://www.aila.com.au)

Registration forms to: [events@aila.com.au](mailto:events@aila.com.au) General enquiries: [office@aila.com.au](mailto:office@aila.com.au)

FOR EVENT CANCELLATION AND PRIVACY POLICIES, PLEASE REFER TO THE AILA WEBSITE

RSVP BY 17 MAY 2019

