

UNMASKING THE FUTURE

Thursday 2 June 2022
Calile Hotel, 48 James Street, Fortitude Valley

A one-day intensive educational program with a variety of topics and outstanding speakers, concluding with networking and drinks

PROGRAM

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AILA 2022 QUEENSLAND INSURANCE INTENSIVE

UNMASKING THE FUTURE

WELCOME

On behalf of the Australian Insurance Law Association (AILA) Queensland committee, welcome to this year's Insurance Intensive 'Unmasking the Future'.

The 2022 Intensive features both immediate and emerging topics as we explore how they affect and impact our industry today and into the future.

The program features the role insurers will play as 'professional litigants', AFCA trends, long tail market movements, cyber risks, policy coverage issues including where an insurer wishes to change its position to decline cover for a previously accepted claim, the High Court's new worker v contractor test and implications for insurance, issues arising with claims for damages for gratuitous care, contribution and apportionment and more.

We are delighted to be joined by our keynote speaker The Honourable Justice Thomas Bradley of the Supreme Court of Queensland

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.

On behalf of the Intensive Organising Committee, I extend my thanks to our presenters and session chairs, all of whom have kindly donated their time and effort to share their knowledge and experiences with us.

This event and program would not be possible without the Intensive Sub-Committee, and I thank them for their hard work and dedication, which I trust will leave all our delegates well equipped with a new understanding and knowledge for the year ahead.



NHU HUYNH
AILA QLD STATE PRESIDENT

2022 AILA QLD COMMITTEE

Elizabeth Bainbridge-Brown | Stacey Boulton | Alex Canavan
Chau Donnan | Jack Fairweather | Emma Fitzgerald
Jason Fletcher | Berren Hamilton | Kevin Holyoak
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Monique Moloney | Matt O'Donnell | Somrith Prak
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UNMASKING THE FUTURE

PROGRAM

7:45am	REGISTRATION & REFRESHMENTS	
8:15am	AILA WELCOME	Berren Hamilton Stone Group Lawyers
8:40am	KEYNOTE ADDRESS The role insurers will play as 'professional litigants'	The Honourable Justice Thomas Bradley Supreme Court of Queensland
9:15am	AFCA – GENERAL INSURANCE CURRENT AND EMERGING TRENDS	Chris Liamos Senior Ombudsman, General Insurance, Australian Financial Complaints Authority
9:50am	LONG TAIL MARKET MOVEMENTS FROM THE INSURER PERSPECTIVE	Robin Cooper-Driver Head of Long Tail Lines, Asia Pacific Zurich Financial Services Australia Limited
10:25am	MORNING TEA	
10:55am	<p>CYBERUPTION! – PANEL DISCUSSION</p> <p>Cyber risk is a growing concern for corporate insureds and SMEs alike and cyber insurance is one of the key tools designed to meet this everchanging and evolving risk.</p> <p>Let our expert cyber panel demystify the complex world of cyber-security, data breaches and ransomware.</p> <p>Guided by Robin Cooper-Driver, our panel will:</p> <ul style="list-style-type: none"> • Dissect a ransomware attack from the hacker's point of view; • Explore the claim scenarios and policy responses; • Identify when notification obligations are triggered; • Analyse the common and not-so-common wordings available in today's market; • Deliver up-to-minute market intelligence; • Share some real life war stories; • Provide you with practical advice on how to arm yourself against this ever-evolving threat. 	<p>PANEL:</p> <p>Katherine Hayes Carter Newell</p> <p>Patrick Beckett Willis Tower Watson</p> <p>Trent Nhill Head of Corporate Cyber, Emergence</p> <p>CHAIR:</p> <p>Robin Cooper-Driver Head of Long Tail Lines, Asia Pacific Zurich Financial Services Australia Limited</p>

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11:55am	<p>THE DELOR VUE APARTMENTS DECISION – IMPLICATIONS FOR POLICY COVERAGE DECISIONS INSURERS BEWARE!</p> <ul style="list-style-type: none"> • The building had construction defects and was damaged by Cyclone Debbie. The insured did not disclose the defects when the policy was taken out. The insurer accepted the claim for the resultant damage but not for the construction defects. The insurer offered to pay for the repairs to the resultant damage but only if the insured first repaired the construction defects. The insured did not agree. The insurer then withdrew and denied cover on the basis of the non-disclosure. • The Court held that whilst the non-disclosure entitled the insurer to invoke s28(3) of the Insurance Contracts Act, the insurer was estopped from being able to by the election it had made waiving its rights to rely on s28(3) to reduce its liability for the claim. • The Court further held that the insurer's attempt to resile from its earlier position was a breach of the duty of utmost good faith. • Learning from this decision, how should an insurer conduct itself with respect to a claim which is only partly covered by the policy? 	<p>Ron Ashton QC Barrister-at-Law, North Quarter Lane Chambers</p>
12:30pm	LUNCH	
1:40pm	<p>WORKER VS CONTRACTOR – THE GREAT DEBATE – AND INSURANCE IMPLICATIONS</p> <ul style="list-style-type: none"> • The new tests determined by the recent landmark decisions by the High Court. • The words of the written contract vs the totality of the relationship. • Implications for insurance arrangements and liability exposure and policy cover. • Intersection of the standard employment exclusion in a PL policy and statutory cover under the WCRA. 	TBC
2:15pm	<p>GRATUITOUS CARE – PANEL DISCUSSION</p> <p>THE ARGUMENT FOR GRATUITOUS CARE DAMAGES, THE CLAIMS THAT PLAINTIFFS MAKE AND HOW INSURERS ARE MEETING THEM.</p> <p>This session will include an overview of the types of claims that Queensland courts have allowed since the CLA commenced, including an analysis of the hourly rates that have been awarded and claims under s59A.</p>	<p>PANEL: Tanya Baker Technical Specialist, Suncorp</p> <p>Travis Schultz Managing Partner, Travis Schultz & Partners & Accredited Specialist – Personal Injury</p> <p>Chau Donnan Barrister-at-Law, Darrow Chambers</p> <p>CHAIR: Kirsten Weber Jensen McConaghy</p>

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3:15pm	AFTERNOON TEA	
3:55pm	CONTRIBUTION AND APPORTIONMENT	Steven Deaves QC Barrister-at-Law, Rockhampton
4:30pm	<p>CALLING OUT THE BAD WHILST DOING GOOD: ALLEGATIONS OF FRAUD, DISHONESTY OR OTHER MISCONDUCT IN CIVIL DISPUTES</p> <ul style="list-style-type: none">• What sort of conduct engages the professional rules?• What are your obligations in making the allegation?• How to respond when an allegation of fraud is made against your client or insured.	Nola Pearce Barrister-at-Law, Quay 11 Chambers
5:05pm	AILA WRAP UP & CLOSE	Nhu Huynh HWL Ebsworth & AILA QLD State President
5:15pm	DRINKS, CANAPES & NETWORKING UNTIL 7:00PM	

GENERAL INFO

TIMING

Registration 7:45am to 8:15am

Commencement 8:15am

Drinks & Canapes 5:15pm to 7:00pm

CPD POINTS

Participants can receive CPD points for their attendance in the following areas:

- 6 Legal (in accordance with the QLS requirements)
- (minimum) 6 ANZIIF
- (minimum) 6 NIBA

PROGRAM NOTE

Please note that the speakers and topics are subject to change.

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.

COVID SAFETY & INFORMATION

AILA will be operating the 2022 QLD Intensive in accordance with the current COVID requirements applicable to QLD.

As a condition of entry to The Calile Hotel, only fully vaccinated delegates are permitted to attend. Proof of vaccination will be required on the day.

If you are unwell, please do not attend the event.

If you are confirmed as COVID positive prior to the event, and you will be in isolation at the time of the Intensive, our standard refund T&C will apply (available at www.aila.com.au).

An alternative attendee is welcome to attend in your place.

REGISTRATION

Registration is available online only via the AILA website www.aila.com.au

MEMBER <ul style="list-style-type: none">• Paid member of AILA in the current financial year.	EARLYBIRD \$275.00 STANDARD (FROM 18 MAY) \$310.00
NON-MEMBER/FRIEND OF AILA <ul style="list-style-type: none">• Non-member of AILA.	EARLYBIRD \$375.00 STANDARD (FROM 18 MAY) \$420.00
YOUNG PROFESSIONAL/INDUSTRY <ul style="list-style-type: none">• YP: either 35 years or under OR has 5 years or less experience• Industry: inhouse solicitor, broker, reinsurer, risk manager, insurer - claims, insurer - underwriter.	EARLYBIRD \$320.00 STANDARD (FROM 18 MAY) \$360.00