



2024 Insurance Update

Presented by



BusInsure Motor Fleet Claims Process Webinar

May 2024

Disclaimer

- This presentation provides general information only, it does not take into account individual specific circumstances or needs.
- Policy terms and conditions vary from insurer to insurer, so please seek independent advice for your individual circumstances, and do not rely solely on this presentation as the basis of any decision that you make

The Claims Process

What makes up the Claims Process:

- Pre-Departure Checks
- Accident site
- Post Accident
- Insurer process
- Sums Insured
- Excess
- Demurrage

Pre-Departure Check

- Pre-departure – accident damage checklist
- Identify unknown damage
- Investigate & Manage

Accident Site

What to do at the accident site:

- Safety Considerations
- Company Procedures
- Claim Information Gathering

Accident Site Safety & Company Procedures

- Ensure all passengers are safe
- Ensure the Third Party is safe
- Call an Ambulance if there are any injuries
- Call Police if serious incident, like:
 - Towing required
 - Hit and Run
 - Alcohol or Drugs Suspected
- Contact Company for Directions

Information Gathering at Accident Site

- DO NOT ADMIT LIABILITY OR FAULT
- Obtain Third Party Details:
 - Name and address of Driver (and Owner of Vehicle if different)
 - License Number for Driver
 - Phone Number and Email Address
 - Rego Number and description of vehicle
 - Their Insurance details if available
- Take photos of accident scene (before vehicle are moved)
- Take photos of damage to bus and Third-Party Vehicle
- Note time and location of accident
- Collect witness contact details
- Obtain Police Event Number

In-Vehicle Document

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In-Vehicle Document

All drivers must complete at the scene of an accident. Fleet No.:

Date: Time: Bus Rego:

Depot: Acc Location:

Desc.:

Witness Name: Phone:

Address:

Third Party Name: Phone:

Rego: Make: Insurer:

Address:

Police Name: Phone:

Event No: Station:

To Be Given to Third Parties

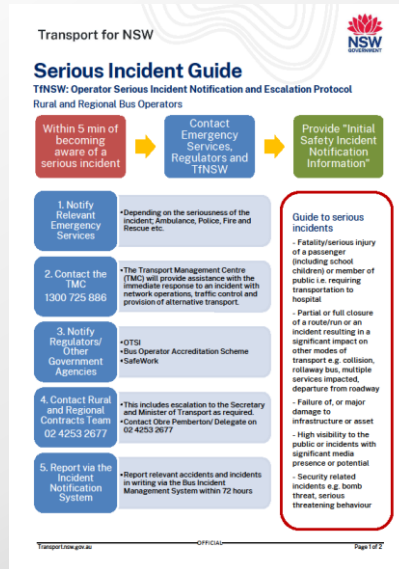
| | |
|-------------------------------------|---------------------------------|
| Claims Manger: <input type="text"/> | Bus Reg: <input type="text"/> |
| Address: <input type="text"/> | Fleet No.: <input type="text"/> |
| | Driver: <input type="text"/> |
| | Licence: <input type="text"/> |
| Email: <input type="text"/> | Ph. <input type="text"/> |

IN THE EVENT OF AN ACCIDENT:

| Safety-Related | Claim-Related |
|---|--|
| <ul style="list-style-type: none"> Stop and ensure all Passengers are safe Ensure Third Party driver is safe If any injuries, call an ambulance Call Police if damage is severe enough to require towing, or if Third Party fails to stop/supply details, or if any Driver appears to be under the influence of alcohol/drugs | <ul style="list-style-type: none"> Stay calm and DO NOT admit fault- "we will advise our insurer and they will determine liability." Contact Claims Manager Obtain digital images showing the position of both vehicles at impact BEFORE moving, and of the Damage Obtain Third Party information per below Locate an independent witness where possible and obtain details |

Towing your Bus





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Critical Incident Management

BusNSW Critical Incident reporting requirements/Contacts:

Office of Transport Safety Investigations (OTSI)
Bus operators must report significant safety occurrences to the OTSI Duty Officer immediately on 1800 677 766.

After the notification of a safety occurrence to the Duty Officer, OTSI may ask the bus operator to complete an investigation into the matter.

To assist with the completion of this investigation a [72 Hour Bus Incident Investigation Report Form](#) or a [Bus Fire/Thermal Incident Information Collection Form](#) may be requested.

The completed forms can be submitted to OTSI by: Email: transport.safety@otsi.nsw.gov.au

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BusNSW Critical Incident Contacts

SafeWork NSW

If there is a serious injury or illness, a death or a dangerous incident, you must report it to SafeWork NSW immediately on 13 10 50 as an urgent investigation may be needed.

Transport for NSW (Contracted Operators Only)

Rural and regional and outer metropolitan bus operators holding a TfNSW Contract should:

- Call the Transport Management Centre on 1300 725 886

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BusNSW Critical Incident Management Specialists

- Legal Representation
- Public Relations and Media Advice
- Staff Critical Incident Trauma Counselling
- Workplace Incident Management and Communications
- Transport for NSW Media
- NSW Police Media Unit

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Post Accident

There are several items to take care of after the incident:

- Driver to FULLY completed Claim Form
- Manager to debrief Driver and check Claim Form is accurate and clear
- Arrange for download of the CCTV footage
- Obtain repair quotes
- Take supporting photos of Damage if required
- Compile any supporting documentation

BusInsure Claims Process

How to Lodge your Claim:

- Compile Claim Documents:
 - Claim Form
 - Repair Quote (if available)
 - Photos
 - Any Additional Information
- Email to claims@businsure.com.au
- Minimum Required Information
 - The Date and Address of Incident
 - Insured vehicle details, registration number etc
 - Third party details - including full name, address, phone number
 - Third Party Vehicle details

BusInsure Claims Process cont.

Once documentation received:

- Within 24 hours you will receive an Acknowledgement of the claim
- BusInsure Partner with QRM Claims management, who will review the claim and lodge with the insurer
- QRM/BusInsure will review:
 - policy wordings
 - claim payments
 - applied excess amounts including excess waivers
 - excluded items and Benefits
 - Liability (and query any insurer decisions on Liability)
- QRM will provide Insurer claim acknowledgement and request additional information as required

BusInsure Claims Process cont.

- Pending the quantum of the claim, an Assessor will be appointed to assess, review and in some cases authorise repairs
- QRM will ensure the insurer manages Third Party contact and demands
- QRM/BusInsure will keep you updated throughout the claims process and advise of any decisions or payments
- QRM/BusInsure will thoroughly review all correspondence from the insurers to ensure that the best outcome is reached on each claim
- Our team will make you aware of any decisions made by the insurers throughout the process
- Any issues with the repairs can be escalated via QRM/ Businsure, our team will escalate this with the insurer if the repairer is not responsive.

Excesses

What Excesses are Payable and When:

- Basic Excess
- Age and/or Inexperience Driver Excess
- No Fault Excess

Claim Types

Motor Vehicle Accident

- Insured Driver At Fault
- Third Party At Fault
- Unknown Damage
- Each Bear Own
- CTP Claims
- Under Excess Claims

Windscreen Damage

Demurrage

What is “demurrage”:

Loss of income or additional costs due to inability to use your vehicle following an Accident

- Demurrage is an uninsured loss – not covered by insurance
- Loss of income is hard to prove
- Vehicle Hire – actual cost is easier to claim as demurrage

Hire Vehicle / Demurrage

- Hire Vehicle benefits are available under most fleet insurances
- Limitations apply which include:
 - Maximum days available
 - Maximum amount any one day
- At Fault Claims – not further remedy for loss
- Not at Fault Claims (Third Party is insured) – Demurrage is possible for hire costs over the policy limits
 - Only for hire of like and similar vehicle (and you don't spare vehicle)
 - Invoices for hire required
 - Recovery is not guaranteed
- Contact QRM/ BusInsure for help with Demurrage claims

Sums Insured (total loss)

- Total Loss basis of settlement is Sum Insured or Market Value, whichever the lesser.
- Market value is the price an asset would sell for in the current market.
- Sum Insured should be aligned with the Market Value and should include all accessories (some insurers require them to be noted), excluding on road coast and GST

Tips to Determine the market value

Locate advertised examples of your Bus using:

- The make, model, and year of the vehicle
- The condition of the vehicle prior to the accident
- The kilometres of the vehicle
- Any modifications or upgrades made to the vehicle
- The local market for similar vehicles
- Contact your local dealership for an estimate



Important Information

- Do not admit liability
- Use an In-Vehicle document as a guide at the accident site
- Don't hesitate to speak to your broker regarding policy exclusions, extensions and conditions.
- Complete and submit your claim form as soon as possible (you can supply your repair quote once received)
- If you have any questions about your claim or repair, or need advice on a claim or incident, please contact BusInsure

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Questions?



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WORKERS COMPENSATION SEMINAR

May 2024

Austbrokers RIS Pty Ltd Group of companies, incorporating:



Offices in St Leonards, Parramatta, Dubbo & Orange

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Agenda

- Who needs a policy? (Pty Ltd vs Partnership/Sole trader)
- Who Is Covered? (Contractors Vs Workers, Apprentices)
- iCare and Claim Agents
- NSW Claims Process
- NSW Claims Overview
- Certificate of Capacity
- External Providers
- Glossary of Terms and Abbreviations
- PIAWE
- Managing Difficult Claims
- Psychological Injuries
- What Services Can Affida Provide
- FAQ

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Who Needs a Policy? (Pty Ltd vs Partnership/Sole Trader)

▪Pty Ltd Company

Workers Compensation cover is required when:

- ✓ Yearly remuneration (wages) exceeds \$7,500.
 - Inclusive of remuneration of both working Directors and direct employees i.e. 'deemed workers'
- ✓ Contractors may also be classed as 'deemed workers'
- ✓ Directors are covered under their WC policy

▪Partnerships and Sole Traders

Workers Compensation cover is required when:

- ✓ Yearly remuneration (wages) exceeds \$7,500.
 - Inclusive of remuneration paid to only direct employees/deemed workers
- ✓ Contractors may also be classed as 'deemed workers'
- ✓ Sole Traders or Partners are not covered by a WC policy

Who Is Covered?

Contractors VS Deemed Workers

▪Contractors

- A contractor may be covered if they fit into the definition of a “deemed worker”
- Workers Compensation legislation does not rely on the tax status or ABN of a person to determine this
- A contractor that would not be covered is more likely to be paid on the basis of a quote, supply their own tools and materials, carry on an independent business in their own name.

▪Deemed Workers

- All covered under a Workers Compensation policy
- A deemed worker would be directed by the employer regarding work to be performed and the time and manner in which it is performed
- Be paid on a time basis and work exclusively for a single employer

Apprentices

- Employers engaging apprenticeships must have a Workers Compensation policy.
- Apprentices’ wages are not included when calculating an employer’s Workers Compensation premium.
- To be eligible for the apprentice premium exemption, they have to enter into an NSW Department of Education approved ‘Training Contract’.

Partnerships & Sole Traders

Are Partnerships and Sole Traders covered by Workers Compensation?

- Sole traders / proprietors, or members of a partnership are not considered as workers. Hence, they cannot take out workers insurance to cover themselves for injuries.
- For sole traders and partnerships, a suitable alternative may be a personal accident and illness policy, or an income protection insurance policy. However, it’s not a legal requirement to take out one of these policies.
- If you’re not an exempt employer you will still need to take out a workers insurance policy to cover any workers you might have.

When do Partnerships and Sole Traders need cover?

Workers Compensation cover is required for Partnerships and Sole Traders when:

- Yearly remuneration (wages) exceeds \$7,500.
 - Inclusive of remuneration paid to only direct employees/deemed workers
- Contractors may also be classed as ‘deemed workers’

Partnerships & Sole Traders

What happens when if a Partnership or Sole trader have a claim with no policy due to paying below \$7,500 of wages?

As an employer, you're not required to get an insurance policy if:

- you pay \$7,500 or less in annual wages
- you don't employ an apprentice or trainee
- you're not a member of a group for premium purposes.

Any claim against an exempt employer incurs a \$175 administration fee. The claim will be assigned to EML. The same administration fee applies to each injury notified.

NSW Claims Overview

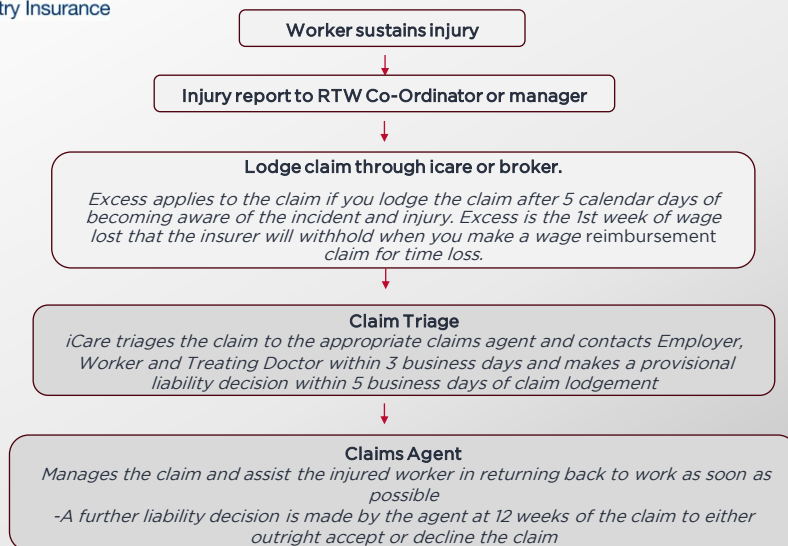
iCare and Claim Agents

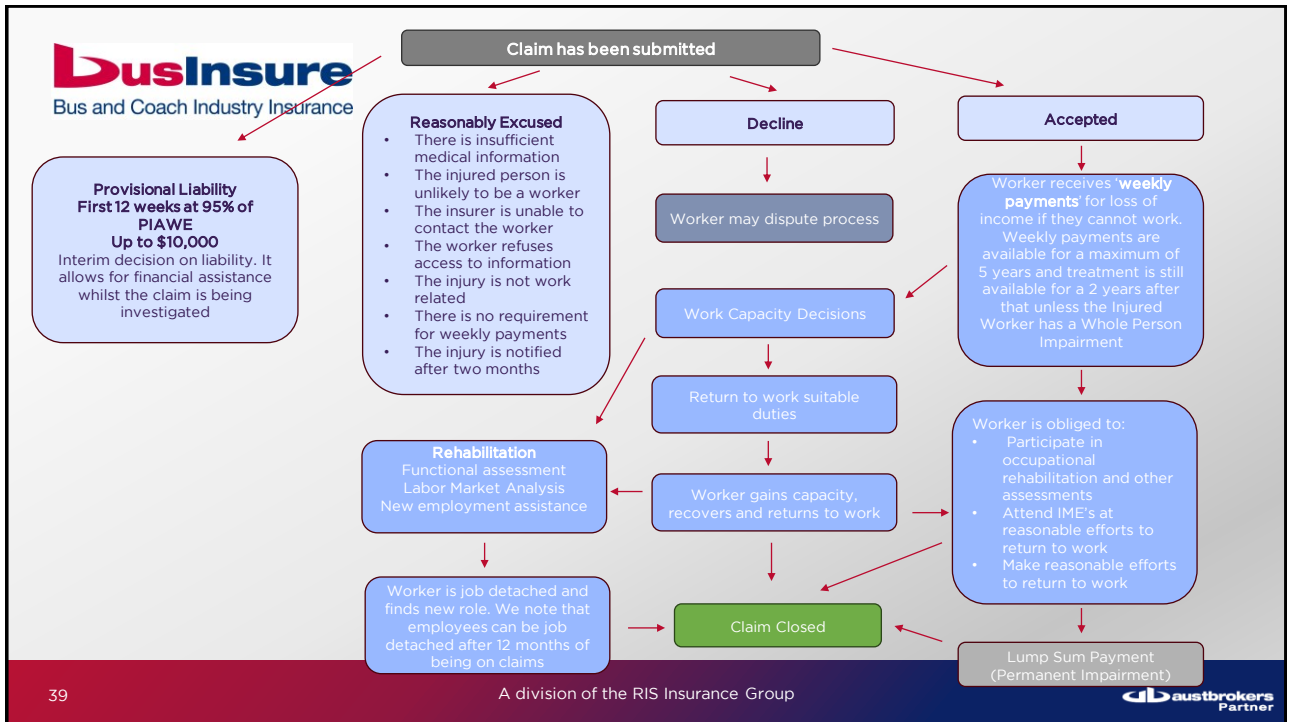
- **Who is iCare:**
 - iCare is a NSW Government agency that provides insurance to statutory authorities and people with injuries under the Workers Compensation Scheme.
 - Workers Compensation Nominal Insurer regulated by State Insurance Regulatory Authority (SIRA)
 - Underwrites NSW Premiums
 - Issues out Certificates of Currency
- **Claim Agents:**
 - Employers Mutual Limited (EML) - Default provider
 - Allianz, GIO, QBE, DXC and Gallagher Bassett- Providers for larger employers (\$200k Base Premium and above)
- **Tender:**
 - Icare officially announced the additional new Claims Agents who were successful in the tender
 - DXC and Gallagher Bassett new agent with specialised capabilities and expertise to manage psychological claims

NSW Claims Overview

| | Role | Function |
|--------------------------|-------------------------|--|
| iCare | Insurer/ Underwriter | - Nominal Insurer and Manager of NSW Workers Compensation Premium and Underwriting |
| EML | Claims Agent | - Default Claims Service Provider from 1 st January 2018. |
| GIO, QBE | Claims Agent | - Authorised Provider- (AP Model) for Eligible Employers with a base premium > \$200k - Claims pre- 1 st January 2018 from QBE and CGU also managed by GIO |
| Allianz, QBE, DXC and GB | Claims Agent | - Authorised Provider- (AP Model) for Eligible Employers with a base premium > \$200k - Specialised capabilities to manage psychological claims |
| SIRA | Regulator | - Regulate Workers Compensation Legislation including benefits, fees, liability, compliance as well as CTP and Builders Warranty. |
| SafeWork NSW | WHS Regulator | - Provide licences and registration for potentially dangerous work. - Investigate workplace incidents and enforce work health and safety laws in NSW. |

Lodging a Claim





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NSW Claims Overview

- Claims are paid by iCare from the Scheme's premium pool.
- SIRA is the government body regulates all aspects of Workers Compensation claims
- There are also specialised insurers & self-insurers that report to SIRA directly (not iCare).
- **Main Stakeholders:**
 - Injured Worker & Employer
 - Agent acting on behalf of iCare
 - Nominated treating doctor
 - Allied Health Providers, i.e. Physio, Chiro, Exercise Physio etc.
 - Independent Medical Examiners
 - Lawyers & Investigators including surveillance and factual interviews
 - IRO: Independent Review Officer for complaints
 - SafeWork NSW: Health and Safety Regulator

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Bus and Coach Industry Insurance

Certificate of Capacity

A certificate of capacity is the primary communication tool between you and the Nominated Treating Doctor

It ensures a worker's recovery needs are communicated accurately to the rest of their support team, including the employer, the case manager and any other medical professionals treating the injured worker.

A certificate of capacity will also help ensure:

- The insurer can assess the worker's claim
- The worker can receive compensation entitlements
- The worker has a clear plan for treatment, rehabilitation and guidance to return to work.

Pay attention to the following on the certificate:

- Date of Injury - When did it happen?
- Causation - How this happen, and did it occur in the workplace?
- Diagnosis - Is the diagnosis a symptom such as stress and not a DSMV-5 diagnosis?
- Capacity/restrictions: What can the worker do safely and can they return to work completing suitable duties?
- Is the diagnosis or symptom pre-existing?

Certificate of capacity/ certificate of fitness

NSW State Insurance Regulatory Authority

For use with workers compensation and Compulsory Third Party (CTP) motor accident injury claims.

CTP Workers compensation

For CTP claims: 'Certificate of fitness' means 'certificate of fitness for work'. This certificate should be completed whether the person was involved at the time of the accident or not.

Tick if this is the initial certificate for this claim.

Section 1: To be completed by the injured person or treating medical practitioner

First name Last name

Date of birth (dd/mm/yyyy) Telephone number

Address (must be residential address - not PO Box) Suburb

State Postcode Claim number Medicare number

Occupation/job title Employer's name and contact details (if applicable)

Injured person's consent

I consent to my treating medical practitioner, my employer (optional for CTP claims), the insurer, other medical practitioners or health related practitioners (whether consulting, treating or examining), workplace rehabilitation providers and SIRA exchanging information for the purpose of managing my injury and workers compensation/motor accident injury claim.

I understand this information will be used by SIRA and insurers to fulfill their functions under the motor accident insurance and workers compensation legislation.

Signature Date (dd/mm/yyyy)

Section 2: To be completed by treating medical practitioner

Medical certification

Diagnosis of work related injury/disease or motor accident related injury(ies)

Person's stated date of injury/accident (dd/mm/yyyy)

Shaded areas to be completed for initial certificate only

Person was first seen at this practice/hospital for this injury on (dd/mm/yyyy)

Injury is consistent with person's description of cause Yes No Uncertain

How is the injury related to work or the motor vehicle accident?

Detail any pre-existing factors which may be relevant to this condition or injury(ies)

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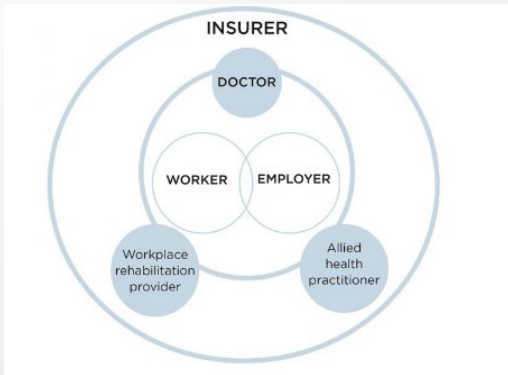


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Bus and Coach Industry Insurance

External Providers



- **Investigation**
 - Factual investigation
 - Desktop investigation
 - Surveillance
- **Solicitors**
- **Allied Health Practitioners** e.g. physiotherapist, rehab, exercise physiologist and psychologist
- **Independent consultant**
- **Independent Medical Examination**
- **Injury Management Consultant**
- **Safework NSW inspector**

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NSW Claims Process

Glossary of terms and abbreviations

- Australian Health Practitioner Regulation Agency (AHPRA)
- Certificate of Capacity (CoC)
- Independent Medical Examination (IME)
- Independent Medical Consultation (IMC)
- Injury management plan (IMP)
- Independent Physiotherapy Consultation (IPC)
- Maximum medical improvement (MMI)
- Nominated treating doctor (NTD)
- Pre-injury average weekly earnings (PIAWE)
- Return to work (RTW)
- State Insurance Regulatory Authority (SIRA)
- Injury management plan (IMP)
- Whole Person Impairment (WPI)
- Wage Reimbursement Schedule (WRS)

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NSW Claims Process

Pre-Injury Average Weekly Earnings (PIAWE or AWE)

How is a PIAWE Calculated?

- A Worker's PIAWE is calculated based on the workers average weekly earnings for the 52 weeks before the injury
 - If employed for less than 52 weeks, use the period of employment
- PIAWE is based on ordinary earnings and normal hours worked per week
- PIAWE includes:
 - Base rate of pay
 - Overtime and shift allowances
 - Piece rates (Bonus payments)
 - Commissions
 - Non- Pecuniary benefits
- Minimum PIAWE amount: \$155.00
- Maximum PIAWE amount from : \$2,318.10

$$\frac{\text{Gross earnings}}{\text{Relevant earning period (weeks)}} = \text{PIAWE}$$

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NSW Claims Process

Pre-Injury Average Weekly Earnings (PIAWE or AWE)

In October 2019 the NSW Government announced changes to the way PIAWE is calculated.

- Relevant earning period is the 52 weeks immediately before the date of injury
- Shift /overtime allowances remain included after 52 weeks of payments (effective 26 October 2019, applies to workers injured on or after this date)
- Adjustments of the relevant earning period e.g. to exclude periods of unpaid leave, align with employer's pay cycle etc.
- New PIAWE agreement form for employers and workers.
 - If the worker and employer reach an agreement about PIAWE, they can apply to the agent for approval of the agreement within five calendar days of initial notification of injury

NSW Claims Process

PIAWE- Wage Entitlements

| 1-13 Week | 14-130 Weeks | 131-230 Weeks | 260 + Weeks |
|--------------------------------------|--|---|---|
| 95% of Average Weekly Earnings (AWE) | 80% AWE 95% AWE if working 15 hours | Only if no current work capacity or working > 15 hours per week. 80% AWE | Only if > 20% WPI 80% AWE |
| Section 36- First Entitlement Period | Section 37- Second Entitlement Period | Section 38- Following second entitlement period | Section 39 Cessation of weekly payments after 5 years |

- A Worker is entitled to take Annual Leave whilst in receipt of weekly benefits. Essentially 'double dipping'
- Sick leave cannot be taken whilst in receipt of weekly benefits. (Unless the worker has capacity and suitable duties are not available).

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Definition of “Injury”

- Workers Compensation legislation defines an injury as:
 - A personal injury arising out of or in the course of employment

- Includes a disease injury which means:
 - A disease that is contracted by a worker in the course of employment but only if the employment was the main contributing factor to contracting the disease, and
 - The aggravation, acceleration, exacerbation or deterioration of any disease, but only if the employment was the main contributing factor to contacting to the aggravation, acceleration, exacerbation or deterioration.

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NSW Claims Process

Disputing/Managing Difficult Claims

Any concerns regarding the legitimacy of a claim should be reported to the **Broker/Insurer/Agent** as soon as possible so that the matter can potentially be investigated.

Liability concerns are not limited to the initial stages of a claim and can arise throughout the life of a claim.

Such concerns could include:

- Inconsistencies in incident reporting
- Injury may have resolved
- Injury is not work-related
- Working elsewhere
- Demonstrating a higher functional capacity in other aspects of life (sport, renovating etc)
- Agent is not being proactive

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NSW Claims Process

Disputing/Managing Difficult Claims:

How We Assist With This Process:

- Raise concerns immediately and provide supporting evidence when available.
- Request:
 - Independent Medical Examination (IME)
 - Injury Management Consultation (IMC)
 - Factual Investigation
 - Surveillance
 - Answers to specific questions
 - A legal opinion
 - Detailed summaries of all reports
- Keep Insurer/Agent honest
- Demand transparency

Psychological Injuries

There are three types of claims for psychological injuries that arise out of or in the course of employment.

1. Injury arising from a traumatic event/incident.
 - Armed Robbery
 - Motor Vehicle Accident
 - Witness to a traumatic event/incident
2. Secondary injury to a physical injury (same claim -not a new claim)
 - Depression due to inability to perform day to day activities
3. Bullying & Harassment, Workplace Conflicts, Performance Management

Psychological Injuries

- A psychological injury is not compensable if the injury is not a diagnosable “medical condition” e.g. Adjustment Disorder, Depression, Anxiety Disorders etc.
- “Stress” is not psychological diagnosis and is not compensable
- An Independent Medical Examination should be conducted to ensure that the injury is compensable.
- **Section 11A:** No compensation is payable for a psychological injury if the injury was wholly or predominantly caused by **reasonable action** taken in a **reasonable manner** by the employer in respect to:
 - Transfer
 - Promotion/ Performance Appraisal
 - Dismissal/Retrenchment
 - Demotion/Discipline
 - Provisions of employment benefits
- **Risk Factors to workplace stress include but are not limited to:**
 - High work demands
 - Poor support/poorly managed change
 - Lack of role clarity
 - Poorly managed relationships
 - Low levels of recognition and reward
 - Poor performance

Psychological Injuries

Tools to minimise the risk of a successful workers compensation claim due to a psychological injury include:

- Follow Policies and Procedures
- Have witnesses and offer opportunity for employee to have a support person
- Be aware of how your actions and mannerisms could be perceived
- Document discussions/actions
- Provide adequate training and support
- Provide adequate training and support to your managers

Psychological Injuries

Prudent initial actions on this type of claim:

- Complete internal records and provide them to the insurer

Organise factual investigation and request statements from other parties involved

- Organise workplace mediation if possible and applicable
- Organise Independent Medical Examination (IME)

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Questions



Thank you.