出國報告(出國類別：出席國際會議)

2023 國際保險法學會(AIDA)世界會員大會(World Congress) 報告

服務機關： 財團法人保險事業發展中心

報告人： 黃慕淳

派赴國家： 澳洲

出國期間： 112 年 8 月 26 日至 9 月 2 日

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摘 要

國際保險法學會(International Association of Insurance Law，簡稱 AIDA)於 2023 年 8 月 26 日至 9 月 1 日在澳洲墨爾本舉行第 16 屆世界會員大會(World Congress)。本次世界會員大會因受到 Covid-19 疫情影響，與前次於巴西舉辦之世界會員大會間隔為 5 年(過往每 4 年舉行一次)，本次會議主標題為「Insurance Upside Down」吸引學術界、法律界與保險業(再保險業)等各界專家蒞臨參與，會議焦點關注於保險業在地緣政治衝突、氣候變遷、ESG 和創新方面必須應對的戰略挑戰。

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第一章　前言

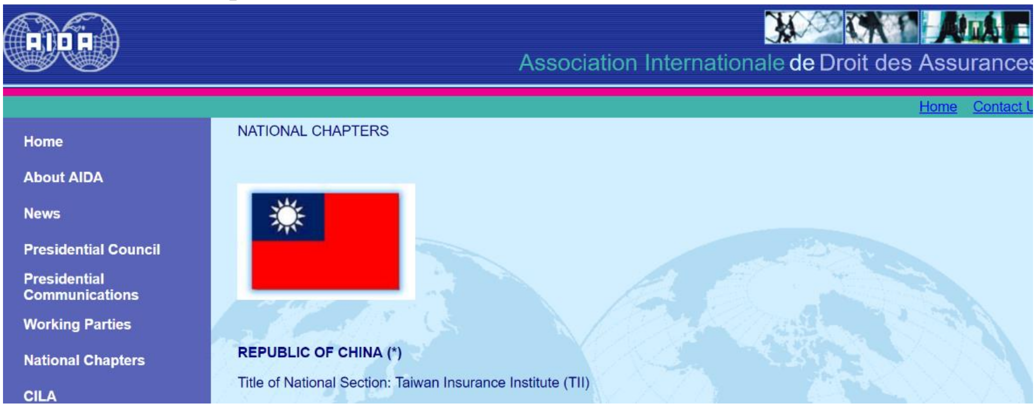
國際保險法學會(International Association of Insurance Law，簡稱 AIDA)於 2023 年 8 月 26 日至 9 月 1 日在澳洲墨爾本舉行第 16 屆世界會員大會(World Congress)。AIDA 是一個非營利性的國際協會，成立宗旨為促進和發展保險業參與者之間的國際層面上合作。

我國保險業及學術界向來甚積極參與 AIDA 每年舉辦之年會，在加入該組織之初係以「Republic of China」之名入會，乃目前少數仍然維持此名義加入的國際組織。今年本中心黃慕淳處長參加會議，除全程參與會員大會外，並參加 AIDA 理事會議(實體兼視訊會議)與 AIDA 全球理事會成員進行交流。

第二章　國際保險法學會(AIDA)簡介

國際保險法學會(AIDA) 歷史甚為悠久，創始於六十年代，乃國際保險法專業研究最重要之組織。為推廣發展國際間會員之合作，提昇國際保險法規及相關事務的研究及知識而成立之非營利國際機構。

AIDA 目標在於提供國際基準建議給保險業採用，以促使各國有關處理保險爭議之相關保險法能趨於一致。該學會成員及會議出席人員主要為法界人士，包括大學法學教授，各國律師，近年更擴大及保險業界高階主管，甚至保險監理官，保險業除保險公司外，經紀人、理算公司、公證人等，相關行業亦見加入，規模日漸擴大。我國約在 80 年代加入成為會員，並由本中心擔任中華民國分會(R. O. C. Chapter)代表。2012 年曾因中國大陸擬申請入會，提出我國 AIDA 會籍更名乙事。經前金管會林建智委員與本中心曾武仁前總經理與 AIDA 交涉，目前該學會網站上我國會籍仍列 Republic of China。



AIDA 最高權力單位：General Assembly，負責選出 Presidential Council 之成員，臺灣保險法學會理事長林建智先生亦於本(2016)年 7 月起成為 Presidential Council 之理事。下轄的各個 Working Party 各自主導不同領域之保險法研究，如汽車保險、信用保險、運輸保險、個人保險與退休金、責任保險與保險爭議、再保險、財務、氣候變遷與巨災事件、保險通路與保險法原則、理賠及代位的累積數據、新科技與損害防阻、保險監理等領域。

第三章　會議目的、過程及內容重點

一、會議目的

本次會議主標題為「Insurance Upside Down」，主辦本次會議之澳洲保險法學會 Angus Kench 先生表示：「當澳洲贏得在主辦這次會議的權利時，保險業正在發生很大的變化，正在發生翻天覆地的變化，這與『在澳洲舉行』或『顛倒』的想法產生了共鳴。在歷史上、世界地圖總是將澳大利亞放在地圖的底部。若是翻轉過來，你就會看到澳大利亞『在地圖的頂部』。當保險顛倒過來的時候，只要你願意，你就有機會站在頂端。」

本次會議之目的乃在保險業蒙受動盪的時刻，聯合學術界、法律界與保險業(再保險業)等各界專家，將重點放在一些被忽視的重大問題(例如：戰爭風險)，以及其他更頻繁討論的問題(例如：氣候變遷)，其他議題包括環境、社會及治理(ESG)及人才培育等，激盪出保險業在地緣政治衝突、氣候變遷、ESG 和創新方面必須應對的戰略挑戰。

二、會議過程及內容重點

四天之會議主要分為，第一天舉行之 AIDA 歐洲委員會會議 AIDA 理事與會員代表會議(實體兼視訊會議)，第二天至第四天為世界會員大會。三天之會議過程摘要如下：

(一) AIDA 會員代表會議：

選出了 2023-2027 年執行委員會，由阿根廷的 Carlos Estebenet 擔任主席。

新當選的 AIDA 2023-2027 年執行委員會成員如下：

- 主席：Carlos Estebenet(阿根廷)
- 副主席：Yves Hayaux du Tilly(墨西哥)
- 副主席：Kyriaki Noussia(希臘)
- 副主席：Sergio Barroso de Mello(巴西)
- 副主席：Alkistis Christofilou(希臘)
- 副主席：Chris Rodd(澳洲)
- 秘書長：Ricardo Peralta(智利)
- 財務主管：Jonathan Scragg(紐西蘭)

新當選 AIDA 主席 Carlos Estebenet 表示未來將透過增加 AIDA 活動、制

定明確的目的和目標以及確保對執行委員會和理事會成員(包括所有 Working Party)適當問責的制度來振興 AIDA 工作組。

參加會議的各國代表表達了對 AIDA 新領導層的支持，同時向 AIDA 即將卸任之主席 Peggy Sharon(以色列)及秘書長 Andrea Signorino 表達感謝。

(二) 會員大會

1. 專題：氣候變遷帶來的潛在的保險氣候訴訟(potential insurance climate litigation)風險

極端氣候除了造成整體產業的經濟損失，提高金融市場波動之外，亦會直接影響提供風險管理與資產投資雙重功能的保險業者。氣候變遷確實是保險業的一個關鍵議題，也會帶來潛在的保險氣候訴訟風險。

潛在的保險氣候訴訟(potential insurance climate litigation)指的是可能因氣候變遷引發的保險業相關訴訟。氣候變遷對自然災害的頻率和嚴重性產生了影響，這也對保險業帶來了挑戰。因此，保險公司可能面臨來自政府、企業或個人的訴訟，要求其承擔與氣候變遷相關的風險和損失。

潛在的保險氣候訴訟可以探討以下幾個方面：

(1) 風險評估和資訊揭露：保險公司可能面臨被要求其提供更詳細的風險評估和揭示與氣候變遷相關的資訊。這包括氣候模型、風險評估報告和公司對氣候變遷的應對策略。

(2) 損失理賠：隨著極端天氣事件的增加，保險公司可能面臨對於理賠爭議的訴訟。當保險公司拒絕理賠或無力支付因氣候變遷引發的損失時，被保險人可能提起訴訟以獲得賠償。

(3) 投資決策：保險公司的投資組合中可能包含與化石燃料產業相關的部位。投資組合中的這些資產的價值可能受到氣候變遷風險的影響，因此保險公司可能面臨來自投資者的訴訟，指責其未能適當評估和管理氣候變遷對投資組合的風險。

(4) 公共責任：保險公司可能被控告未能適當評估和定價氣候變遷對公共責任保險風險的影響。例如，如果保險公司未能準確評估颶風或洪水等極端天氣事件對建築物和基礎設施造成的損壞風險，而導致賠償不足，則可能面臨訴訟。

潛在的保險氣候訴訟反映了氣候變遷對保險業的重大影響，以及社會對於推動保險業更積極應對氣候變遷的需求。然而，具體的訴訟案例和結果仍然取決於不同司法管轄區的法律和實務。

2. 專題：戰爭風險

近年來，政治風險、戰爭風險和網絡安全保險產品的需求似乎呈現增長趨勢。對於網絡戰爭風險的定義也存在著很多不確定性。俄羅斯總統普京對烏克蘭的入侵是 2022 年政治風險的主要驅動因素。此外，烏克蘭入侵所引發的通貨膨脹、全球能源變化和加劇的社會經濟緊張局勢將繼續推動更大的政治風險。

不斷上升的政治風險也使戰爭保險再次受到關注。戰爭保險是一種專業的保險，保障因戰爭和相關風險導致的財產損失或損壞。儘管航空險和航運險業務因為是全險式(All Risk)保單，但在財產保險與中經常是除外事項。由於戰爭的發生是不可預測的，並且不適合進行概率估計，加上戰爭造成的損害後果或程度無法合理和準確地估計，這是任何健全可靠的精算定價方法所必需的兩個因素，因此在缺乏這兩個因素的情況下，保險公司難以提供相應的保障。

(1) 戰爭保險的種類

關於戰爭保險的種類，部分市場提供了更廣義的政治風險保險，可能包括政治暴力、恐怖主義、破壞活動和金融風險(如徵用、國有化等)。另一些市場可能僅提供與戰爭和相關風險(包括恐怖攻擊行為和破壞活動)有關的保障。還有一些市場將恐怖主義與戰爭保險分開，將其視為獨立的產品。另外、隨著網絡攻擊和數字犯罪日益嚴重和普遍，對於網絡戰爭保險的需求也在增長。然而，網絡戰爭的定義和界定仍然存在爭議。網絡戰爭可以包括國家之間的數字攻擊、間諜活動、網絡犯罪組織的行動等。由於這種風險的複雜性和不確定性，保險公司在開發相應的保險產品時面臨著挑戰。

(2) 保險公司如何應對風險呢?

保險公司在應對政治風險、戰爭風險和網絡安全保險方面採取的可能策略：對風險進行評估和分析，以確定是否能夠提供相應的保障。這包括評估風險的潛在影響和損失程度。如果風險過於複雜或無法準確評估，保險公司可能會選擇不提供相應的保障。

其次，保險公司可能會與專業機構和顧問合作，以獲取更多關於風險的信息和專業知識。這有助於提高保險公司對風險的理解和應對能力。

此外，保險公司還可能通過重新評估和修改保險條款、提高保費或設置限制來應對風險。這有助於保險公司在提供保障的同時保持可持續性。

綜上所述，政治風險、戰爭風險和網絡安全保險的需求正在增長，但由於這些風險的複雜性和不確定性，保險公司在提供相應保障時面臨著一些挑戰。然而，保險公司可以通過風險評估、專業合作和調整保險策略等方式應對這些風險。

3. 專題：經濟、企業與環境(ESG)

為建立國際一致適用的永續揭露規範，國際財務報導準則(IFRS）基金會成立的國際永續準則理事會(ISSB），已正式發布 S1 跟 S2 兩號國際永續揭露準則，S1 是永續相關財務資訊揭露，S2 是氣候相關風險、機會對企業價值影響，這兩號公報為全球訂定一致性的永續資訊揭露標準，增加可比較性跟可信賴性，引導永續資金投資，預計 2024 年生效。

ESG 資訊與財務報導和永續報導的關聯性

永續報告書以利害關係人觀點，評估永續性衝擊；財務報導以股東觀點，報導企業財務價值。永續性相關的財務資訊則是 Investor Focus: 反映企業風險、成長、現金流量或價值評估等。目標是要求揭露與永續發展相關的風險與機會，要求揭露所有「重大」風險以及實體面臨的機會，包括對永續發展相關財務信息的完整、中立與準確的說明。

IFRS S1 一般永續性揭露基礎概念：全面性的永續揭露標準，以滿足投資者永續相關的資訊需求。針對重大永續相關風險及機會提供揭露指引，並要求明確揭露公司永續及財務資訊間的關聯，諸如可比較的資訊(應揭露前一年資料進行比對，尤其是永續相關財務揭露有可能與指標與目標相關)等，並強化可比性、可驗證性、即時性、易於了解等四大特性，以提供投資人評估公司價值之永續相關財務資訊。

- 公允表達：以完整性、中立性與準確性報導永續相關風險與機會之評估
- 重大性：可合理預期會影響企業價值之永續相關風險與機會;資訊一旦被省略、錯誤陳述或是遮蔽，即可合理預期將會影響主要用戶以該報導為基礎所作之決策。
- 報導個體：應與財務報告之報導個體相同，若報告主體為集團，合併範圍將包含母公司及合併報表內之子公司。
- 關聯資訊：公司應揭露所辨識之風險與機會對應企業本體的影響並且辨識財報中與企業永續相關揭露的內容連結性。
- 核心內容：應以此框架作為揭露核心:治理、策略、風險管理、指標與目標。
- 報導頻率：應於財務報表同時報導其永續相關財務揭露，且永續相關財務揭露之報導期間應與財務報表相同。
- 比較資訊：應揭露前一年資料進行比對，尤其是永續相關財務揭露，不確定性(Measurement uncertainty)、過去揭露錯誤改正(Prior period errors)與遵循聲明(Judgements)。

關於 ESG 的未來趨勢：第一，ESG 元素已滲透到各產業，企業永續將朝向產業分殊化方向前進；第二，各產業開始衡量不同 ESG 議題，對自身的關連性與影響性。因此，目前部分企業直接「套用永續公式」的作法，未來將轉變為更貼切的「量身訂做」。

總結來說，瞬息萬變的地緣政治和宏觀經濟，改變了 ESG 和氣候變遷的格局，尤其氣候議題仍然是 ESG 議題的重中之重，監管機構愈形發揮作用，以確保企業履行其相關義務。ESG 對於其他領域的影響不斷擴大，導致日常生活產生重要變化。

4. 專題：資安風險

在網路時代中，企業面臨資安風險愈來愈高，除了面對經濟挑戰、氣候變遷調適，還有直接造成威脅的駭客攻擊等資安風險。但直至今日，資安保險在美國市場份額僅占 1%、在澳洲市場分額僅占 0.4%，究竟保險業要推廣資安保險會面臨什麼困難?

(1) 缺乏資訊和認識：資安保險是相對新興的保險類別，許多企業和個人對於它的認識有限。他們可能不了解資安風險的嚴重性

以及如何適應和應對這些風險。因此，保險業需要花費時間和資源來提高公眾對於資安保險的認知，並解釋其價值和好處。

(2) 評估風險的困難：資安風險的評估相對複雜，因為它涉及到技術、法律、合規性和業務流程等多個層面。保險公司需要具備相應的專業知識和能力，以評估客戶的風險狀況，確定適當的承保範圍與保費定價。可能需要與資安專家和顧問合作，以完善風險評估。

(3) 難以確定保險條款和限制：資安保險的條款和限制可能具有一定的複雜性，並且可能因為不同的保險公司而有所不同。保險業需要確定適當的保險範圍、不保事項、理算程序和理賠限制等，以滿足客戶的需求，同時確保風險可控。

(4) 缺乏標準和統一性：目前尚缺乏普遍接受的行業標準和規範，導致保險公司之間的差異性，客戶難以比較不同保險方案的優劣。保險業需要與政府機構、行業團體和專家合作，推動制定相關的標準和指南，以促進資安保險市場的發展。

(5) 不確定的資安風險：資安風險的性質和變化讓其難以確定和量化。這使得保險公司在設計產品時面臨困難，如設定適當的保險金額、定期評估風險和定價等。並且保險業要銘記在心的是，資安風險具備巨災性質，我們要有預備將來會有巨災的發生，並且考量到資安風險一直不斷的演化，這種不確定性並不能完全依賴歷史經驗來評估。保險業需要不斷跟進了解資安威脅的最新趨勢和技術發展，以保持保險產品設計與定價的妥適性與合理性，並同時保持市場競爭力。

綜上所述，我們並不能完全阻止資安事件發生，僅能作第二道防線，推廣資安保險需要克服公眾認知、風險評估、條款制定、行業標準和風險不確定性等多個困難。然而，隨著資安威脅的增加和企業對於風險管理的重視，資安保險市場有望持續發展，並為保險業帶來新的商機。

第四章　心得與建議

本次國際保險法學會(AIDA) 世界大會受到 Covid-19 疫情影響延後了一年舉辦，吸引來各國學術界、法律界與保險業各界專家蒞臨參與，由於同時間本中心舉行保險卓越獎原因，長官無法親臨現場，由職代理董事長出席理事會議，見證新一任理事長與秘書長之選舉。

以下僅參加本次會議心得與建議臚列如下：

本次會議聚焦的都是全球保險正熱議的話題，也與台灣保險市場未來的發展息息相關，畢竟我國身處好發颱風的地理位置，今年受到氣候變遷再保險市場轉硬，也令業界遭受再保成本提高的衝擊，再加上地緣政治因素，戰爭風險的議題也同時影響了台灣市場在進行再保安排時，因為前端保單條款與再保合約條件的差異(difference in coverage)，保險公司可能被迫自留更多風險，未來風險管理的挑戰越來越大。建議必須持續觀察國際市場對於戰爭風險相關條款的討論趨勢並適時調整台灣市場舊有的條款內容以控管風險。

另外在理事會上，理事們有討論到就 ENCYCLOPEDIA OF INSURANCE LAW 之出版，需要向各會員國徵求協助，現任理事林建智教授建議本中心，因台灣保險學界見解頗多分歧，現行法規也尚存部份矛盾之處，若未來 AIDA 有向本中心徵詢意見，宜謹慎處理，建議可與台灣保險法學會商議。

本次參加國際會議不僅可以瞭解全球保險動態，且可與其他與會人員交流，建議有機會應派員參與明年的 AIDA 歐洲大會會議，以利掌握最新國際保險趨勢發展並多認識其他各國與會的專業人士。

附錄

附錄一、議程

WICA 2023 PROGRAM

The following program is provisional and subject to change. It will be updated as planning proceeds. Please check this page regularly.

To register, please click here.

CPD Points

Pre-Conference Events

Young Professionals Mock Trial (Tuesday 29 August) - 1 Point (LPBWA - Professional Skills)

Diversity@AILA - the Story of Us (Wednesday 30 August) - 1 Point (LPBWA - Ethics)

AIDA Working Party Meetings (Wednesday 30 August) - 2 points per 2 hour section, total 8 points (LPBWA Substantive Law)

Full Congress

Total 10 Points CLE, NIBA and ANZIIF

LPBWA breakdown for Western Australia delegates:

- Practice Management and Business Skills 3.5 points
- Professional Skills 3 points
- Substantive Law 3.5 points

TUESDAY 29th AUGUST 2023			
8:30 - 10:30	AIDA Presidential Council Meeting	AILA Board Meeting	All other congress attendees, partners and guests are encouraged to refer to the social program for suggested activities whilst in Melbourne. VIEW THE SOCIAL PROGRAM
10:30 - 11:00	Morning Tea		
11:00 - 13:00	AIDA Presidential Council Meeting	AILA Board Meeting	
13:00 - 14:00	Lunch		
14:00 - 15:30	AIDA Presidential Council Meeting	AILA Board Meeting	
15:30 - 16:00	Afternoon Tea		
17:15 - 21:00	**Young Professionals Event** The AILA Young Professionals will host an educational mooting event at the Victorian Supreme Court. The Hon. Justice Lyons will preside over an insurance law dispute involving counsel and mock witnessess. A networking event with light refreshments will follow at The Essoign Club. **Mock Trial** - Supreme Court of Victoria, 210 William St, Melbourne **Networking Event** - Essoign Club, 1/205 William St, Melbourne		

WEDNESDAY 30th AUGUST 2023			
AIDA WORKING PARTY MEETINGS AIDA's Presidential Council has created Working Parties for the purpose of carrying out research in specific fields of insurance law and related matters. These are not to be missed sessions as they dive deeply into their area of focus with some of the best and brightest providing commentary on these important issues. Go to https://aidainsurance.org/working-parties for further details about AIDA Working Parties. Further Working Party Meeting Agendas will be added to the program as details are finalised.			
07:30 - 16:30	Registration | MCEC Main Foyer 2&3		
Room	**Meeting Room 219**		
8:30 - 10:30	**WORKING PARTY: CLIMATE AND CATASTROPHIC EVENTS** AIDA Chair: Tim Hardy **Overview of climate-related litigation risks for insurers: Australia/Pacific perspective, including threats to collaborative insurer action** Rebekkah Markey-Towler, University of Melbourne, Australia **Climate change and intergenerational justice: lessons from Germany's Federal Constitutional Court** Prof. Dr Oliver Brand, University of Mannheim, Germany **New Zealand: Actions/litigation, including that of the LCANZI - Lawyers for Climate Action NZ - in the context of national government climate responses and experiences** Michael Parker, Partner, Parker Cowan, Queenstown, New Zealand **Climate-related disclosure obligations and implications** Vicki Mullen, Finity Consulting, Sydney, Australia **Critical issues for insurers on development in climate-liability exposures** Jonathan Wyatt, Managing Partner, Kennedys, Perth, Australia		
10:30 - 11:00	Morning Tea wotton kearney		
Room	**Meeting Room 217**	**Meeting Room 218**	**Meeting Room 219**
11:00 - 13:00	**WORKING PARTY: DISTRIBUTION OF INSURANCE / PERSONAL LINES AND PENSIONS** AIDA Chair: Philip Hopley, Partner, Hall & Willcox **The operation of the Design and Distribution Obligations regime** Dr Rhys Bollen, Senior Executive Leader, General Insurance, Australian Securities and Investments Commission **Embedded Insurance: The Australian Perspective on a Global Insurtech Trend** Yvonne Lam, Principal, Gilchrist Connell **French perspectives on mortgage protection insurance** Professor Jerome Kullmann, Dauphine University, Paris	**WORKING PARTY: REINSURANCE** AIDA Chair: Carlos Estebenet, Ozlem Gurses **Follow the fortune, is it law or principle?** Professor Satoshi Nakaide, Waseda University Japan **The aggregation of Covid-19 business interruption losses** Sushma Ananda, 7 King's Bench Walk London **Multi-layered tower risks in Australia and how that market is responding to FI and D&O (side C) claims** Keith Bethlehem, CBP Sydney **The big wind blows - on far north Queensland. The Australian Reinsurance Pool Corporation's Cyclone Reinsurance Pool is up and running** Fred Hawke, Clayton Utz Melbourne	**WORKING PARTY: FINANCIAL LINES AND CYBER** AIDA Chair: Ray Giblett, Partner, Norton Rose Fulbright **Welcome and introductory Remarks** Ray Giblett, Partner, Norton Rose Fulbright **ESG and financial lines claims in the USA** Neil Hartzell, Partner, Freeman Mathis & Gary, LLP, Boston **ESG and financial claims in Australia** Persia Navidi, Partner, Hicksons Lawyers **Coverage for Ransomware Attacks in Germany** Prof. Dr Robert Koch, University of Hamburg, Director Institute of Insurance Law **Ransomware claims in Australia** Mel Tan, Partner, Lander and Rogers Quinton Kotze, Cyber & Technology Product Manager, Chubb Australia

Room	Meeting Room 217	Meeting Room 218	Meeting Room 219
13:00 - 13:30	Lunch		
13:30 - 15:30	**WORKING PARTY: BUILDING & CONSTRUCTION INSURANCE** AIDA Chair: Laina Chan, Barrister, 2 Selborne Chambers **Managing insurance risk while building better buildings** A panel discussion on: • Australia's and New Zealand's legislative and regulatory response to falling consumer confidence as a result of defective buildings; and • The flow on effects on insurance risk and the insurance market Kavita Deobhakta, Partner, Morgan Coakle Chris Erfurt, Special Counsel, Clayton Utz Myles Noble, Head of Insurer Relationships and Broker Claims, Crombie Lockwood Aaron Sherriff, Partner, Duncan Cotterill Lucy Terracall, Partner, Clayton Utz Claudia Virgona, Senior Underwriter, Professional & Financial Risks, Liberty Financial Markets	**WORKING PARTY: MARINE** AIDA Chair: Professor Satoshi Nakaide **Introduction: Importance of Marine Insurance Law** Professor Satoshi Nakaide **The 'proximate' and 'remote' causes of loss** Professor Ozlem Gurses **Navigating Out of the Past** Professor Kate Lewins **The Limits of Marine Insurance Subrogation** Professor Rob Merkin KC	**WORKING PARTY: DISPUTE RESOLUTION** AIDA Chair: Chris Rodd **A Fair Go - What insurance ombudsmans schemes around the world can learn from the Australian experiment with fairness** Scott Breihl, Senior Associate Turks Legal **Meditation and Arbitration in the USA - a personal perspective** Edward Currie (FDCC), Senior Partner, Currie, Johnson & Myers PA, Mississippi USA **Arbitration in Hong Kong, HKMAG and ARIAS Asia** Caroline Thomas, Consultant at Hugill & IP, Hong Kong
15:30 - 16:00	Afternoon Tea		
Room	**Meeting Room 217**	**Meeting Room 218**	**Meeting Room 219**
16:00 - 18:00	**WORKING PARTY: EMPLOYERS LIABILITY INSURANCE** AIDA Chair: Angus Kench AIDA Chair: Mandy Rees-Peach Presentations from industry experts including Sarah Wood, Principal, Gilchrist Connell Lawyers An interactive session covering issues of importance to these segments of the insurance industry.	**WORKING PARTY: MOTOR AND PRINCIPLES OF INSURANCE** AIDA Chair: Professor Sara Landini, University of Florence **A panel discussion on significant issues for the motor insurance industry including green motor insurance, sustainability principles, and climate mitigation** Massimo Dotto, Partner, CMS Adonnio Ascoli & Cavasol Scamoni, Rome Laura Opilio, Partner, CMS Adonnio Ascoli & Cavasol Scamoni, Rome Aaron Le Marquer, Partner and Head of Policyholder Disputes, Stewarts, London	**Working Party: Civil Liability Insurance** AIDA Chair: Gabriel Vivas Diez, Partner, Vivas & Uribe Lawyers **Presentation of the World database of the laws on civil liability insurance** Gabriel Vivas Diez **The civil liability of building and construction professionals in Australia** Julie Bowker, Partner, Carter Newell Lawyers **Medical malpractice and liability in Brazil** Melisa Pimenta, PMR Advogados Lawyers **The Australian liability landscape for insurance brokers** Daniel Robinson, Principal, Gilchrist Connell and Dr Robin Bowley, University of Technology Sydney

Thursday 31 August 2023	
7:45 - 16:30	Registration, Arrival Tea & Coffee, Exhibition | **MCEC Main Foyer 2 & 3**
Room	**Plenary Hall 1**
8:30 - 8:50	Welcome to Country, Indigenous Elder Welcome from the AIDA President, Peggy Sharon Welcome from the AILA President, Cameron Roberts Welcome from WICA Chair, Angus Kench
8:50 - 9:10	**Keynote Address** Marcus Thomas, Head of Casualty and Professional & Financial Risks, Liberty Specialty Markets, Asia Pacific
THEME	**CONFLICT**
9:10 - 9:55	**War and Conflict. The International Security Outlook and Insurance Implications** Session Chair: Craig Marvinney Presenters: • Professor Johnny Chang, CTBC Business School, Taiwan • Christof Baudig, Oppenhof & Partner • Jesse McNeilly, Australia • Martin Zapiola Guerrico, Argentina This session will be an introduction to a wide scope of conflicts: War, Political Conflicts, Pirating, Aviation, Cyber
9:55 - 10:40	**Insurance Response to Risk of Conflict** Session Chair: Ozlem Gurses Presenters: • Peter MacDonald Eggers KC, 7 King's Bench Walk • Professor Rob Merkin, University of Reading • Professor Johnny Chang, CTBC Business School, Taiwan Insurance Response to Risk of Conflict This session will delve into a variety of topics including Coverage issues (Marine, aviation, war risks - Exclusions), Total Losses (The concepts of actual and constructive total loss), Sue and Labour expenses, Mitigation of Losses, Business Interruption, Sanctions Prohibitions.
10:40 - 11:10	Morning Tea, Networking and Exhibition | **MCEC Main Foyer 2 & 3** Pelleo & Associados
Room	**Plenary Hall 1**

THEME	CONFLICT
11:10 - 11:55	**Conflict as the new normal** Session Chair: Craig Marvinney Presenters: • Martin Zapiola Guerrico, Argentina • Peter MacDonald Eggers KC, 7 King's Bench Walk • Professor Rob Merkin, University of Reading • Melissa Tan, Lander & Rogers This session will address Lessons applied (Cyber, ransomware, terrorism, piracy), Electronic sources (Russia, North Korea, China), Physical sources (Somalia, Philippines, Mexico) and applied aspects of how these various conflicts impact insurance matters. (for example is ransomware payable/should it be?).
11:55 - 12:40	**Conflict Wrap Up Panel** Session Chair: Ozlem Gurses Presenters: • Craig Marvinney, Bricker Graydon • Martin Zapiola Guerrico, AIDA Argentina • Peter MacDonald Eggers KC, 7 King's Bench Walk • Professor Rob Merkin, University of Reading • Melissa Tan, Lander & Rogers • Jesse McNeilly, Australia Listen as our expert panel summarise their concluding thoughts and session takeaways.
12:40 - 13:45	Lunch, Networking and Exhibition | **MCEC Main Foyer 2 & 3**
Room	**Plenary Hall 1**
THEME	**CLIMATE**
13:45 - 14:30	**Bearing the Risk of Climate Change - The Australian Experience** Session Chair: Chris Rodd Presenters: • Dallas Booth, ICA BAC, former NIBA CEO • Michael Pennel PSM, CUO, ARPC • Kylie Macfarlane, COO, ICA In this session, panellists will give consideration of Australian Exposures (cyclones, floods etc) and some suggested short term risk bearing remedies and realities in the wake of the Northern Australian Insurance Inquiry and other reports.

13:45 - 14:30	**Bearing the Risk of Climate Change - The Australian Experience** Session Chair: Chris Rodd Presenters: • Dallas Booth, ICA BAC, former NIBA CEO • Michael Pennel PSM, CUO, ARPC • Kylie Macfarlane, COO, ICA In this session, panellists will give consideration of Australian Exposures (cyclones, floods etc) and some suggested short term risk bearing remedies and realities in the wake of the Northern Australian Insurance Inquiry and other reports.
14:30 - 15:15	**Role of reinsurers, global lessons and other challenges** Session Chair: Tim Hardy Presenters: • Scott Reeves, Head of New Markets, Munich Re • Trent Thomson, Head of Property & Casualty AP, Swiss Re • Karl Jones, Head of Analytics and Advisory, AP, Guy Carpenter • Dr Arjuna Dibley, Head of Sustainable Finance Hub, University of Melbourne Panellists will consider the role and influence of reinsurance in meeting the challenges of often worsening climate and catastrophic risks; the strengths, weaknesses and problems posed by reinsurance pools and other protection gap remedies; illustrations of successes in various countries and where changes or improvements still needed; proposals and predictions for the future.
15:15 - 15:45	Afternoon Tea, Networking and Exhibition | **MCEC Main Foyer 2 & 3** Pellon & Associados Advocacia
Room	**Plenary Hall 1**
THEME	**CLIMATE**
15:45 - 16:30	**Mitigating and minimising the long term risks. Tools, products and challenges** Session Chair: Chris Rodd & Tim Hardy Presenters: • Kylie Macfarlane, COO, ICA • Ryan Crompton, Risk Frontiers • Geoff Boughton, JCU, Cyclone Station • Prof Sara Landini, University of Florence
16:30 - 16:45	Industry Next Generation: Presentation by the 2023 Ron Shorter Award Winner
19:00 - 23:00	**WICA Gala Dinner** Sponsored by Barry Nilsson Lawyers Great Hall, National Gallery of Victoria, 180 St Kilda Rd, Melbourne The Gala Dinner is the signature event held during the congress and is an evening not to be missed! **Dress Code**: Cocktail/Lounge Suit Barry Nilsson

Friday September 1st 2023	
8:30 - 16:30	Registration, Arrival Tea & Coffee, Exhibition | **MCEC Main Foyer 2 & 3**
Room	**Plenary Hall 1**
THEME	**ESG**
9:00 - 9:05	**Welcome by session chair** Prof. Dr. Robert Koch, Chair for Civil Law and Insurance Law, University of Hamburg
9:05 - 9:30	**ESG Up Close** Presenter: • Alan Dayeh, Partner, Point Advisory – an ERM Group Company, Sydney A look at ESG now, what it means, why it is important and what the future of ESG looks like. This session will explore: • What ESG means - its origins, how it relates to sustainable development and how it is applied • Why ESG is important - for investors/financiers and other stakeholders, and with internationally recognised frameworks and initiatives • What can be expected in relation to ESG looking ahead - including with respect to discharge of fiduciary duties, green washing, and evolving disclosure standards.
9:30 - 10:30	**The Global ESG Landscape** Moderator: Professor Ricardo Peralta, Partner, Vioiller & Associates Presenters: • UK/European speaker: Prof Adolfo Paolini, Associate Dean-Law, University of Buckingham and Consultant to Clyde & Co, London • North American speaker: Heather Sanderson, Sanderson Law, Canada • Australian speaker: Kate Gill-Herdman, Special Counsel, Corrs, Melbourne This session will include a review of the regulatory regimes across Australia, NZ, UK/Europe and North America with a focus on the reach of ESG, legislative and governance framework, how to manage, regulation and enforcement.
10:30 - 11:00	Morning Tea, Networking and Exhibition | **MCEC Main Foyer 2 & 3** CLYDE&CO
Room	**Plenary Hall 1**
THEME	**ESG**
11:00 - 12:00	**The commercial reality of business in the ESG World** Moderator: Melanie Quixley, Principal, Barry Nilsson Presenters: • Customer: Nigel Jones, Insurance Manager, Aurizon • Broker: Caitlin Carson, Victorian State Practice Leader, FINPRO, Marsh • Insurer: Ryan Thomas, Manager, Financial Institutions and D&O, Berkshire Hathaway Speciality Insurance • Reinsurer: Paul Lacey, Senior Underwriter, Hanover Re, Sydney This session will explore challenges, opportunities and strategies for buying, placing, insuring and underwriting cover in the ESG world from the perspective of the customer, the broker, insurer and reinsurer.

12:00 - 12:30	**Long term sustainability: attracting and retaining talent in the insurance industry** Session Chair: Dan Robinson Presenters: • Chris Mackinnon, Regional Head of Australia and New Zealand, Lloyd's Australia • Prue Willsford, CEO, ANZIIF • Belinda Cohen, Chief People Officer and Organisational Consultant This session will focus on issues of talent in the insurance industry. Flexible working, development and training in new flexible working conditions. Remote working. Young and old.
12:30 - 12:35	**Closing Remarks** Melanie Quixley, Principal, Barry Nilsson
12:35 - 13:30	Lunch, Networking and Exhibition | **MCEC Main Foyer 2 & 3** Clyde&Co

Room	Plenary Hall 1
THEME	**INNOVATION**
13:30 - 14:15	**Disrupting the industry: The increasing use of Artificial Intelligence in underwriting and claims handling** Session Chair: Cameron Roberts, Thomson Geer Lawyers Presenter: • Bernie Heinze, Federation of Defense & Corporate Counsel This session will consider the increasing use of AI in underwriting and claims handling, with a unique perspective from the Northern Hemisphere.
14:15 - 14:45	**Never hesitate to innovate: developments in insurance products and systems** Session Chair: Peggy Sharon Presenters: • Colin Fagen, Blue Zebra • Professor Sara Landini, University of Florence • Bill Hardie, Liberty Specialty Markets This session will consider innvotive undewriting and claims systems as well as innovation in insurance products, including parametric insurance.
14:45 - 15:15	Afternoon Tea, Networking and Exhibition | **MCEC Main Foyer 2 & 3**
Room	Plenary Hall 1
THEME	**INNOVATION**
15:15 - 15:45	**Soft laws to rule reinsurance: developments in the Principles of Reinsurance Contract Law** Session Chair: Peggy Sharon Presenters: • Professor Dr Manfred Wandt, University of Frankfurt, Germany • Carlos Estebenet, Senior Partner at BULLÓ Abogados This session will address the international initiative to provide the reinsurance market with transnational uniform soft laws rules, to bring transparency and legal certainty to reinsurance contracts.
15:45 - 16:15	**Playing in the sandbox: the regulation of innovative insurance initiatives and products** Session Chair: Julie Lumbis, Steadfast Presenters: • Avryl Lattin, Clyde+Co • Nigel Fellowes-Freeman, Kanopi This session will focus on developments in th regulation of innovative insurance initiatives and products, including open insurance, sandboxes, and products designed to improve insurance capacity.
16:15 - 16:30	Conference Wrap up and Close, Angus Kench

附錄二、會場剪影

(AIDA 理事會&會員代表會議)

(左五者為新任主席 Carlos Estebenet、左四者為新任秘書長 Ricardo Peralta，女性為原主席 Peggy Sharon)

(左二者中信金融管理學院張冠群教授、右一者為台灣保險法學會林建智教授)


WICA