

DOES A STITCH IN TIME REALLY SAVE NINE?

Issues Surrounding Mitigation Costs Under a Policy of Liability Insurance



Roger Traves QC
Level Twenty Seven Chambers



Anthony Messina
Level Twenty Seven Chambers



Nola Pearce
Level Twenty Seven Chambers

An insured who incurs costs in avoiding or minimising losses from an insured event will often look to the insurer to meet those costs. Conversely, an insurer may seek to avoid indemnifying for losses which it considers the insured could have taken steps to avoid or minimise. What are the guiding principles, and how are Australian Courts likely to approach such disputes between parties to a policy of liability insurance?

- Sources of the parties' obligations
- Express policy terms
- A general or implied duty to mitigate loss?
- Limits on the insured's obligation
- Indemnity for mitigation costs:
 - Timing – before, during or after a loss event?
 - Does the duty of utmost good faith imply an obligation to indemnify?
 - Does public policy intervene?
- What about unintended outcomes?
- Apportionment of mitigation costs between insured and uninsured losses.

This seminar attracts 1 CPD | 1 NIBA 1 ANZIF point

7:45am Registration &
Light Breakfast
8:00am Introduction &
Presentation
9:00am Conclusion

Tuesday
13 November
2018

Level Twenty Seven
Chambers
Level 27
239 George Street
Brisbane

REGISTRATION FORM & TAX INVOICE



QLD SEMINAR:

ABN: 81 052 374 713

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REGISTRATION DETAILS

	Delegates Name, Firm (if different) & Dietary Requirements	Member \$25.00 <small>Incl GST</small>	Non-Member \$35.00 <small>Incl GST</small>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
		Total <small>Incl GST</small>	\$

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Telephone	
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Cheque	Send cheques with a copy of this Tax Invoice/Registration Form to AILA (postal details below) made payable to 'Australian Insurance Law Association' .
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EFT	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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Registration forms to: events@aila.com.au General enquiries: office@aila.com.au

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Registrations close: 12 November 2018