

AILA TWILIGHT

seminar series 2021

The **Twilight Seminar Series** is a flagship event of AILA NSW, with **six seminars** being held between July and September. The series focusses on **distinct and significant issues** facing the insurance industry.

The 2021 Twilights will be **face-to-face events** held at the **Sydney offices of Minter Ellison**.

Due to ongoing COVID-19 restrictions, **places are strictly limited - be quick to secure your seat!**

The events will be operated in accordance with the current COVID requirements. **If you are unwell, please do not attend.**

8 JUL

Points of Interest – The Wonkana and Globe Church Decisions

Members of the insurance industry will be familiar with the decisions of the NSW Court of Appeal in *HDI Global Specialty SE v Wonkana No. 3 Pty Ltd* [2020] NSWCA 296, which considered insurance cover for COVID-19 related business losses, and *Globe Church Incorporated v Allianz Australia Insurance Ltd* [2019] NSWCA 27, which considered the question of when a cause of action accrues against a first party insurer for limitation purposes.

In this seminar, the Honourable Justice Anthony Meagher will discuss some points of particular interest arising out of those decisions, which promises to be highly informative for insurers, brokers, insurance law practitioners and other members of the industry.

Speaker: **The Honourable Justice Anthony Meagher** NSW Court of Appeal
Chair: **John Dillon** Sparke Helmore

22 JUL

Securities Class Actions – Where Do We Stand?

Over the past 12 months or so, we have seen continuing significant development regarding securities class actions in Australia. The Myer and the WorleyParsons class actions have proceeded to judgment on the merits (with good outcomes for the respondents in both cases). The courts have continued to address important interlocutory aspects – such as carriage motions (*Wigmans v AMP*, High Court), class closing orders (*Haselhurst*, NSW Court of Appeal), and funding issues (*BMW Australia v Brewster*, High Court). But uncertainty remains in many of these areas, despite (or because of) the evolving case law. There is also talk of legislative reform - to litigation funding generally, to contingency fees, and to the market non-disclosure test itself. So, where do we presently stand on these issues, and is the climate now better, or worse, for listed entities, their directors and their insurers?

AILA is delighted that Beverley Newbold, Head of Minter Ellison's National Class Actions Practice, has agreed to address us on these, or related, topics. Ms Newbold has been involved in many leading class action cases in Australia including the Bellamy's, Billabong, and Estia Health securities class actions, and her insights will be invaluable.

Speaker: **Beverley Newbold** Partner, Minter Ellison
Chair: **Paul O'Brien** YPOL Lawyers

5 AUG

The Civil Liability Act... Has It Served Its Purpose?

AILA Twilight is thrilled to welcome back the Honourable Justice Cavanagh to present this seminar. The Civil Liability Act was enacted in 2002 following release of the Ipp Report, with a view to addressing issues arising from the common law of negligence and implications for insurance premiums. His Honour will undertake a wide ranging review of the central features of the Act, recent developments and their import on tortious liability. AILA Twilight looks forward to his Honour's insights during this highly anticipated session, which will be both informative and of great interest to any member of the industry operating in this space.

Speaker: **The Honourable Justice Cavanagh** NSW Supreme Court
Chair: **Sybilla Waring-Lambert** Lander & Rogers



19 AUG

2021 – The Present And Future Of Insurance Law

As a state of normality returns, it is important to be apprised of insurance developments beyond COVID-19. To keep you up to date, David Lloyd SC will share his insights on the key insurance cases for 2021 (so far) and some potential decisions in the pipeline. Vanessa Maher will provide expert commentary on what this means for insurance and claims professionals. Not to be missed for anyone involved in underwriting, broking or claims.

Speaker: **David Lloyd SC** 12 Wentworth Chambers
Commentator: **Vanessa Maher** Senior Vice President - Claims & Digital, Liberty Specialty Markets
Chair: **Ray Giblett** Norton Rose Fulbright

2 SEPT

Managing Regulatory Investigations: Key Issues For Insurers And Insureds

In recent years the regulators of Australia’s financial services industry have become increasingly active in investigating suspected breaches of the law. Regulatory investigations can be lengthy and complex and frequently involve challenges such as information management strategies, legal professional privilege and entitlements under D&O and management liability policies for legal defence costs. In this seminar Belinda Speirs will discuss some of the key issues that boards and senior management should consider when regulators are conducting investigations that involve their companies. Mark Ronan will then provide an industry perspective on the important issues for insurers when managing claims relating to regulatory investigations from insured clients – including notification and advancement of defence costs.

Speaker: **Belinda Speirs** General Counsel, Suncorp
Mark Ronan Chief Claims Officer, AON Risk Solutions
Chair: **Robin Bowley** Lecturer UTS Faculty of Law

16 SEPT

Professional Indemnity Update: Causation and Counterfactuals

AILA Twilight welcomes Stuart Donaldson SC as the presenter of this seminar on developments in the area of professional liability. Senior counsel was successful in the defence of a recent and significant trustee liability and professional negligence case: *Australian Executor Trustees (SA) Ltd v Kerr* [2021] NSWCA 5. The NSW Court of Appeal in the Kerr case considered a number of matters relevant to claims against professionals, including and in particular the question of causation. AILA Twilight looks forward to senior counsel providing his insights on this issue as well as other recent developments in the area of professional negligence claims.

Speaker: **Stuart Donaldson SC**
Chair: **Alexandra Bartlett** YPOL Lawyers

TIME	4:15pm registration for a 4:30pm start. Networking and drinks from 6:00pm
VENUE	Minter Ellison, Governor Macquarie Tower, Level 40, 1 Farrer Place Sydney
CPD	Per seminar 1.5 Legal CPD 1.5 ANZIIF 1.5 NIBA
COST	MEMBERS per seminar \$95.00 all six seminars \$415.00*
	NON-MEMBERS per seminar \$120.00 all six seminars \$600.00*

*Twilight series tickets are for one individual and should not be shared.

