

# INSURANCE

AILA

8:00am to 1:30pm  
Friday  
24 February  
2017

A snapshot of important  
2016 court decisions and  
legislation together with  
commentary on these  
developments affecting  
the General Insurance  
Industry

Register  
**ONLINE**  
today

Heritage Room  
The Westin  
1 Martin Place  
Sydney

# ANNUAL GENERAL INSURANCE LAW REVIEW

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# About the Review....

Join us for this half-day session as we launch into the New Year and catch the important 2016 court decisions and legislations together with commentary on these developments affecting the General Insurance Industry.

## Review Topics

- **Insurance Contracts Act**  
 Bergman v CGU Insurance Ltd [2016] VSC 81 – s21, s28  
 Kalabakas v Chubb Insurance Company of Australia Ltd [2015] VSC 705 – s21, s28  
 Lambert Leasing v QBE [2016] NSWCA 254 – s45, double insurance  
 Allianz v Inglis [2016] WASCA 25 – s54  
 Pantaenius Australia Pty Ltd v Watkins Syndicate 0457 at Lloyds [2016] FCA 1 – s54  
 Whittington v Smeaton [2016] ACTSC 76 – s54  
 Angas Securities Ltd v Small Business Consortium Lloyd's Consortium No. 9056 [2016] NSWCA 182 – s67, subrogation
- **Policy Construction and Indemnity Issues**  
 Matton Developments Pty Ltd v CGU Insurance Limited [2016] QCA 208 – "accidental overloading"  
 Chubb Insurance v Robinson [2016] FCAFC – "professional services"  
 Todd v Alterra [2016] FCAFC 15 – "encompassing", "approved investment products"  
 Hird v Chubb Insurance Company of Australia Ltd [2016] VSC 174 – "non-pecuniary relief" or "proceeding" against the insured for an alleged Wrongful Act  
 OZ Minerals Holdings Pty Ltd v AIG Australia Ltd [2015] VSCA 346 – major shareholder exclusion  
 T&T Investments v CGU [2016] NSWCA 227 – crop damage by hailstorm  
 Penrith City Council v Healey [2016] NSWCA 161 – exclusion re employees, labour hire  
 Mace v Justice and Forensic Health Network [2016] NSWSC 803 – "resulting in"  
 WFI Insurance Ltd v Verini [2016] WASCA 143 – breach of duty as "owner"  
 Averkin v Insurance Australia Ltd [2016] NSWCA 122 – whether insured complicit in destroying vehicle  
 Liberty Mutual Insurance v Zanotto [2011] NSWDC 202 – ICAC, conduct exclusion  
 Ingram v QBE Insurance [2015] VCAT 1936 – exclusion for mental illness, discrimination  
 Ocean Finance v Oval Insurance [2016] EWHC 160 (Comm) – bulk notification of circumstances
- **Professionals and Directors & Officers**  
 Attwells v Jackson [2016] HCA 16 – advocates immunity  
 In the matter of HIH Insurance Limited [2016] NSWSC 482 – market based causation  
 Grant-Taylor v Babcock & Brown [2015] FCA 149 – breach of continuous disclosure obligation  
 ASIC v Management Investments Ltd (No.9) [2016] QSC 109 – director's knowing involvement in breach  
 CGU Insurance Ltd v Blakeley [2016] HCA 2 – joinder of insurer by plaintiff  
 Thiess v Parsons Brinckerhoff [2016] NSWSC 173 – s5O Civil Liability Act, waiver of subrogation  
 Timbercorp Finance v Tomes [2016] VSCA 128 – class action, opting out, estoppel  
 Money Max Int Pty Ltd (Trustee) v QBE Insurance Group Limited [2016] FCAFC 148 – class action, litigation funder, common fund
- **Duty of Care and Causation**  
 Biggs v George [2016] NSWCA 113 – medical negligence, failure to warn  
 Robinson Helicopter Company v McDermott [2016] HCA 22 – duty of care, routine inspections  
 Swift v Wearing-Smith [2016] NSWCA 38 – duty of care of homeowner for failed balcony  
 Goode v Angland [2016] NSWSC 1014 – s5K Civil Liability Act, dangerous recreational activity, professional sports  
 Carangelo v State of New South Wales [2016] NSWCA 126 – s5D Civil Liability Act, causation  
 DC v State of NSW [2016] NSWCA 198 and Prince Alfred College Incorporated v ADC – child sexual abuse claims
- **Damages**  
 ANZ v Haq [2016] NSWCA 93 – s5B CLA, personal injury damages  
 Winky Pop v Mobil [2016] VSCA 187 – damages for loss of opportunity to rezone land
- **Short & Sharp**  
 Mobis Parts Australia v XL Insurance [2016] NSWSC 912 – amend to plead exclusion due to change in circumstances  
 Carillion Construction v AIG [2016] NSWSC 495 – when does the cause of action against insurer accrue for non-payment?  
 Hayward v Zurich [2016] UKSC 48 – setting aside settlement agreement for fraud  
 Hastie Group Ltd (in liq) v Moore [2016] NSWCA 305 – expert report provided to litigation funder, privilege

## Presented by

- Ray Giblett  
*Partner*  
Norton Rose
- Andrew Sharpe  
*Partner*  
McCabes
- Chris Brierley  
*Partner*  
HWLE
- Chern Tan  
*Partner*  
Minter Ellison

## Chaired by

- Peter Mann  
*Barrister*

## Industry Moderator

- Derek Martin  
Regional Head of Claims - Pacific  
Allianz Global Corporate & Specialty

## Schedule & Timing

- 8:00am Registration
- 8:30am Welcome
- 8:35am Presentation
- 10:45am Morning Tea
- 11:15am Presentation
- 1:20pm Wrap Up
- 1:30pm Conclusion

## Cost

- Members  
\$240.00
- Non-Members  
\$300.00

Friday 24 February 2017

## REGISTRATION DETAILS

	Delegates Name & Firm (if different)	Member \$240.00 Incl GST	Non-Member \$300.00 Incl GST
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<b>EFT</b>	Account Name: AILA NSW BSB: 033 172 A/C Number: 455 168 Reference: Use the delegate/firm name and event date
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**Return to:** AILA, PO Box 2011 FOREST HILL VIC 3131  
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Registration forms to: [events@aila.com.au](mailto:events@aila.com.au) General enquiries: [office@aila.com.au](mailto:office@aila.com.au)

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**Registration closes: Tuesday 21 February 2017**