

INSURANCE

AILA

7:45am to 1:30pm
Tuesday
14 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

Queensland Law
Society House,
179 Ann Street
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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
 rant-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 England [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

- Ken Horsley
Minter Ellison
- Christopher Brierley
HWL Ebsworth
- Julie Darley
Norton Rose Fulbright
- Paul Baxter
Hall & Wilcox

Moderated by

- Jacinta Long
Clyde & Co

Schedule & Timing

- 7:45am Registration
- 8:00am Light Breakfast
- 8:30am Welcome
- 8:35am Presentation
- 10:45am Morning Tea
- 11:15am Presentation
- 1:20pm Wrap Up
- 1:30pm Conclusion

Cost

Members
\$125.00

Non-Members
\$175.00

REGISTRATION FORM & TAX INVOICE

Tuesday 14 February 2017

REGISTRATION DETAILS

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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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Registration closes: Thursday 9 February 2017