

BREAKFAST BRIEFING
**CONTESTING A DECLINATION
OF INDEMNITY**

Presented by: **John White**

This presentation will be important to insurers, brokers, lawyers and assessors advising in relation to the determination of indemnity under a liability insurance policy.

Broadly speaking an insured's right to indemnity under a liability policy arises when an event potentially rendering the insured liable to a third party has occurred, where the event and consequent liability are within the scope of the policy, where the circumstances are not expressly excluded from cover and where the liability gives rise to a loss of the type that is to be indemnified.

In addition to being satisfied as to these four elements an insurer will assess the circumstances of the claim to satisfy itself that no misrepresentation was made by the insured and/or there has been no failure by the insured to disclose material facts at the time the policy was entered into and that there has been no breach of policy condition after the policy came into force and that there is no evidence of fraud. When all of these matters have been considered the insured will determine whether to accept or reject the claim.

This presentation will consider some of the circumstances where indemnity has been denied and subsequently challenged by the insured. It will examine which party carries the onus of proof in relation to the issues under review, what evidence is required to support a challenge, how such evidence might be obtained and what remedies are available.

About John White:

John has practiced in litigation in Adelaide since the late '70's. He began in general practice with Playford & Co. The firm merged with Thomsons in 1997, where John spent a period as Head of Litigation, and Risk Manager. In 2005 he went to Mitchell Chambers as a barrister, where he practices primarily in general commercial litigation, insurance and succession. He is Head of Chambers (at 2016).

John is a member of the SA Bar Association and STEP, and has had a long association with the Law Society and the Professional Indemnity Scheme. He was President of the Society in 2013, chairs its Justice Access Committee, and has a number of other roles including as a director of Lawguard Management Pty Ltd. He is a regular presenter or chair at continuing education sessions.



This event attracts 1 CPD point

Thursday 14 April 2016

Venue: Victoria Room, Hilton Hotel, 233 Victoria Square, Adelaide

7:30am REGISTRATION*
8:00am INTRODUCTION & PRESENTATION
9:00am CONCLUSION

*A cooked breakfast is included in the registration fee



online registration available at www.aila.com.au



SA SEMINAR: Declination of Indemnity

AILA

ABN: 81 052 374 713

Thursday 14 April 2016

REGISTRATION FORM & TAX INVOICE

REGISTRATION DETAILS

	Delegates Full Name & Dietary Requirements	Member \$89.00 Incl GST	Non-Member \$109.00 Incl GST	Table of 8 \$728.00* Incl GST
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
			Total Incl GST	\$

*** Table bookings are for 8 people. Tables of 10 can be arranged upon request and additional attendees will be charged at the member rate of \$89.00 per person.**

Firm	
Address	
Telephone	
Email	

PAYMENT METHOD

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Type (please indicate)	Visa	MasterCard	American Express
Card Number:			
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CCV/CAN			

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 SA BSB: 033 172 A/C Number: 455 264 Reference: Use the delegate/firm name and event date
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FOR EVENT CANCELLATION AND PRIVACY POLICIES, PLEASE REFER TO THE AILA WEBSITE

Registration closes: Tuesday 12 April 2016