

TOXIC TORTS

Presented by: **David McKenna**, *Jarman McKenna*

Chaired by: **Susan Courthope**, *Allianz Insurance*

Almost 40 years after the first asbestos personal injury case was filed, asbestos litigation continues apace with a projected increase in the number of future mesothelioma and asbestosis claims. This seminar provides a clear and thorough analysis of the most pressing issues from the defendant and insurer perspectives.

An overview and outlook of current trends in asbestos litigation.

Update on Indemnity and Insurance Issues in Asbestos Litigation – A case study into Zurich Insurance PLC UK Branch (Appellant) v International Energy Group Limited (Respondent) [2015] UKSC 33

This appeal concerns the special rules of liability and causation for claims by victims of mesothelioma developed in and since the House of Lords' decision in *Fairchild v Glenhaven* [2002] UKHL 22. That case decides that a victim can hold liable all employers who negligently exposed him or her to asbestos, but further, any insurer on risk for an employer during the period the worker is exposed, is liable for the whole of that employer's liability to the worker, subject to co-insurance and self-insurance.

Will this principle be applied in Australian Courts, and in particular Western Australian Courts?

Will its application depend upon the wording of a particular policy?

Will the principle apply to the payment of legal costs?

When is the tort complete? A case study into *Alcan v Zabic*

The High Court in *Alcan Gove Pty v Zabic* [2015] HCA 33 has re-examined when a cause of action arises in respect of the condition of mesothelioma. The High Court held that a cause of action in relation to the condition of mesothelioma is accrued when initial mesothelial cell changes commence, as opposed to when there is a "trigger" and these cell changes develop into the disease of mesothelioma.

What is the relevance of hind-sight evidence and when can it be taken into account in determining when the cause of action arises?

How, if at all, does this decision affect the application of the principle in *Zurich Insurance v IEG Limited* above?

This event attracts 1 CPD point

Wednesday 20 April 2016

Venue: *Parmelia Hilton*, 14 Mill Street, Perth

7:00am REGISTRATION

7:30am INTRODUCTION & PRESENTATION

8:45/9:00am EVENT CONCLUDES

Registration fees include a cooked breakfast

Event registration closes Friday 15 April 2016



online registration available at www.aila.com.au



SEMINAR: Toxic Torts

Wednesday 20 April 2016

AILA

ABN: 81 052 374 713

REGISTRATION FORM & TAX INVOICE

REGISTRATION DETAILS

	Delegates Full Name	Member \$55.00 Incl GST	Non-Member \$75.00 Incl GST
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
		Total Incl GST	\$

Firm	
Address	
Telephone	
Email	

PAYMENT METHOD

Credit Card			
Type (please indicate)	Visa	MasterCard	American Express
Card Number:			
Expiry Date:			
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 '.
---------------	--

EFT	Account Name: AILA WA BSB: 033 172 A/C Number: 455 184 Reference: Use the delegate/firm name and event date
------------	--

Return to: AILA, PO Box 2011 FOREST HILL VIC 3131
P: 1300 699 140 E: national@aila.com.au W: www.aila.com.au

FOR EVENT CANCELLATION AND PRIVACY POLICIES, PLEASE REFER TO THE AILA WEBSITE

Registration closes: Friday 15 April 2016