NOTICE OF FILING

Details of Filing

Document Lodged:	Statement of Claim - Form 17 - Rule 8.06(1)(a)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	20/04/2026 3:36:06 PM AEST
Date Accepted for Filing:	20/04/2026 4:27:55 PM AEST
File Number:	NSD1216/2021
File Title:	GREENSILL BANK AG & ANOR v INSURANCE AUSTRALIA LIMITED ABN 11 000 016 722 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 17
Rule 8.05(1)(a)

Amended Statement of cross-claim

No. NSD1216 of 2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Greensill Bank AG and another named in the schedule
First applicant

Insurance Australia Limited (ACN 000 016 722) and others named in the schedule
Respondents

Insurance Australia Limited (ACN 000 016 722)
Cross-claimant

Marsh Limited and others named in the schedule
Cross-respondents

1. If, contrary to its defence in these proceedings, Insurance Australia Limited (**IAL**) is liable to the Applicants for any of the relief sought in the originating application, IAL advances the following pleadings by way of cross-claim.

A PARTIES

2. The cross-claimant, IAL, is the first respondent in these proceedings. IAL is a company duly incorporated according to Australian law and capable of bringing this cross-claim.

3. The first cross-respondent, Marsh Limited, is the sixth respondent in these proceedings.

4. The second cross-respondent, Marsh Pty Ltd, is the fifth respondent in these proceedings.

5. The third cross-respondent, Tokio Marine and Nichido Fire Insurance Co Ltd (**Tokio Marine**), is the fourth respondent in these proceedings.

5A. The fourth cross-respondent, BCC Trade Credit Pty Ltd (**BCC Trade Credit**), is the second respondent in these proceedings.

Filed on behalf of (name & role of party) Insurance Australia Limited
Prepared by (name of person/lawyer) Malcolm Stephens
Law firm (if applicable) Allens
Tel +61 2 9230 4000 Fax
Email Malcolm.Stephens@allens.com.au
Address for service (include state and postcode) Level 28, 126 Phillip Street, Sydney NSW 2000

B CROSS-CLAIM AGAINST MARSH FOR CONTRIBUTION

6. IAL refers to and repeats the allegations in paragraph 214(u)–(ub) of it's defence to the Applicants' Sixth Amended Statement of Claim in these proceedings (**EHG 6ASOC**).

7. By reason of the matters pleaded in paragraph 214(u)–(ub) of IAL's defence, Marsh, being each of Marsh Pty Ltd and Marsh Ltd (alternatively, either one of them), is liable to the Applicants for the same loss that it is seeking to recover against IAL in these proceedings.

8. If and to the extent that IAL is found liable to the Applicants for loss as alleged in the EHG~~C~~ 6ASOC, then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act*, s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*) Marsh is liable to contribute to IAL an amount that is just and equitable having regard to the extent of Marsh's responsibility for the loss, by reason of section 5 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW) and/or section 12 of the *Law Reform (Miscellaneous Provisions) Act 1965* (NSW).

9. Further or alternatively, if and to the extent that IAL is found liable to the Applicants for loss as alleged in the EHG~~C~~ 6ASOC, then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act*, s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*):

    a. Marsh is co-ordinately liable with IAL to the Applicants in respect of any such loss; and

    b. IAL is entitled to recover contribution from Marsh in equity in respect of any liability IAL is held to have to the Applicants.

C CROSS-CLAIM AGAINST TOKIO MARINE FOR CONTRIBUTION

10. For the purposes of paragraphs 11 and 12 below and without admission, IAL refers to and repeats the allegations in the EHG~~C~~ 6ASOC.

11. If and to the extent that:

    a. IAL is found liable to the Applicants for loss as alleged in the EHG~~C~~ 6ASOC; and

    b. Tokio Marine is also found liable to the Applicants for that same loss,

    then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act*, s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*) Tokio Marine is liable to contribute to IAL an amount that is just and equitable having regard to the extent of Tokio Marine's responsibility for the loss, by reason of section 5 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW) and/or section 12 of the *Law Reform (Miscellaneous Provisions) Act 1965* (NSW).

12. Further or alternatively, if and to the extent that IAL is found liable to the Applicants for loss as alleged in the EHG~~C~~ 6ASOC, then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act*, s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*):

    a. Tokio Marine is co-ordinately liable with IAL to the Applicants in respect of any such loss; and

    b. IAL is entitled to recover contribution from Tokio Marine in equity in respect of any liability IAL is held to have to the Applicants.

D CROSS-CLAIM AGAINST BCC TRADE CREDIT FOR CONTRIBUTION

13. For the purposes of paragraphs 14 and 15 below and without admission, IAL refers to and repeats the allegations in the EHG 6ASOC.

14. If and to the extent that:

    a. IAL is found liable to the Applicants for loss as alleged in the EHG 6ASOC; and

    b. BCC Trade Credit is also found liable to the Applicants for that same loss,

    then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act*, s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*) BCC Trade Credit is liable to contribute to IAL an amount that is just and equitable having regard to the extent of BCC Trade Credit's responsibility for the loss, by reason of section 5 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW) and/or section 12 of the *Law Reform (Miscellaneous Provisions) Act 1965* (NSW).

15. Further or alternatively, if and to the extent that IAL is found liable to the Applicants for loss as alleged in the EHG 6ASOC, then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act*, s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*):

    a. BCC Trade Credit is co-ordinately liable with IAL to the Applicants in respect of any such loss; and

    b. IAL is entitled to recover contribution from BCC Trade Credit in equity in respect of any liability IAL is held to have to the Applicants.

Date: 17 April 2026



Signed by Malcolm Stephens
Lawyer for the Cross-claimant

This pleading was prepared by Allens and settled by S Finch, D Thomas, D Hume, M Ellicott, C Ernst, N Wootton and H Cooper of counsel.

Certificate of lawyer

I, Malcolm Stephens, certify to the Court that, in relation to the cross-claim filed on behalf of the cross-claimant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 17 April 2026

M Stephens.

Signed by Malcolm Stephens
Lawyer for the Cross-claimant

Schedule

No. NSD1216 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

Applicants

Second applicant:	Dr Michael C. Frege in his capacity as Insolvency Administrator for Greensill Bank AG

Respondents

Second Respondent:	BCC Trade Credit Pty Ltd
Third Respondent:	Greg Brereton
Fourth Respondent:	Tokio Marine & Nichido Fire Insurance Co Ltd
Fifth Respondent:	Marsh Pty Ltd
Sixth Respondent:	Marsh Limited

Cross-respondents

Second Cross-respondent:	Marsh Pty Ltd
Third Cross-respondent:	Tokio Marine & Nichido Fire Insurance Co Ltd
Fourth Cross-respondent:	BCC Trade Credit Pty Ltd (ACN 608 296 233)