

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/09/2021 5:49:00 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

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| Document Lodged: | List of Authorities |
| File Number: | NSD138/2021 |
| File Title: | CHUBB INSURANCE AUSTRALIA LIMITED (ABN 23 001 642 020) v MARKET FOODS PTY LIMITED (ABN 48 604 308 581) |
| Registry: | NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA |



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 2/09/2021 5:49:02 PM AEST

Registrar

Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

No: NSD137/2021
No: NSD138/2021

CHUBB INSURANCE AUSTRALIA LIMITED (ABN 23 001 642 020)
Applicant

PHILIP WALDECK
Respondent (NSD137/2021)

MARKET FOODS PTY LIMITED (ABN 48 604 308 581)
Respondent (NSD138/2021)

APPLICANT'S LIST OF AUTHORITIES

PART A

None.

PART B

CASES

| No. | Case | Passages to be referred to |
|-----|---|----------------------------|
| 1 | <i>Akai Pty Ltd v People's Insurance Co Ltd</i> (1996) 188 CLR 418 | 437 and 440 |
| 2 | <i>Alcan (NT) Alumina Pty Ltd v Cmr of Territory Revenue</i> (2009) 239 CLR 27; [2009] HCA 41 | [47] |
| 3 | <i>Axa Global Risks (UK) Ltd v Haskins Contractors Pty Ltd</i> [2004] NSWCA 138 | [41], [42], [49] |
| 4 | <i>Bettergrow Pty Limited v NSW Electricity Networks Operations Pty Ltd as trustee for NSW Electricity Networks Operations Trust t/as TransGrid (No 2)</i> [2018] NSWSC 514 | [77] |
| 5 | <i>Bonython v The Commonwealth</i> (1950) 81 CLR 486 at 498; [1951] AC 201 | 219 |
| 6 | <i>Carillion Construction Ltd v AIG Australia Ltd</i> [2016] NSWSC 495 | [86] and [87] |
| 7 | <i>Charter Reinsurance Co Ltd v Fagan</i> [1997] AC 313 | 388 |

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| 8 | <i>Chubb Insurance Company of Australia Ltd v Robinson</i> [2016] FCAFC 17; 239 FCR 300 | 323-326 [98]-[104] |
| 9 | <i>DRJ v Commissioner of Victims Rights (No 2)</i> [2020] NSWCA 242 | [9] and [10] |
| 10 | <i>Eichmann v Commissioner of Taxation</i> [2020] FCAFC 155 | [40] |
| 11 | <i>George Hudson Ltd v Australian Timber Workers' Union</i> (1923) 32 CLR 413 | 436-7 |
| 12 | <i>Government Insurance Office of NSW v RJ Green & Lloyd Pty Ltd</i> (1966) 114 CLR 437 | 443 |
| 13 | <i>HDI Global Specialty SE v Wonkana No. 3 Pty Ltd</i> [2020] NSWCA 296 | [46], [106], [113] |
| 14 | <i>Lasermax Engineering Pty Limited v QBE Insurance (Australia) Limited</i> (2005) 13 ANZ Ins Cas 61-643; [2005] NSWCA 66 | [49] to [100] |
| 15 | <i>Liberty Mutual Insurance Company Australian Branch trading as Liberty Specialty Markets v Icon Co (NSW) Pty Ltd</i> [2021] FCAFC 126 | [151]–[152], [353] and [394]–[395] |
| 16 | <i>Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v ERY19</i> [2021] FCAFC 133 | [12] |
| 17 | <i>Orient-Express Hotels Ltd v Assicurazioni Generali SpA</i> [2010] EWHC 1186 (Comm); [2010] Lloyd's Rep IR 531 | |
| 18 | <i>Prime Infrastructure (DBCT) Management P/L v Vero Insurance Ltd and Ors</i> [2005] QCA 369 | [31] |
| 19 | <i>Project Blue Sky v Australian Broadcasting Authority</i> (1998) 194 CLR 355 | 381 [69] |
| 20 | <i>R&B Directional Drilling Pty Ltd (in liq) v CGU Insurance Ltd (No 2)</i> [2019] FCA 458; (2019) 369 ALR 137 | [76] to [133] |
| 21 | <i>Ranicar v Frigmobile Pty Ltd; Ranicar v Royal Insurance Pty Ltd</i> [1983] Tas R 113; (1983) 2 ANZ Ins Cas 60-525 | 116 |
| 22 | <i>Re Sigma Finance Corporation</i> [2009] UKSC 2; [2010] 1 All ER 571 | [9] |
| 23 | <i>Siegwerk Australia Pty Ltd (in liq) v Nuplex Industries (Aust) Pty Ltd</i> (2013) 305 ALR 412; [2013] FCAFC 130 | [162] |

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| 24 | <i>Star Entertainment Group Ltd v Chubb Insurance Australia Ltd</i> [2021] FCA 907 | [98], [118], [138], [145], [164], [166], [168], [174] |
| 25 | <i>Switzerland Insurance Australia Ltd (formerly Federation Insurance Ltd) v Dundean Distributors Pty Ltd</i> (1998) 10 ANZ Ins Cas 61-388; [1998] 4 VR 692 | 74,102 |
| 26 | <i>The Financial Conduct Authority v Arch Insurance (UK) Ltd & Ors</i> [2020] EWHC 2448 (Comm) | [62], [255]-[312], [406], [430], [442], [444], [466] |
| 27 | <i>Todd v Alterra at Lloyd's Ltd</i> [2016] FCAFC 15; 239 FCR 12 | 22–23 [42] |
| 28 | <i>Transfield Construction Pty Ltd v GIO Australia Holdings Pty Ltd</i> (1997) 9 ANZ Insurance Cases 61-336; [1996] NSWCA 538 | [1] and [2] |
| 29 | <i>Turner v York Motors Pty Ltd</i> (1951) 85 CLR 55 | 75 |
| 30 | <i>Vero Insurance Ltd v Australian Prestressing Services Pty Ltd</i> [2013] NSWCA 181 | [35] |

LEGISLATION

| No. | Citation | Sections, regulations or rules to be cited |
|-----|--|---|
| 1 | <i>Acts Interpretation Act 1901</i> (Cth) | s 15AA |
| 2 | <i>AFCA Complaint Resolution Scheme Rules</i> dated 13 January 2021 | Clause A.7.2(b) |
| 3 | <i>Biosecurity (Listed Human Diseases) Amendment Determination 2020</i> (Cth) | s 4(h) |
| 4 | <i>Biosecurity (Listed Human Diseases) Determination 2020</i> (Cth) | |
| 5 | <i>Biosecurity Act 2015</i> (Cth) | ss 9 and 42 |
| 6 | <i>COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020</i> (Vic) | |

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| 7 | Explanatory Memorandum to the <i>Biosecurity Bill 2014</i> (Cth) | |
| 8 | <i>Federal Court of Australia Act 1976</i> (Cth) | ss 22 and 32 |
| 9 | <i>Insurance Contracts Act 1984</i> (Cth) | ss 13, 14, 37, 57 and 71 |
| 10 | <i>Interpretation Act 1987</i> (NSW) | s 5 |
| 11 | <i>Interpretation of Legislation Act 1984</i> (Vic) | ss 16 and 38 |
| 12 | <i>Interpretation of Legislation Bill 1984</i> (Vic) (including Explanatory Notes) | |
| 13 | <i>Judiciary Act 1903</i> (Cth) | s 39B |
| 14 | <i>Property Law Act 1958</i> (Vic) | s 61A |
| 15 | <i>Public Health and Wellbeing Act 2008</i> (Vic) | |
| 16 | <i>Quarantine Act 1908</i> (Cth) | s 13 |
| 17 | <i>Quarantine Proclamation 1998</i> (Cth) | |
| 18 | <i>Quarantine Repeal Proclamation 2016</i> (Cth) | |