

NOTICE OF FILING

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Details of Filing

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 9:05:48 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

Chubb Insurance Australia Limited (ABN 23 001 642 020)

Applicant and Cross-Respondent

Market Foods Pty Limited (ABN 48 604 308 581)

Respondent and Cross-Applicant

RESPONDENT'S LIST OF AUTHORITIES

PART A

No.	Case	Passages to be read
1.	<i>Australian Securities and Investments Commissioner v TAL Life Limited (No 2)</i> [2021] FCA 193, [ATH.600.011.0001]	[173]
2.	<i>Bayer Australia Ltd v Kemcon Pty Ltd</i> (1991) 6 ANZ Insurance Cases ¶61-026 [ATH.600.014.0001]	865-6
3.	<i>Bird v. St Paul Fire and Marine Insurance Company</i> 120 N.E. 86, 224 N.Y. 47 [ATH.600.018.0001]	
4.	<i>CGU Insurance Ltd v AMP Financial Planning Pty Ltd</i> (2007) 235 CLR 1; [2007] HCA 36 [ATH.600.033.0001]	[15]
5.	<i>Guardrisk Insurance Company Limited v Café Chameleon CC</i> (Case no 632/20) [2020] ZASCA 173 [ATH.600.062.0001]	
6.	<i>HDI Global Specialty SE v. Wonkana No. 3 Pty Ltd</i> [2020] NSWCA 296 [ATH.600.066.0001]	[18], [29] to [31]
7.	<i>Hyper Trust Limited v. FBD Insurance plc</i> No. 2020/3656 P [ATH.600.070.0001]	
8.	<i>Impact Funding Solutions Ltd v AIG Europe Insurance Ltd</i> [2017] AC	[7], [29] to [31]

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No.	Case	Passages to be read
	73; [2016] 3 WLR 1422; [2016] UKSC 57 [ATH.600.072.0001]	
9.	<i>Jan de Nul (UK) Ltd v. Axa Royale Belge</i> [2002] EWCA Civ 209; [2001] 1 Lloyd's Rep 583 [ATH.600.076.0001]	[32] to [33]
10.	<i>Lojinska Plovidba v Transco Overseas Ltd (The Orjula)</i> [1995] 2 Lloyd's Rep. 395; (1995) C.L.C. 1325 [ATH.600.083.0001]	399, 1328 to 1329
11.	<i>Ma-Afrika Hotels (Pty) Ltd and Another v Santam Limited</i> (6499/2020) [2020] ZAWCHC 160; [2021] 1 All SA 195 (WCC) [ATH.600.084.0001]	
12.	<i>MOS Beverages Pty Ltd v. Insurance Australia Ltd trading as CGU Insurance</i> [2020] FCA 1716 [ATH.600.098.0001]	[18]
13.	<i>Onley v Catlin Syndicate Ltd (as the underwriting member of Lloyd's Syndicate 2003)</i> [2018] FCAFC 119; (2018) 360 ALR 92 [ATH.600.103.0001]	[33]
14.	<i>QBE Mercantile Mutual Ltd v. Hammer Waste Pty Ltd</i> , [2003] NSWCA 356 [ATH.600.113.0001]	
15.	<i>R&B Directional Drilling Pty Ltd (in liq) v CGU Insurance (No 2)</i> [2019] FCA 458; (2019) 369 ALR 137 [ATH.600.114.0001]	[79], [135], [136]
16.	<i>Ranicar v. Frigmobile Pty Ltd</i> [1983] Tas R 113; (1983) 2 ANZ Ins Cas 60-525 [ATH.600.117.0001]	116, 117, 117.4, 117.5, 117.6 to 118.2
17.	<i>Re Bradley and Essex and Suffolk Accident Indemnity Society</i> [1912] 1 K.B. 415 [ATH.600.119.0001]	430
18.	<i>Re Zurich Australian Insurance Limited</i> [1999] 2 Qd R 203; [1998] QSC 209 [ATH.600.122.0001]	[37] to [38]
19.	<i>Rockment Pty Ltd t/a Vanilla Lounge v AAI Limited trading as Vero Insurance</i> [2020] FCAFC 228 [ATH.600.126.0001]	
20.	<i>Switzerland Insurance Australian Ltd v Dundean Distributors Pty Ltd</i> [1998] 4 V.R. [ATH.600.138.0001]	703
21.	<i>The Financial Conduct Authority v. Arch Insurance (UK) Ltd</i> [2020] EWHC 2448 [ATH.600.144.0001]	[234]
22.	<i>The Financial Conduct Authority v. Arch Insurance (UK) Ltd</i> [2020] [2021] UKSC 1 [ATH.600.145.0001]	[4(iv)], [53], [61] to [74], [97] to [99], [181] to [188], [192] to [197], [212], [213], [243], [244],

No.	Case	Passages to be read
		[251] to [288], [322] to [324]
23.	<i>XL Insurance Co SE v BNY Trust Company of Australia Limited</i> [2019] NSWCA 215 [ATH.600.161.0001]	[72]

PART B

No.	Case	Passages referred to
24.	<i>Allstate Life Insurance Co and Ors v Australia and New Zealand Banking Group Limited and Ors (No 6)</i> (1996) 64 FCR 79 [ATH.600.005.0001]	84
25.	<i>City Centre Cold Store Pty Ltd v Preservative Skandia Insurance Ltd</i> [1985] 3 NSWLR 739 [ATH.600.038.0001]	
26.	<i>Dasreef Pty Ltd v Hawchar</i> [2011] HCA 21; (2011) 243 CLR 588 [ATH.600.044.0001]	[30], [43], [128]
27.	<i>Hammer Waste Pty Ltd v. QBE Mercantile Mutual Ltd</i> , (2003) 12 ANZ Ins Cas 61-553; [2002] NSWSC 1006 [ATH.600.064.0001]	[25] to [28]
28.	<i>HIH Casualty & General Insurance Ltd v Waterwell Shipping Inc.</i> [1998] NSWSC 436; (1998) 43 NSWLR 601 [ATH.600.068.0001]	
29.	<i>Makita (Australia) Pty Ltd v Sprowles</i> (2001) 52 NSWLR 705 [ATH.600.085.0001]	743 to 744
30.	<i>McCarthy v St Paul International Insurance</i> [2007] FCAFC 28; (2007) FCR 402 [ATH.600.092.0001]	[56] to [58], [88] to [116]
31.	<i>Silverlink Resorts Ltd v. MS First Capital Insurance Ltd</i> , [2021] 3 SLR 1422; [2020] SGHC 251 [ATH.600.133.0001]	
32.	<i>Star Entertainment Group Ltd v. Chubb Australia Ltd</i> [2021] FCA 907 [ATH.600.134.0001]	[174]

LEGISLATION

No.	Legislation	Relevant sections
33.	<i>Biosecurity Act 2015</i> (Cth) [ATH.700.008.0001]	
34.	<i>Evidence Act 1995</i> (Cth) [ATH.700.025.0001]	ss 79, 80
35.	<i>Insurance Contracts Act 1984</i> (Cth) [ATH.700.034.0001]	ss 12, 13, 14, 37, 69, 72, 72A, 75, 58(2), 71
36.	<i>Public Health Act 2005</i> (Qld) [ATH.700.045.0001]	ss 362B, 362C, 362D, 362F

OTHER MATERIALS

No.	Other Materials	Relevant sections or pages
37.	<i>Broom's Legal Maxims</i> , 10 th ed. (1939)	461
38.	Insurance Contracts [1982] ALRC 20 (<i>Report No 20 on Insurance Contracts</i>) [ATH.700.005.0001]	[328]
39.	<i>Shorter Oxford Dictionary</i> , Oxford University Press, 5 th Ed., 2002, Volume I [ATH.700.010.0001]	'commercial' at 459, 'complex' at 468, 'damage' at 596
40.	<i>Sutton on Insurance Law</i> , electronic database, accessed 25 March 2021 [ATH.700.011.0001]	[15.90], [16.40] to [16.50]