

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/09/2021 5:45:12 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

Document Lodged:	List of Authorities
File Number:	NSD132/2021
File Title:	SWISS RE INTERNATIONAL SE v LCA MARRICKVILLE PTY LIMITED ACN 601 220 080
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Dated: 2/09/2021 5:45:15 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.

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

Swiss Re International SE (ARBN 138 373 211) and others

Applicants

LCA Marrickville Pty Limited (ACN 601 220 080) and others

Respondents

RESPONDENTS' LIST OF AUTHORITIES

PART A

Cases

1. *Antico v Health Fielding Australia Pty Ltd* (1997) 188 CLR 652; [1997] HCA 35 at 669-70, 673.
2. *Australian Pipe & Tube Pty Limited v QBE Insurance (Australia) Limited (No 2)* [2018] FCA 1450 at [291].
3. *Baulderstone Hornibrook Engineering Pty Limited v Gordian Runoff Limited* [2008] NSWCA 243.
4. *Central Australian Aboriginal Congress Inc v CGU Insurance Ltd* [2009] NTCA 1 at [47].
5. *East End Real Estate Pty Ltd v CE Health Casualty & General Insurance Ltd* (1991) 25 NSWLR 400 at 403-4.
6. *HDI Global Specialty SE v Wonkana No. 3 Pty Ltd* [2020] NSWCA 296 at [3], [30]-[31], [37], [44]-[45], [106], [118], [125], [129].
7. *Hyper Trust Limited t/as the Leopards Town Inn & Ors v FBD Insurance plc* [2021] IEHC 78 at [143], [145], [175], [178]-[179], [220]-[221], [236], [249].
8. *Hyper Trust Limited t/as the Leopards Town Inn & Ors v FBD Insurance plc (No 2)* [2021] IEHC 279 at [19], [23], [25], [59].

Filed on behalf of (name & role of party)	LCA Marrickville Pty Limited & Ors, the Respondents		
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9. *Insurance Australia Limited v HIH Casualty & General Insurance Limited (in liq)* (2007) 18 VR 528; [2007] VSCA 223 at [160].
10. *McCarthy v St Paul International Insurance Co Ltd* (2007) 157 FCR 402; [2007] FCAFC 28 at [88]-[91].
11. *Orient-Express Hotels Ltd v Assicurazioni Generali SpA* [2010] Lloyd's Rep IR 531; [2010] EWHC 1186 (Comm).
12. *Rockment Pty Ltd t/a Vanilla Lounge v AAI Limited t/a Vero Insurance* (2020) 149 ACSR 484; [2020] FCAFC 228 at [62]-[63].
13. *Sheehan v Lloyds Names Munich Re Syndicate Ltd* [2017] FCA 1340 at [77].
14. *Star Entertainment Group Limited v Chubb Insurance Australia Ltd* [2021] FCA 907 at [6], [116], [166], [170], [172], [203].
15. *The Financial Conduct Authority v Arch & Ors* [2020] Lloyd's Rep IR 527; [2020] EWHC 2448 (Comm).
16. *The Financial Conduct Authority v Arch & Ors* [2021] Lloyd's Rep IR 63; [2021] UKSC 1 at [116]-[117], [128], [136]-[137], [141], [147], [150]-[152], [154], [156], [162]-[170], [181]-[182], [190]-[191], [194]-[195], [212], [224], [228], [230], [237], [243]-[244], [251], [260]-[262], [264], [267]-[268], [308].

PART B

Cases

17. *AFC Holdings Pty Ltd v Shiprock Holdings Pty Ltd* (2010) 15 BPR 28, 199; [2010] NSWSC 985 at [13].
18. *Beaufort Developments (NI) Ltd v Gilbert-Ash NI Ltd* [1999] 1 AC 266 at 273-7.
19. *Birla Nifty Pty Ltd v International Mining Industry Underwriters Ltd* [2013] WASC 386 at [19], [67].
20. *Bonython v Commonwealth* [1951] AC 201 at 219.
21. *Burnand v Rodocanachi Sons & Co* (1882) 7 App Cas 333.
22. *FAI General Insurance Co Ltd v Australian Hospital Care Pty Ltd* (2001) 204 CLR 641; [2001] HCA 38.
23. *Halford v Price* (1960) 105 CLR 23 at 30; [1960] HCA 38.
24. *Health Care Complaints Commission v Reid* [2018] NSWCATOD 162 at [169].
25. *Liberty Specialty Markets v Icon Co (NSW) Pty Ltd* [2021] FCAFC 126 at [152].

26. *Master Education Services Ltd Pty Ltd v Ketchell* (2008) 236 CLR 101; [2008] HCA 38 at [19].
27. *Merrett v Capitol Indemnity Corporation* [1991] 1 Lloyd's Rep 169.
28. *Prepaid Services Pty Ltd & Ors v Atradius Credit Insurance NV* (2013) 302 ALR 732 at 767 [140]; [2013] NSWCA 252.
29. *Teele v Federal Commissioner of Taxation* (1940) 63 CLR 201 at 207; [1940] HCA 3.
30. *The "Cendor MOPU"* [2011] 1 Lloyd's Rep at 564 [19], 568 [49], 576 [79].
31. *Todd v Alterra at Lloyds Ltd* (2016) 239 FCR 12 at [42]; [2016] FCAFC 15.
32. *Trust Co (Nominees) Ltd v Banksia Securities Ltd (receivers and managers appointed) (in liquidation)* [2016] VSCA 324 at [53].
33. *Walton v R* (1989) 166 CLR 283 at 288; [1989] HCA 9.
34. *Wilson v Anderson* (2002) 213 CLR 401 at [8]; [2002] HCA 29.
35. *XL Insurance Co SE v BNY Trust Company of Australia Limited* [2019] NSWCA 215 at [72].

Legislative Materials

Acts

36. *Acts Interpretation Act 1915* (SA).
37. *Arbitration Act 1996* (UK) s 69.
38. *Biosecurity Act 2015* (Cth) ss 42, 477.
39. *Boosting Cash Flow for Employers (Coronavirus Economic Response Package) Act 2020* (Cth) ss 5-6, 9.
40. *Coronavirus Economic Package (Payments and Benefits) Act 2020* (Cth).
41. *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020* (Cth).
42. *COVID-19 Emergency Response Act 2020* (SA) s 19.
43. *Emergency Management Act 2004* (SA) ss 3, 23, 24A, 25.
44. *Fair Work Act 2009* (Cth) Pt 6-4C, s 789GA-B.
45. *Government Sector Finance Act 2018* (NSW) s 5.7.
46. *Health Practitioner Regulation National Law* (NSW) Pt 5, ss 41, 41B.
47. *Human Rights Act 2019* (Qld) s 38.
48. *Industry Research and Development Act 1986* (Cth).
49. *Insurance Contracts Act 1984* (Cth) ss 54, 57.

50. *Interpretation of Legislation Act 1984* (Vic) s 38.
51. *National Health Security Act 2007* (Cth).
52. *Property Law Act 1958* (Vic) s 61A.
53. *Public Health Act 2005* (Qld) Ch 8, ss 315, 319, 362B (as at 29 January 2020).
54. *Public Health Act 2005* (Qld) Pt 7A, ss 315, 319, 323, 326B (as at 19 March 2020).
55. *Public Health Act 2010* (NSW) ss 3, 7.
56. *Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020* (Qld).
57. *Public Health and Wellbeing Act 2008* (Vic) ss 198-200.
58. *Quarantine Act 1908* (Cth).
59. *South Australian Public Health Act 2011* (SA) Pt 11, ss 87, 90.

Statutory Instruments

60. *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* (Cth).
61. *Biosecurity (Listed Human Diseases) Amendment Determination 2020* (Cth).
62. *COVID-19 Emergency Response (Commercial Leases) Regulations 2020* (SA).
63. *COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020* (Vic) cl 9, 10, 15.
64. *Health Practitioner Regulation National Law Regulation 2018* (NSW) r 4.
65. *Industry Research and Development (COVID-19 Consumer Travel Support Program) Instrument 2020* (Cth) s 5.
66. *National Health Security (National Notifiable Disease List) Amendment Instrument 2020* (Cth).
67. *Public Health Amendment (Scheduled Medical Conditions and Notifiable Disease) Order 2020*.
68. *Retail Shop Leases and other Commercial Leases (COVID-19 Emergency Response) Regulation 2020* (Qld) s 3.

Extrinsic Material

69. Explanatory Memorandum, *Biosecurity Bill 2014* (Cth) at 7.
70. Explanatory Memorandum, *Boosting Cash Flow for Employers (Coronavirus Economic Response Package) Bill 2020* (Cth) at [3.12], [3.20].

71. Explanatory Memorandum, *Coronavirus Economic Package (Payments and Benefits) Bill 2020* (Cth) at pp 3-4, 12.
72. Explanatory Notes, *Coronavirus Economic Response Package Omnibus (Measures No. 2) Bill 2020* (Cth) at pp 3-4, 12.
73. Explanatory Notes, *Public Health and Other Legislation (Public Health Emergency) Amendment Bill 2020* (Qld) at 1-3.
74. Statement of Compatibility, *Public Health and Other Legislation (Public Health Emergency) Amendment Bill 2020* (Qld) at 21.

Other Materials

75. *Cambridge English Dictionary* (online at 31 August 2021) 'outbreak', 'conflagration'.
76. Federal Department of Health, *CDNA National Guidelines for Public Health Units* (Guidelines, v 4.4-7, 2021) at 42.
77. *Macquarie Dictionary* (7th ed) 'outbreak', 'catastrophe'.
78. *Macquarie Dictionary* (online at 31 August 2020) 'catastrophe'.
79. *Oxford English Dictionary* (12th ed) 'conflagration', 'catastrophe'.
80. *Shorter Oxford English Dictionary* (5th ed) 'outbreak'.