

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 5/05/2021 12:43:41 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Notice of Cross-Claim - Form 31 - Rule 15.02(1)
File Number:	NSD308/2021
File Title:	QBE INSURANCE (AUSTRALIA) LIMITED (ACN 003 191 035) v DAVID COYNE IN HIS CAPACITY AS LIQUIDATOR OF EDUCATIONAL WORLD TRAVEL PTY LTD ACN 006 888 179 (IN LIQUIDATION) & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Sia Lagos

Dated: 5/05/2021 3:49:14 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



Notice of Cross-Claim

No. NSD308/2021

Federal Court of Australia

District Registry: New South Wales

Division: Commercial and Corporations National Practice Area (Insurance List)

QBE Insurance (Australia) Limited (ACN 003 191 035)

Applicant

David Coyne in his capacity as liquidator of Educational World Travel Pty Ltd (ACN 006 888 179) (In Liquidation) & Educational World Travel Pty Ltd (ACN 006 888 179) (In Liquidation)

Respondents

Educational World Travel Pty Ltd (ACN 006 888 179) (In Liquidation)

Cross-Claimant

QBE Insurance (Australia) Limited (ACN 003 191 035)

Cross-Respondent

To QBE Insurance (Australia) Limited (ACN 003 191 035), the Cross-Respondent

The Cross-Claimant, Educational World Travel Pty Ltd (ACN 006 888 179) (In Liquidation), the Second Respondent in the proceeding, applies for the relief set out in this Cross-Claim.

The Court will hear this Cross-Claim, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

If you have not already done so, you must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Filed on behalf of	David Coyne (in his capacity as liquidator of Educational World Travel Pty Ltd (in liq)) and Educational World Travel Pty Ltd (in liq), the Respondents
Prepared by	Paul Welling
Law firm:	KHQ Lawyers
Tel (03) 9663 9877	Fax (03) 9009 5494
Email	pwelling@khq.com.au
Address for service (include state and postcode)	Level 4, 600 Bourke Street, Melbourne VIC, 3000

**Time and date for hearing:****Place:** Level 17, Law Courts Building

184 Phillip Street

Queens Square

Sydney NSW 2000

Date:

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Signed by an officer acting with the authority
of the District Registrar

Details of Cross-Claim

On the grounds stated in its Concise Statement of Cross-Claim, the Cross-Claimant claims:

1. a declaration pursuant to section 21 of the *Federal Court of Australia Act 1976* (Cth) (the **Act**) that policy no. 41A843909BPK (**Policy**) issued by the Cross-Respondent to the Cross-Claimant (**EWT**) responds to the claim for indemnity by EWT;
2. a declaration that pursuant to section 21 of the Act, to the extent EWT suffered loss that was caused concurrently by events or circumstances referable to the outbreak of COVID-19 other than the interruption or interference to EWT's travel agency business that occurred as a consequence of the closure of the premises situated at Suite 2, Level 1, 441 Canterbury Road, Surrey Hills, Victoria due to directions made pursuant to the *Public Health and Wellbeing Act 2008* (Vic) limiting human activity across the State of Victoria (particularly by restricting the operation of certain businesses in greater Melbourne), the "Prevention of Access Extension" in the Policy covers EWT for the loss resulting from any such concurrent causes of that loss; and
3. an order that interest be calculated on the amount payable by the Cross-Respondent to EWT under the Policy pursuant to section 57 of the *Insurance Contracts Act 1984* (Cth) from 30 March 2021.

Cross-Claimant's address



The Cross-Claimant's address for service is: C/- KHQ Lawyers, Level 4, 600 Bourke Street,
Melbourne, VIC 3000


Email: pwelling@khq.com.au

The Cross-Claimant's address is C/- BRI Ferrier, Level 10, 45 William Street, Melbourne, VIC
3000.

Service on the Cross-Respondent

It is intended to serve this Cross-Claim on the Cross-Respondent.

Date: 5 May 2021



Signed by Paul Welling

Solicitor for the Cross-Claimant