



News release

Insurance Council
of Australia

Thursday, 21 October 2021

Appeal of Federal Court Judgment

Appeals have been brought by both policyholders and insurers on a number of issues arising from the recent judgment delivered by the Federal Court of Australia in the business interruption insurance test case.

The Federal Court judgment on 8 October 2021 upheld the arguments advanced by insurers in nine of ten cases.

In the remaining matter the court found that the cover had been triggered but held that there were substantial issues as to whether the policyholder could prove any relevant business interruption.

Policyholders have filed appeals to the Full Court of the Federal Court on five of the test case matters and insurers have filed cross-appeals and notices of contention in relation to those five matters.

Five other matters in the test case involving insurers Chubb, Allianz and Guild are not being appealed.

Further details can be found on the [Federal Court file](#).

The appeal is listed to be heard from 8 November 2021.

The insurance industry will continue to meet the costs of policyholders in the appeal process.

Comment attributable to Andrew Hall, CEO Insurance Council of Australia:

We are grateful to the Court for expediting this matter so a determination can be reached as soon as possible.

Insurers, including those not directly involved in the court proceedings, have committed to applying the reasoning of the final judgments of the test cases in an efficient, transparent, and consistent way when assessing claims.