

## NOTICE OF FILING

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. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Concise Statement  
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



*Sia Lagos*

Dated: 5/05/2021 3:49:19 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.

## Concise Statement 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

#### **A. IMPORTANT FACTS GIVING RISE TO THE CLAIM**

1. The Cross-Claimant (**EWT**) refers to and repeats the matters set out in the Respondents' Concise Statement in Response filed on 5 May 2021 in response to the Applicant's Concise Statement filed on 9 April 2021 and adopts the defined terms as they appear in those documents.

#### **B. THE RELIEF SOUGHT FROM THE COURT**

2. EWT seeks relief in the nature of declarations as to the proper interpretation and operation of the Policy, as follows:
  - (a) a declaration that the Policy responds to the claim for indemnity by EWT;

---

Filed on behalf of

Prepared by

Law firm:

Tel (03) 9663 9877

Email [pwelling@khq.com.au](mailto:pwelling@khq.com.au)

**Address for service**  
(include state and postcode)

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

Paul Welling

KHQ Lawyers

Fax (03) 9009 5494

Level 4, 600 Bourke Street, Melbourne VIC, 3000

- (b) a declaration that, 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 the EWT Business that occurred as a consequence of the closure of the Business Premises due to the Workplace Closure Directions, the Prevention of Access Extension covered EWT for the loss resulting from any such concurrent causes of that loss; and
- (c) an order that interest be calculated on the amount payable by QBE to EWT under the Policy pursuant to section 57 of the *Insurance Contracts Act 1984* (Cth) from 30 March 2021.

**C. PRIMARY LEGAL GROUNDS FOR THE RELIEF SOUGHT**

- 3. The primary legal ground for the relief sought is section 21 of the *Federal Court of Australia Act 1976* (Cth).

This Concise Statement of Cross-Claim has been settled by J Slattery QC and D F McAloon of Counsel.

Date: 5 May 2021



---

Signed by Paul Welling

Solicitor for the Cross-Claimant

**Certificate of lawyer**

I, Paul Welling, certify to the Court that, in relation to the concise statement in response filed on behalf of the Cross-Claimant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 5 May 2021



---

Signed by Paul Welling, KHQ Lawyers

Lawyer for the Cross-Claimant