FEDERAL COURT OF AUSTRALIA

AIA Australia Limited v Richards (No 4) [2017] FCA 1100

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| File number: | NSD 1853 of 2016 |
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| Judge: | **ALLSOP CJ** |
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| Date of judgment: | 20 September 2017 |
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| Catchwords: | **INSURANCE –** fraudulent claims made by respondent under life insurance contract – summary judgment entered in favour of applicant – quantification of judgment sum – making of declarations |
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| Legislation: | *Insurance Contracts Act 1984* (Cth), s 56 |
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| Cases cited: | *AIA Australia Ltd v Richards (No 3)* [2017] FCA 1069 |
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| Date of hearing: | Determined on the papers |
|  |  |
| Date of last submissions: | 13 September 2017 |
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| Registry: |  |
|  |  |
| Division: |  |
|  |  |
| National Practice Area: |  |
|  |  |
| Sub-area: | Insurance List |
|  |  |
| Category: | Catchwords |
|  |  |
| Number of paragraphs: | 4 |
|  |  |
| Counsel for the Applicant: | Ms R Francois |
|  |  |
| Solicitor for the Applicant: | William Roberts Lawyers |
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| Counsel for the Respondent: | The Respondent did not appear |

ORDERS

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|  | | NSD 1853 of 2016 |
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| BETWEEN: | AIA AUSTRALIA LIMITED (ABN 79 004 837 861)  Applicant | |
| AND: | VINCENT BRIAN RICHARDS  Respondent | |

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| JUDGE: | ALLSOP CJ |
| DATE OF ORDER: | 20 SEPTEMBER 2017 |

THE COURT ORDERS THAT:

1. Judgment be entered in favour of the applicant including pre-judgment interest up to 20 September 2017 in the sum of $69,722.71.

**THE COURT DECLARES THAT:**

1. On 19 October 2016, the applicant validly refused to pay claims made by the respondent pursuant to s 56(1) of the *Insurance Contracts Act 1984* (Cth).
2. The contract of insurance between the applicant and the respondent was validly cancelled by the applicant on 19 October 2016.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

REASONS FOR JUDGMENT

ALLSOP CJ:

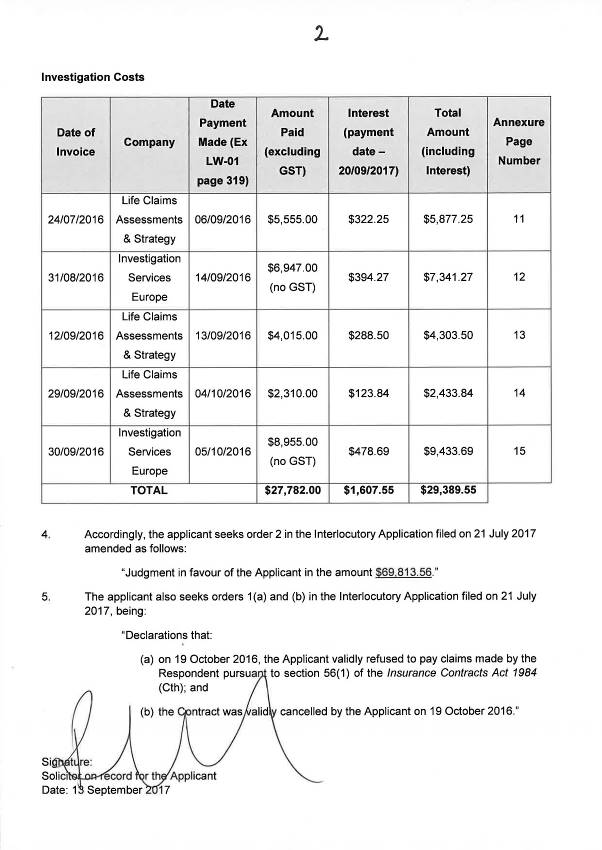
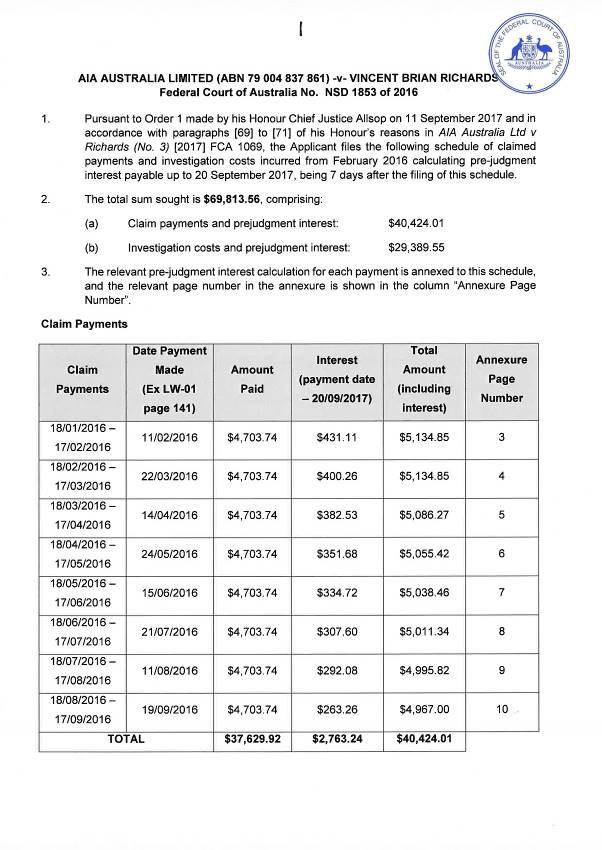
1. On 11 September 2017, I made orders in relation to this matter and published reasons: see *AIA Australia Ltd v Richards (No 3)* [2017] FCA 1069. I directed that the applicant file a schedule of sums paid after February 2016, together with pre-judgment interest thereof. I attach the schedule which was filed on 13 September 2017. I have checked that schedule and there is an inaccuracy. The judgment sum should be $90.85 less than the sum indicated of $69,813.56. Therefore, the orders that I make will include an order for judgment in the sum of $69,722.71.
2. In accordance with my reasons in *Richards (No 3)*, the applicant is also entitled to the declarations sought in prayers 1(a) and (b) of the interlocutory application filed 21 July 2017.
3. I have already made an order for costs.
4. Therefore, the orders I would make, in addition to the orders made on 11 September 2017 are as follows:
5. Judgment be entered in favour of the applicant including pre-judgment interest up to 20 September 2017 in the sum of $69,722.71.
6. Declare that:
   1. on 19 October 2016, the applicant validly refused to pay claims made by the respondent pursuant to s 56(1) of the *Insurance Contracts Act 1984* (Cth); and
   2. the contract of insurance between the applicant and the respondent was validly cancelled by the applicant on 19 October 2016.

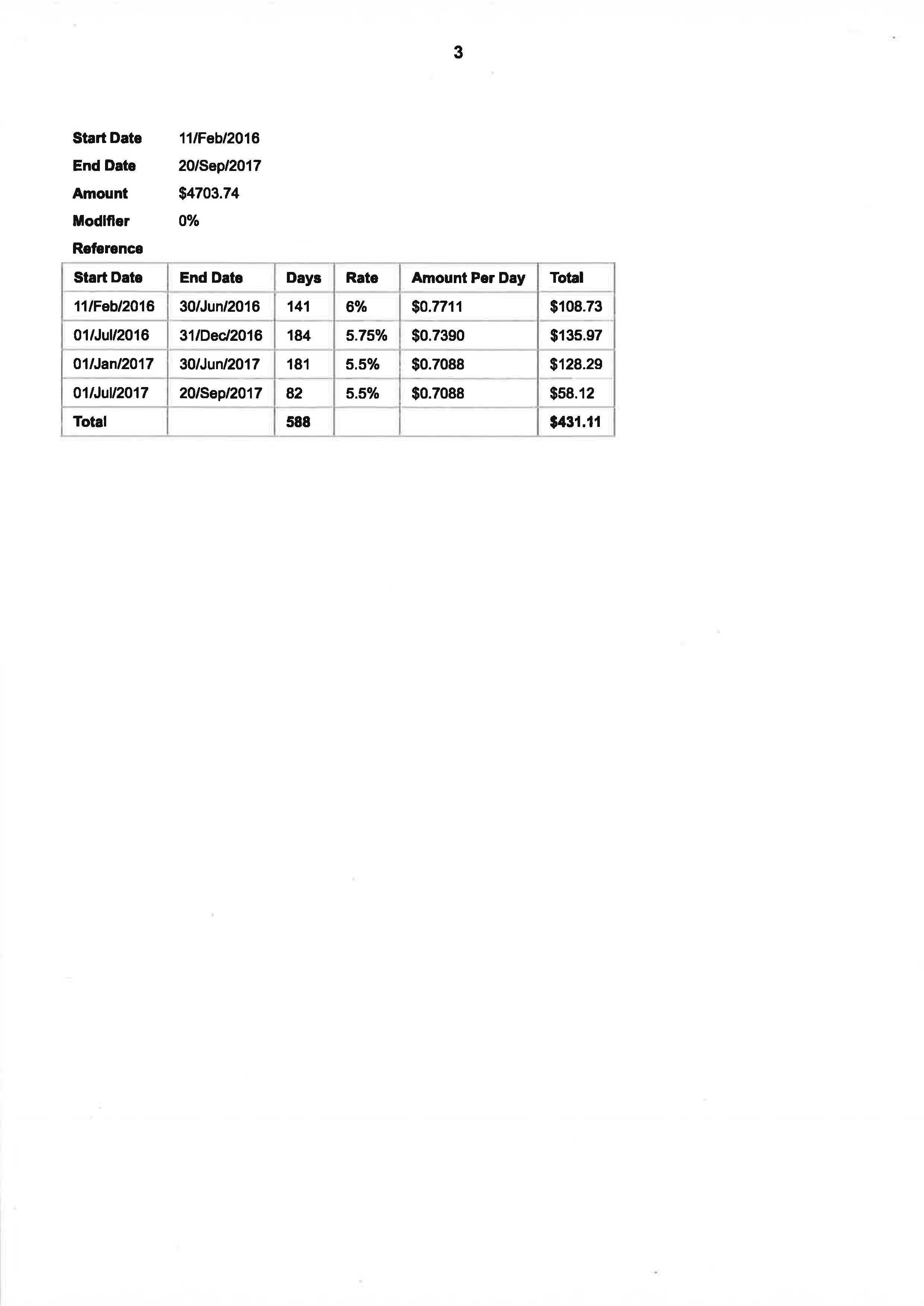
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| I certify that the preceding four (4) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Chief Justice Allsop. |

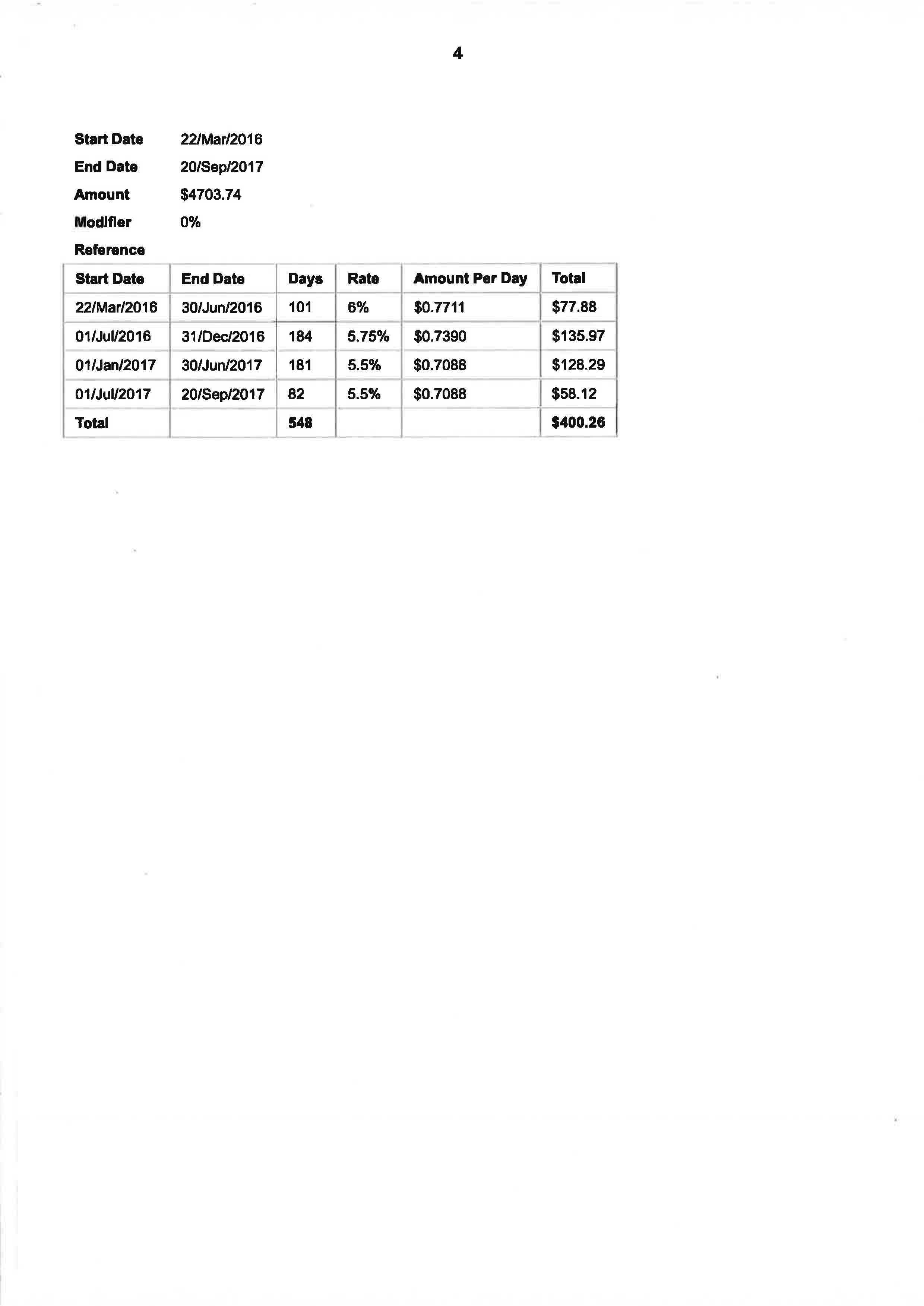
Associate:

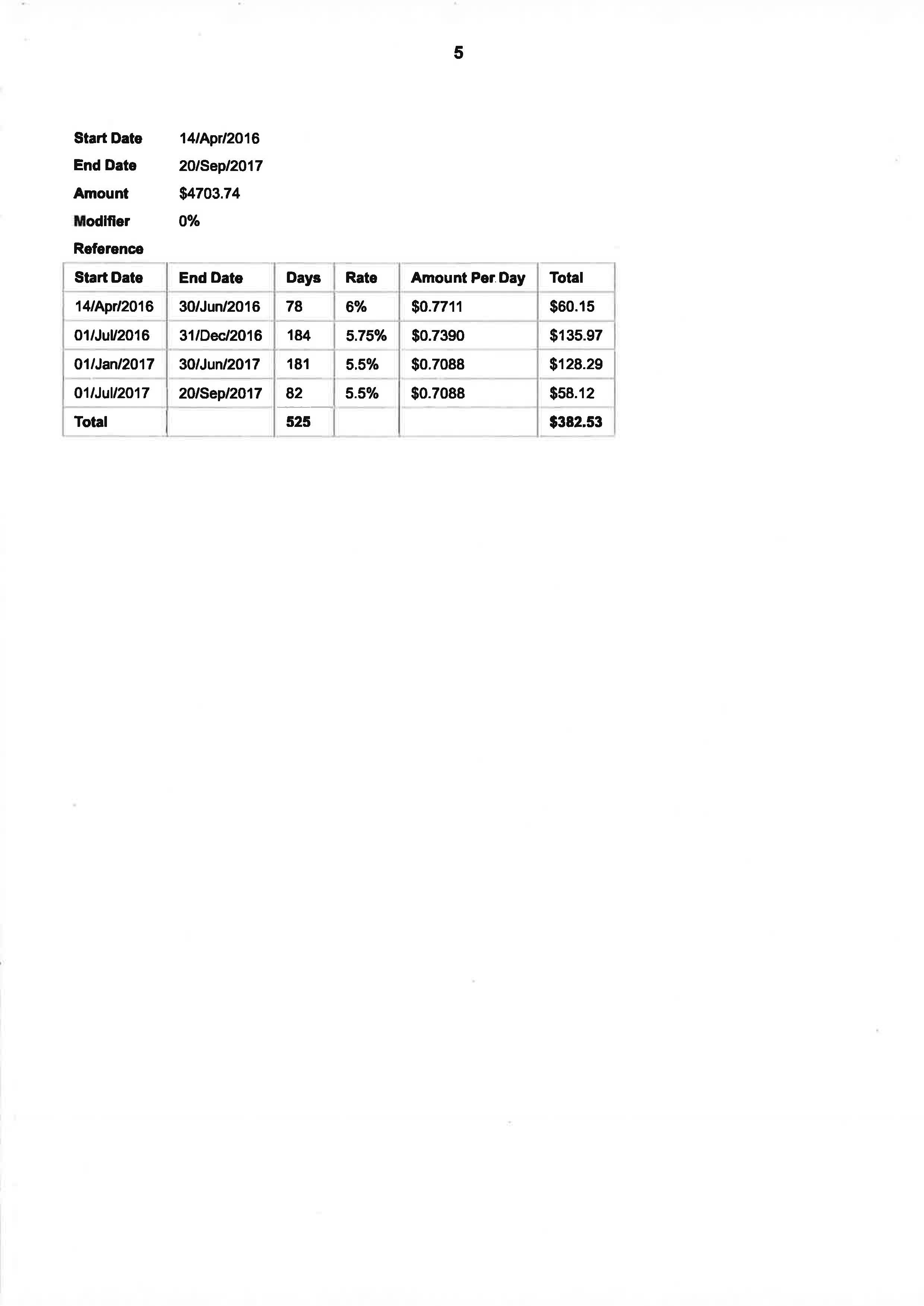
Dated: 20 September 2017

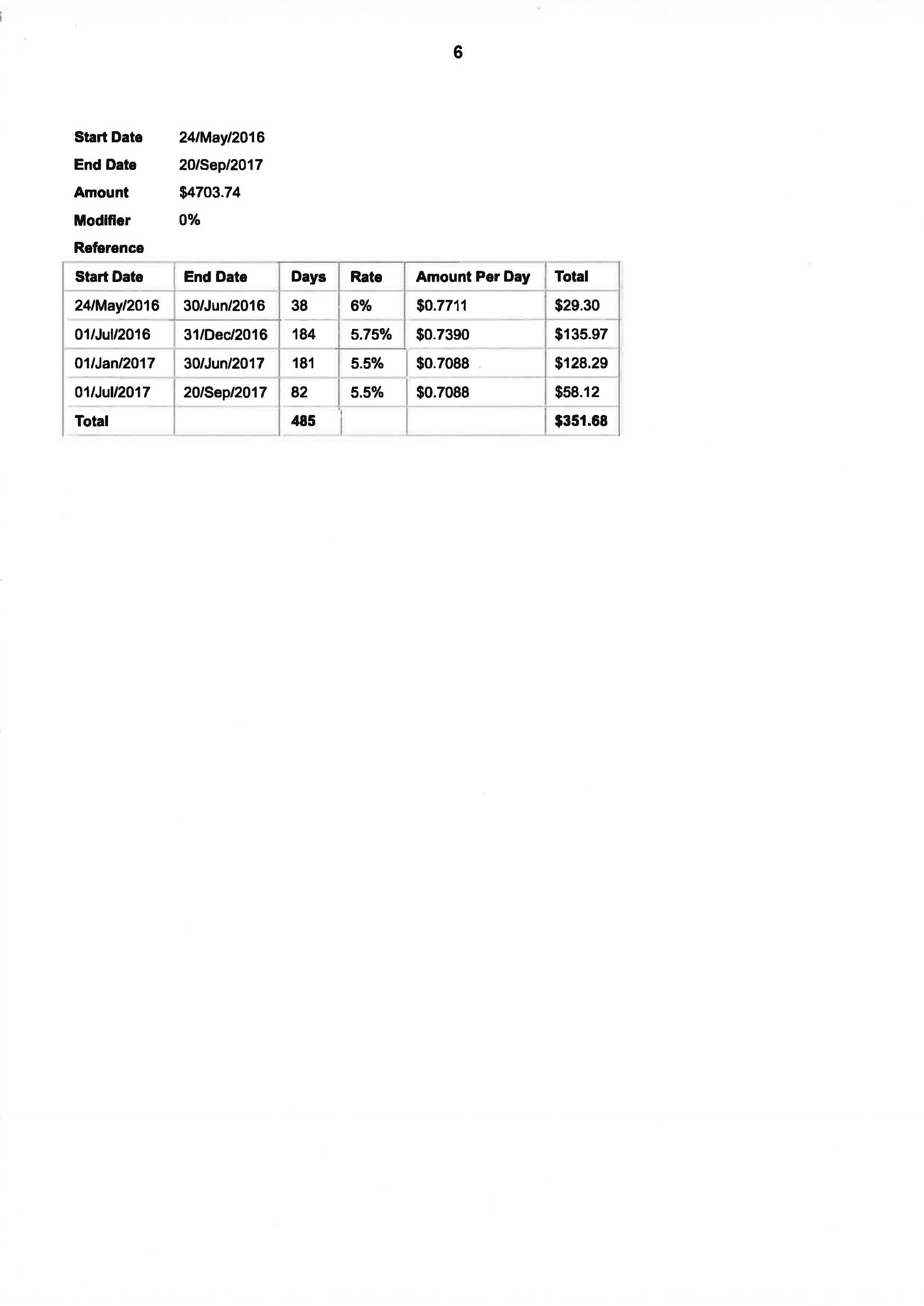
# ANNEXURE A – SCHEDULE OF CLAIMED PAYMENTS AND INVESTIGATION COSTS

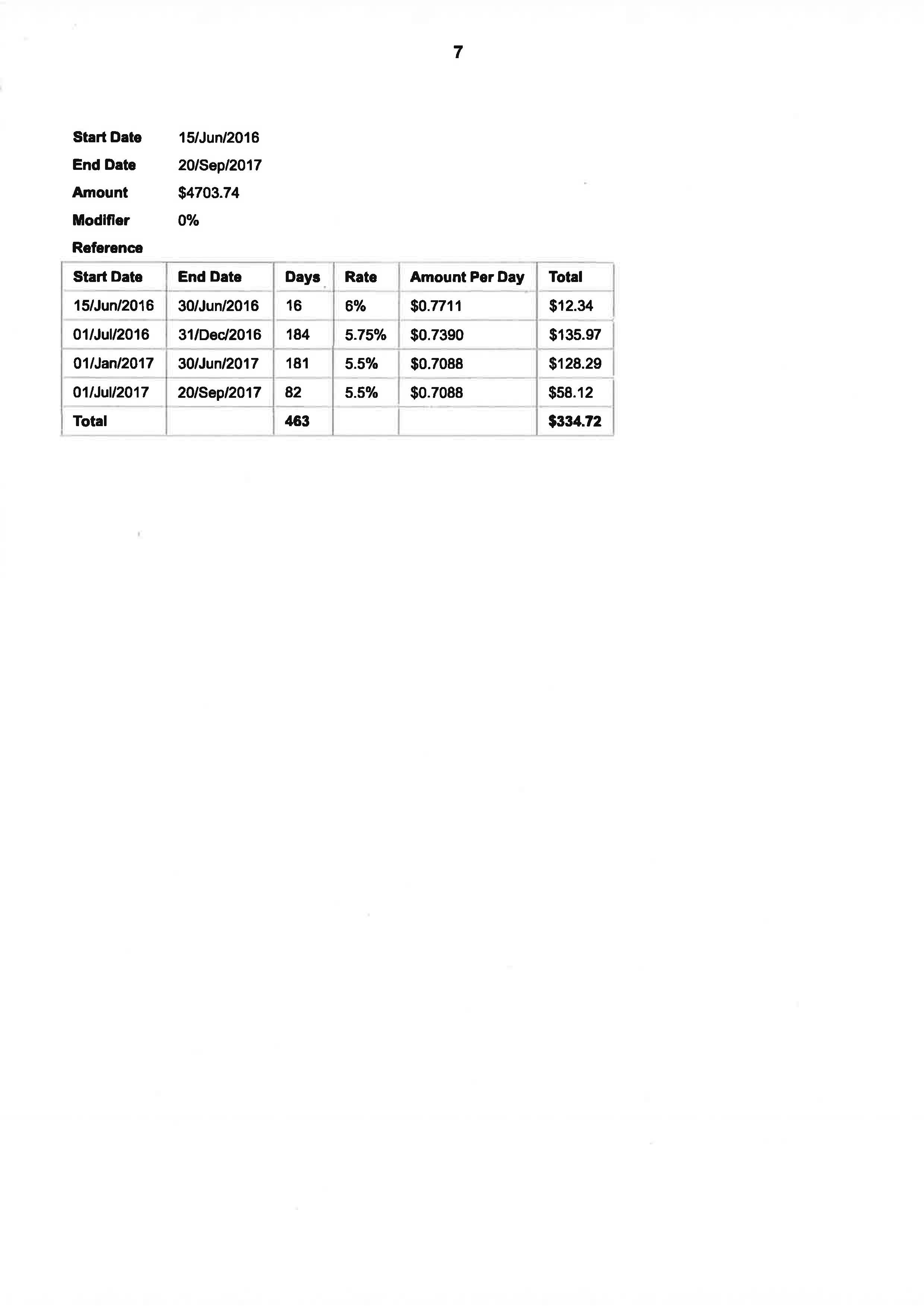


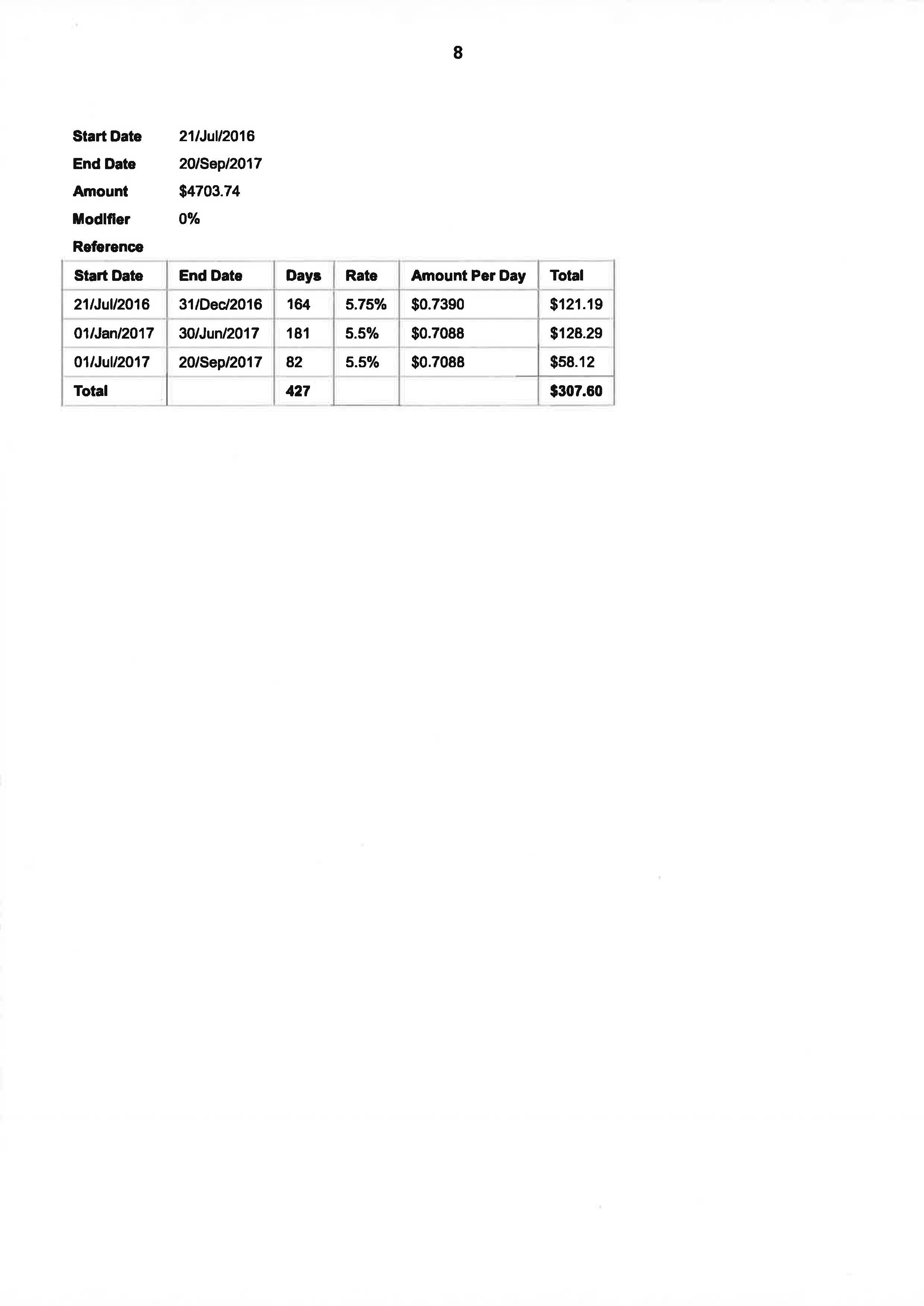


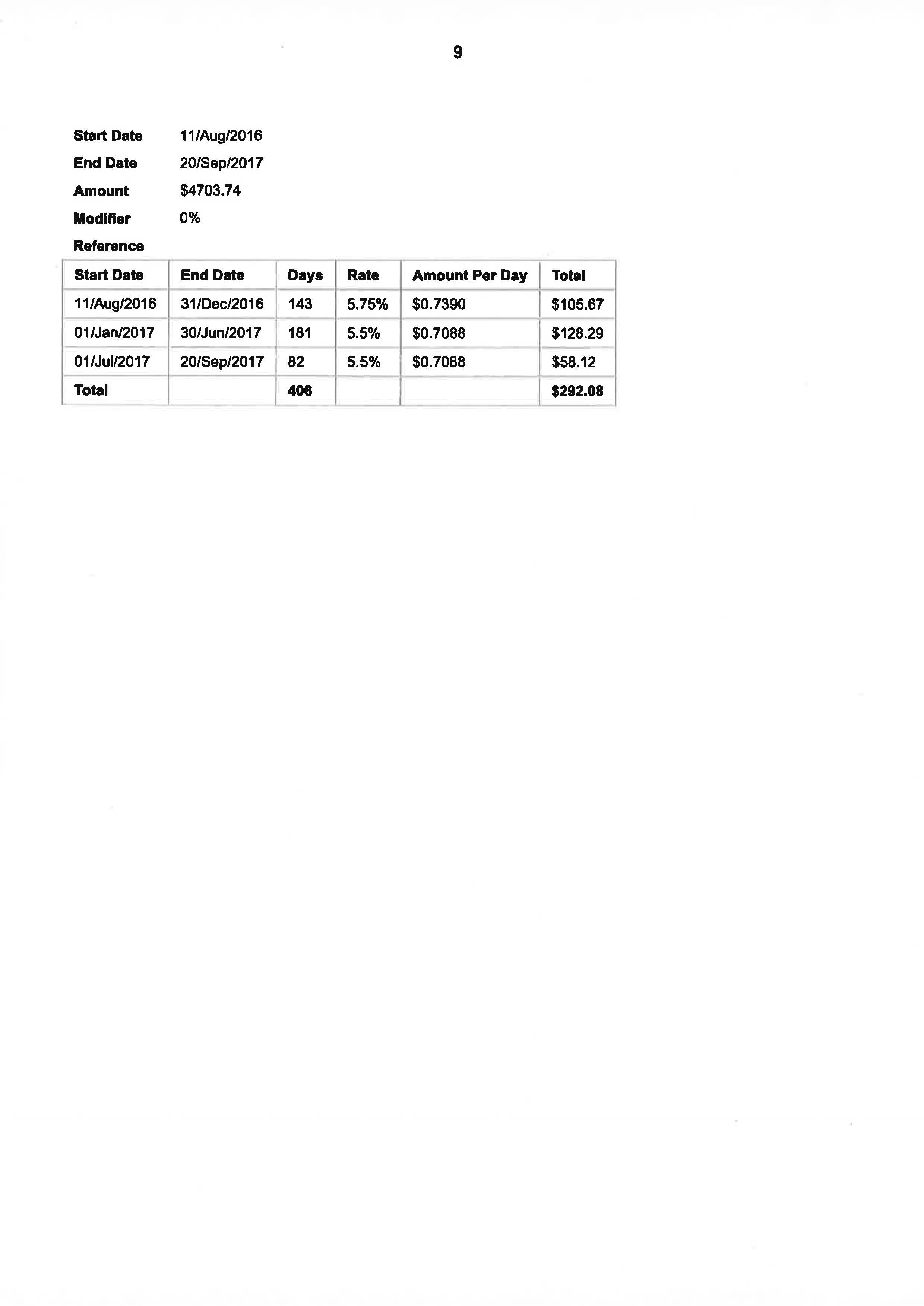


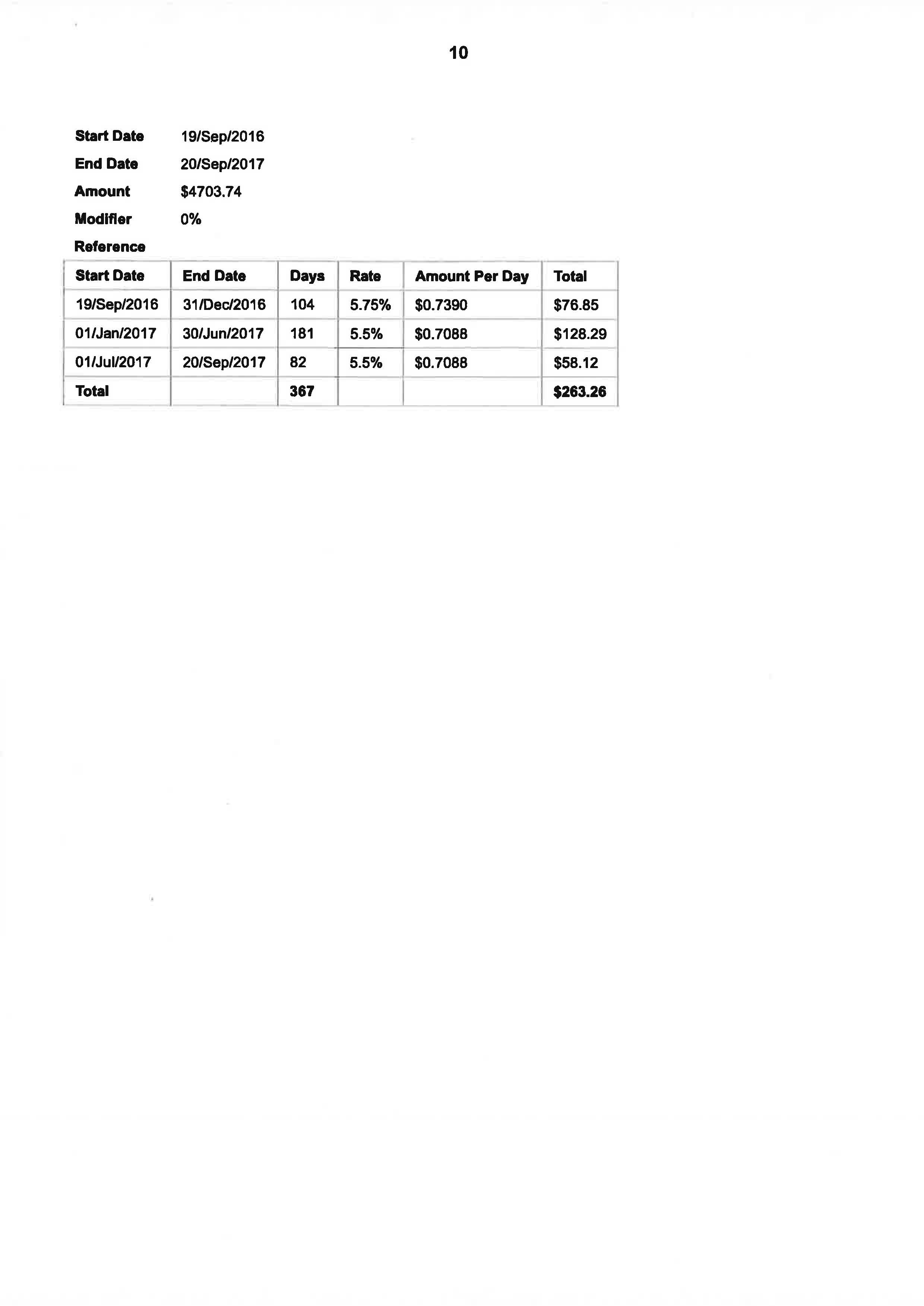


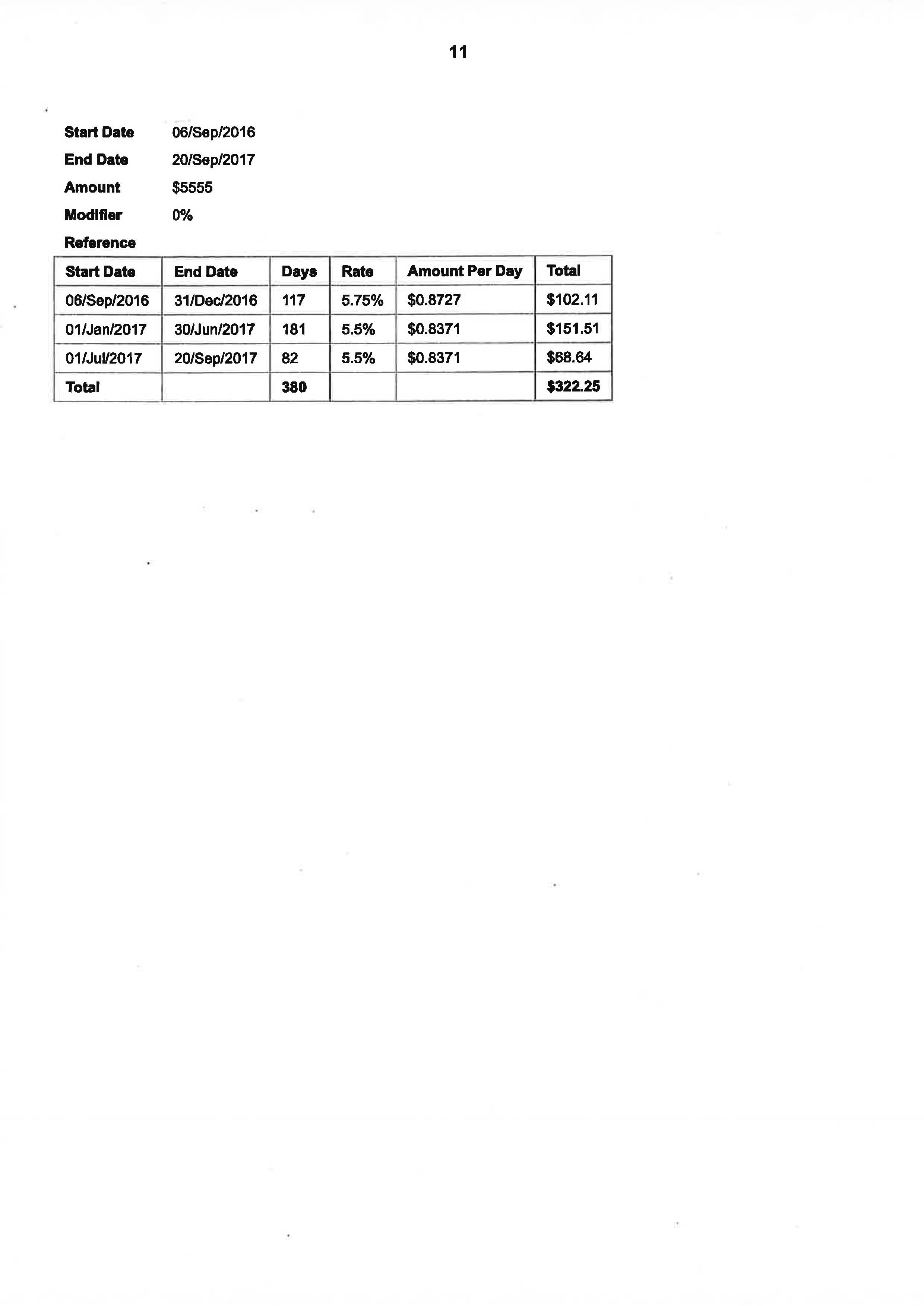


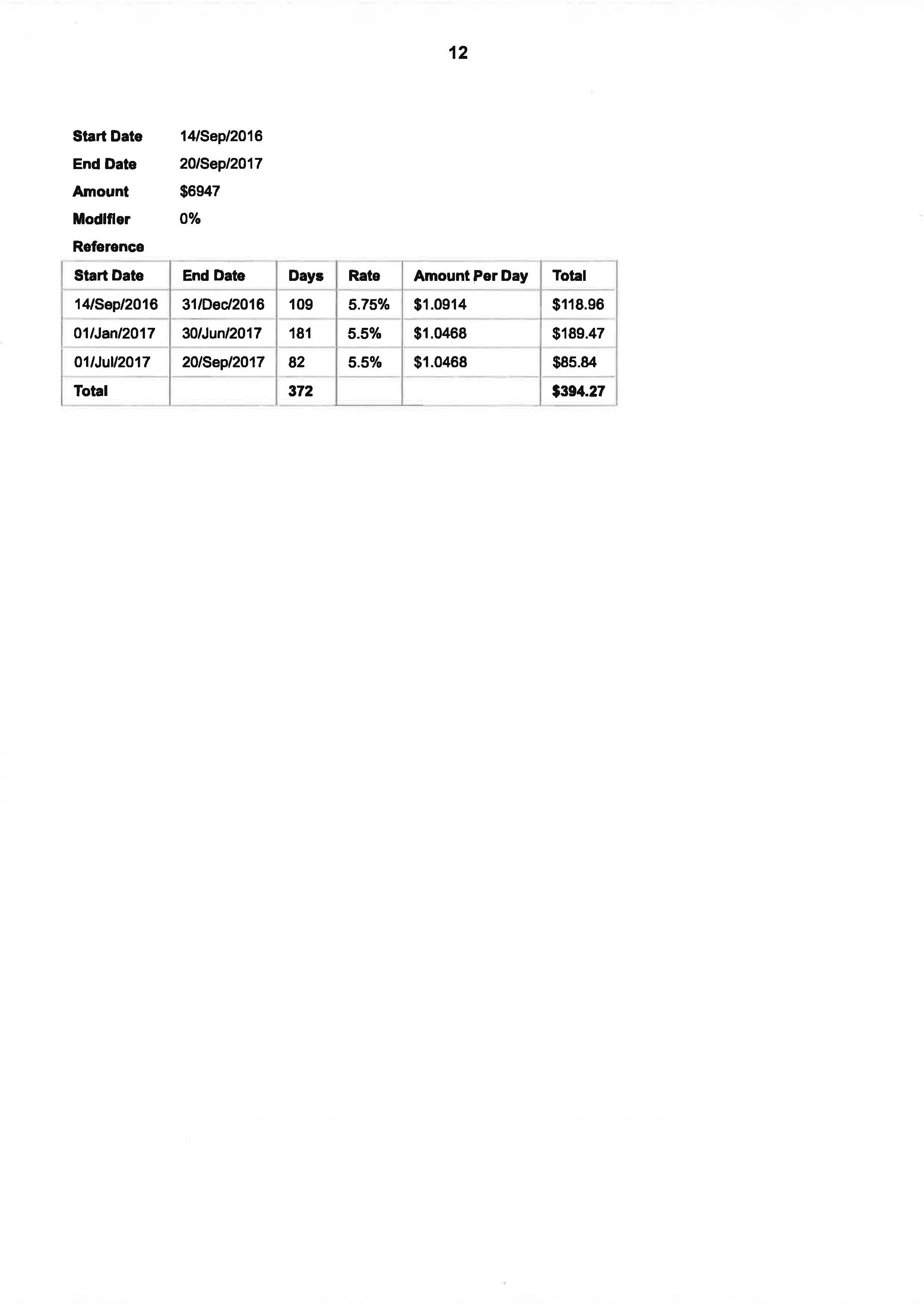


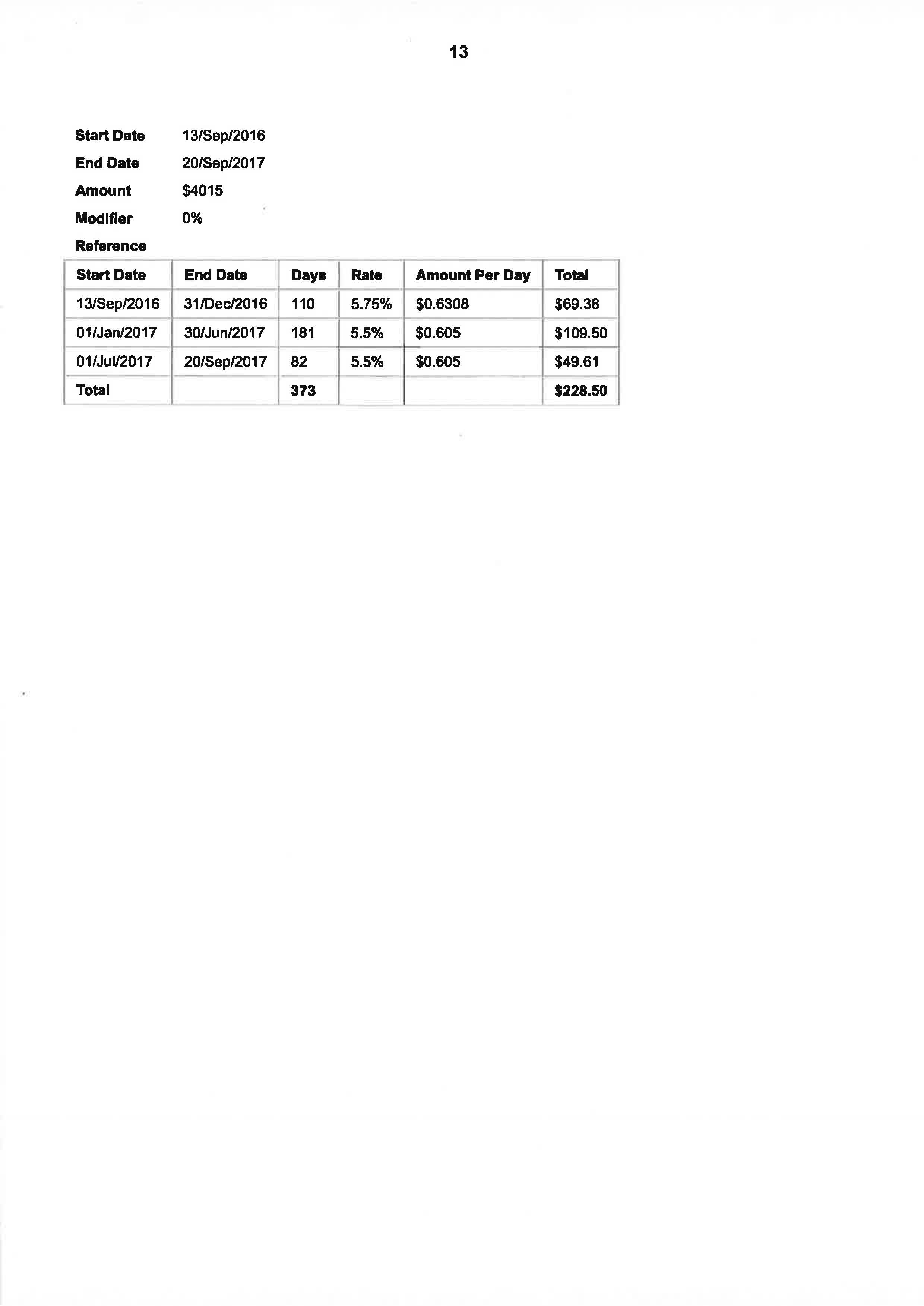


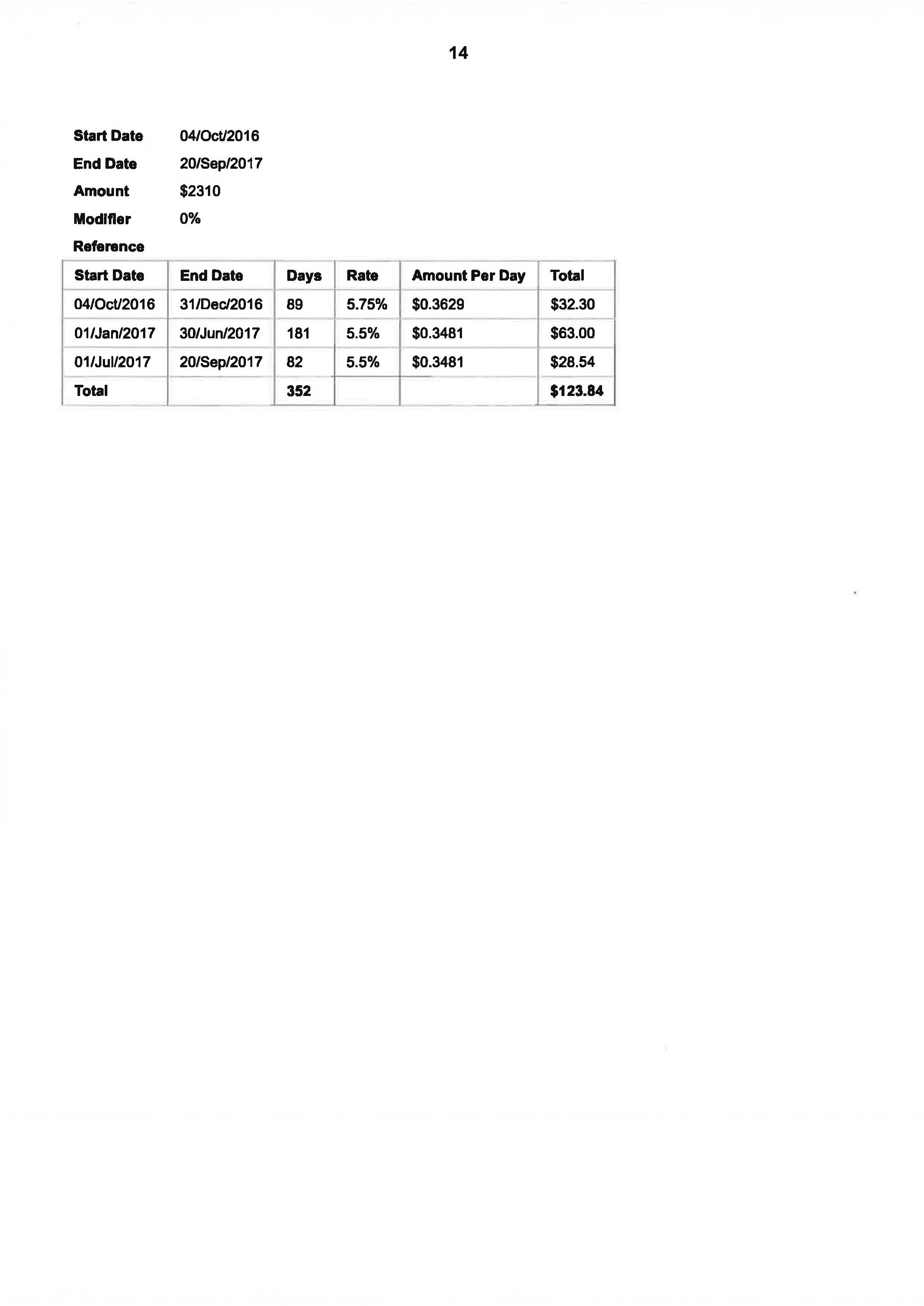


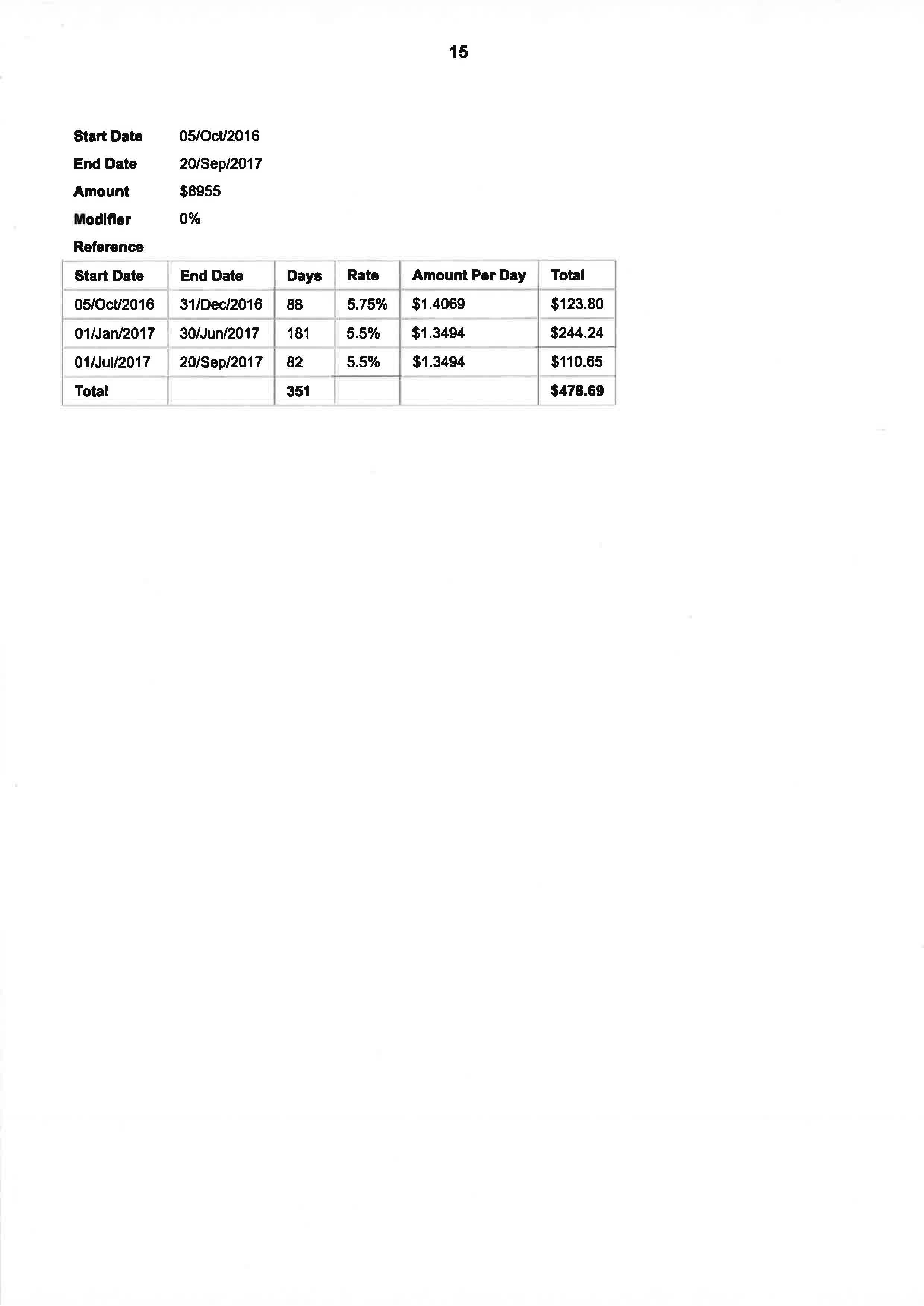












# ANNEXURE B – CORRECTED SCHEDULE OF CLAIMED PAYMENTS AND INVESTIGATION COSTS

