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Articles

[I'm sorry, Dave, I'm afraid I can't pay that claim — Some observations on the nature, operation and possible future of cyber insurance](#)

— *Fred Hawke*

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This article discusses the nature and form of cyber insurance, the present state of the market for the class of business and its key product terms. It summarises the essential categories of risks to which the insurance product responds and identifies some limits and potential pitfalls of the policy wordings. It also touches on the legal and public policy considerations affecting some aspects of the coverage, and its ongoing commercial viability. There is also comparison of the effects of ameliorative legislation on potentially onerous policy terms under the respective laws of Australia and the United Kingdom.

[Insurance discrimination and hepatitis C: Recent developments and the need for reforms](#)

— *Sean Mulcahy, Kate Seear, Suzanne Fraser, Adrian Farrugia, Dion Kagan, Emily Lenton, Liam Elphick and Nic Holas*

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Current direct-acting antiviral treatments for hepatitis C have the potential not only to cure the disease but to address the discrimination associated with having the virus. However, obstacles remain to the tackling of discrimination in many areas, including in the insurance industry where many insurers still require (a history of) hepatitis C to be disclosed in insurance applications even where it has been cured. This article considers Australian insurance law and practice in the context of hepatitis C. It proceeds in three parts. In part II we analyse the case law on insurance and hepatitis C. Next, we examine in part III an Australian-first report on insurance discrimination against LGBTIQ+ populations, including people living with another blood-borne virus, HIV. Whilst there has been no equivalent major Australian study on people with (a history of) hepatitis C, this recent work on HIV, combined with the case law surrounding hepatitis C, raises the possibility that insurance practices and actuarial data regarding hepatitis C are now outdated. In part IV we consider proposed reforms to insurance discrimination in the Australian Capital Territory and potential law and policy reforms throughout Australia. We argue that assumptions about the risks associated with hepatitis C need to be reconceptualised following the advent of direct-acting antiviral treatments, in order to avoid unreasonable discrimination against people with (a history of) the virus.

[Workers' compensation and injury insurance in Australian sport: The status may not be quo](#)

— *Eric Windholz*

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This article examines the exemption from workers' compensation of professional sportspersons. This examination reveals the exemption is complex, with numerous jurisdictional differences, exceptions

and qualifications. The examination also reveals that many of the arguments originally advanced in support of the exemption are redundant in a world in which sport has been corporatised and commercialised. This conclusion raises numerous questions. Should the status quo remain, or should professional sportspersons receive coverage under workers' compensation legislation or some form of bespoke injury insurance scheme? What limitations (if any) should apply to professional sportspersons' claims for compensation? What type and level of benefits should apply? And how and by whom should it be funded? These (and other) questions make this as an important issue worthy of further investigation.