

**Insurance Law Journal (ILJ)**  
**Volume 32 Part 1**  
*(articles included in this part are linked to the LexisNexis platform)*

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**Articles**

[The application of the \*Insurance Contracts Act 1984\* \(Cth\) to contracts covering international risk](#)

— *Nicholas J Olson*

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The question of whether the Insurance Contracts Act 1984 (Cth) ('Act') applies to a particular contract of insurance arises when the contract covers a multinational organisation with any part of its business in Australia. Section 8 of the Act calls for consideration of the proper law of the insurance contract to determine whether the Act applies. This article addresses these considerations.

[Funeral insurance — A new life after the Hayne Royal Commission](#)

— *Paul Latimer*

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The Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (2017–19) revealed widespread misconduct in the financial sector including funeral insurance. There was evidence of confusion caused by the distinction between funeral life insurance (which is regulated as a financial product by the Australian Securities and Investments Commission) and funeral expenses insurance (which was a 'carveout' from financial services regulation). In addition, there are prepaid funerals (called 'funeral benefits') which are not financial products and are regulated by the Australian Competition and Consumer Commission. From February 2020, there is potential for new life for the regulation of funeral insurance by the Australian Securities and Investments Commission following the inclusion of funeral expenses insurance as a financial product under the Corporations Act as recommended by the Royal Commission. Marketing funeral expenses insurance is now subject to the prohibitions of misleading or deceptive conduct, false representations, unconscionable conduct and unfair contract terms and the industry is now subject to standards of conduct including the obligation to do all things efficiently, honestly and fairly. More can be expected from the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission as they both regulate funeral insurance as a priority.

[The evolution of insurance law in Fiji: The past and present](#)— *Pradeep Krishan Tiwari and Gaurav Shukla*

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The legislative history of insurance in Fiji reflects two main objectives — prudential regulation and consumer protection. Consumer protection is essential in the industry not only as a goal in itself but also because the lack of consumer protection ultimately will prevent take-up of insurance and thus destroy the industry. In other words, customer satisfaction is not only the need for the insurance sector to survive it is the most essential factor for providing social security. Thus, it is often consumer protection and community concerns that drive the regulation of the industry, even where prudential

regulation is concerned. The article takes up the historical development of insurance legislation during different times to understand the focus of lawmakers and keeping the customer satisfied.

## The impact of aggregate clauses in insurance and re-insurance claims

— *N B Rao*

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This article focuses on five issues. How does an aggregation clause work? How does one distinguish between a 'cause' and an 'event'? An analysis of key triggering words such as 'occurrence', 'loss', 'claim' and the like are conducted. It also examines recent cases, with the aim of understanding how aggregate clauses are construed.