

Insurance Law Journal (ILJ)
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(articles and case note included in this part are linked to the LexisNexis platform)

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Articles

[Drones in Australia — Rapidly evolving regulatory and insurance challenges](#)

— *Julie-Anne Tarr, Anthony Tarr, Ron Bartsch and Maurice Thompson*

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With the September 2019 drone attacks on Saudi Arabian oil fields impacting 5% of the world's oil supply, issues of insurance liability and risk in relation to this emergent industry took on new dimensions. In doing so, existing complexity inherent in Australia's legal framework around governance of drones has become more exposed, bringing to the fore not just questions as to what an effective liability regime should look like but also which organisation(s) are best placed to drive, develop and enforce this. As drone operations straddle constitutional lines of federal and state powers in key respects and generate overlapping responsibilities among existing regulatory authorities, this is not an easily resolved question absent overarching intervention and vision. Fast tracked legislation, promulgated in July 2019, responds to recommendations from the 2018 Senate inquiry into drone operations by introducing drone registration and training requirements. Public safety considerations however are only superficially able to be addressed by these steps at this time and debate is now moving to consideration of designs for broader frameworks for optimal outcomes both in terms of safety and cost for drone operators and the wider community. Beyond privacy and trespass, regulators are still trying to assess the multi-fold risks both present and, on the horizon, that the rapid technological evolution of this area poses. This article considers the current regulatory framework in Australia and the measures adopted to date to ensure public and aviation safety; outlines additional measures such as future technology-based solutions; then concludes with discussion of and recommendations for additional regulatory and other initiatives that the authors believe are necessary to achieve an effective balance between the various competing interests as well as — as the bottom line priority — protect the community-at-large. This includes advocacy for a compulsory third-party liability insurance regime to run in tandem with registration to cater for situations where the drone operator does not have any or adequate insurance cover or cannot be identified.

[Contract works insurance: Faulty workmanship exclusions and scratched glass claims — Part II: New Zealand follows Canada in affording policy coverage](#)

— *Patrick Mead*

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In an article in 2017, the author observed that a recent decision by the Canadian Supreme Court in relation to Contract Works Insurance Policy response for damage to glazed panels, being a departure from the approach taken in an earlier New Zealand judgment, was not without its own difficulties. A decision of the High Court of New Zealand in July this year, has now seen a seeming alignment of approach between these two common law jurisdictions. This article summarises the earlier law in relation to this issue, before analysis of the New Zealand High Court judgment and consideration of the impact of both the Canadian and New Zealand approaches upon the view likely to be taken to this issue by courts in Australia.

Case Note

Xu v IAG New Zealand Ltd: Assigning rights to
reinstatement in indemnity insurance contracts
— *Jack Alexander and Daniel Brinkman*

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