



# Financial Rights

LEGAL CENTRE

KNOW YOUR RIGHTS CHECKLIST



We provide FREE legal and financial advice about loans, debts and money problems.

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## INSURANCE INTERVIEWS

### IMPORTANT:

Insurers are always on the lookout for fraud. They won't usually tell you they suspect you of fraud, just that your claim is being investigated.

You have a duty of utmost good faith to reasonably cooperate.

Use this checklist to make sure you know your rights and responsibilities when you are being investigated.

- Seek legal advice before and after the interview.**
- You can request that the interview be held in a neutral location.**
  - You do not have to go to the insurer's office.
  - You can bring a support person.
- Arrange for the interview to be somewhere private but not at your home.** This makes it easier to leave if you need to.
- Set a maximum time for the interview in advance (eg. 1 hour)** Once this time is up, leave.
- Do not guess an answer.**
  - If you do not know the answer to an insurer's question, just say so.
  - If you are unsure of your answer to a question, make the investigator aware of this.
  - Make it clear if you are estimating times or other details.
- Do not sign anything you are unsure of.**

### Third Party Interviews

Insurers **CANNOT** force third parties (your friends and family) to agree to be interviewed if they are not insured for the purposes of the claim. They cannot rely on the refusal of third parties to be interviewed as a basis to reject your claim.

[www.financialrights.org.au](http://www.financialrights.org.au)



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- Take your time to think through questions before answering.
- If English is your second language, or you feel more comfortable communicating in a language other than English, you can request an interpreter.
- Ask for a break if you need one.
- If your interview with the investigator is being recorded, ask for a digital copy or the transcript of the interview.
- Try to remain calm.

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## Requests for Information

If the insurer requests information and you refuse to provide it there is a risk that the insurer will reject your claim on the basis that you have not complied with the duty of utmost good faith.

For more information about your rights and responsibilities when you are being investigated by an insurer, download our factsheet:

<http://www.insurancelaw.org.au/fact-sheets/investigated-for-fraud/>

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## Financial Rights Legal Centre

Credit & Debt Hotline 1800 007 007

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