



Financial Rights

LEGAL CENTRE

KNOW YOUR RIGHTS CHECKLIST



Financial Rights Legal Centre Inc.
ABN 40 506 635 273

Factsheets and checklists are information only and should not be relied upon as legal advice.

FINANCIAL RIGHTS
©2017 Financial Rights

GENERAL INSURANCE INTERVIEWS

IMPORTANT:

General insurers (i.e. car insurers, home and contents insurers etc) 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.

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 arrange for the interview to be somewhere private but not at your home. This makes it easier to leave if you need to. You can be interviewed in your home if you are comfortable with this.

You can bring a support person. A support person should not be related to the claim.

Set a maximum time for the interview in advance (e.g. 1-2 hours). 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.

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.

insurancelaw.org.au



Financial Rights

LEGAL CENTRE

KNOW YOUR RIGHTS CHECKLIST



Financial Rights Legal Centre Inc.
ABN 40 506 635 273

Factsheets and checklists are information only and should not be relied upon as legal advice.

©2017 Financial Rights

- Ask for a break if you need one.
- If your interview is being recorded, ask for a digital copy or the transcript of the interview.
- Try to remain calm.
- If you have any concerns, seek legal advice before and after the interview.

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 the sole basis to reject your claim. However, it can be in your interests to encourage relevant third parties to cooperate, and so unless there is a good reason not to, you should provide investigators with the contact details of third parties if they ask you for them. If you have any doubts or concerns, seek legal advice.

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 [What can I do if I'm being investigated on a general insurance claim?](#)

Financial Rights Legal Centre

Insurance Law Service 1300 663 464

insurancelaw.org.au

We provide free and independent legal advice about insurance problems.

insurancelaw.org.au