



# Financial Rights

LEGAL CENTRE

KNOW YOUR RIGHTS CHECKLIST



CALL THE  
INSURANCE  
LAW SERVICE  
ON  
1300 663 464

Financial Rights Legal Centre Inc.  
ABN 40 506 635 273

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

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## PAYING YOUR EXCESS

**IMPORTANT:** You must read your policy booklet and schedule to find out when you need to pay an excess. Each insurer is different. Some insurers require you to pay an excess no matter who is at fault, others require you to provide specific details and convince the insurer you are not at fault. Some refund your excess if they get it back from the other driver.

- When do I pay the excess?** The excess is payable as soon as you make a claim.

What if I cannot afford to pay the excess?

- The insurer must reasonably consider a repayment arrangement to pay the excess. You should insist on repayments you can afford.** A financial counsellor can help you with advice and sometimes negotiations (call 1800 007 007)
- The Insurer must proceed with the claim even if you cannot pay the excess up front.**
- If the insurer will not agree to a repayment arrangement you can lodge a dispute in the (free) Financial Ombudsman Service**

If you want to dispute having to pay the excess (because, for example someone else was at fault) you should:

- Pay the excess or negotiate repayments to pay the excess (under protest) to ensure your claim goes ahead.**
- Call or write to the insurer and say you have a dispute about the excess. Check your Product Disclosure Statement for details on when you may not owe the excess first, so you know what you are arguing.**

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



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- If your Product Disclosure Statement provides that the excess will be repaid after the at fault party pays wait 3 months then dispute the excess.
- Make a complaint to the (free) Financial Ombudsman Service if you cannot resolve the dispute with your insurer. [www.fos.org.au](http://www.fos.org.au) or 1300 780 808

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