

Duty of Disclosure – What you must tell us

Your duty of disclosure

Before you enter into a contract of general insurance with us, you have a duty, under both the Insurance Contracts Act 1984 and the Marine Insurance Act 1909, to disclose to us every matter that you know, or could reasonably be expected to know, that is relevant to our decision on whether to insure you and, if so, on what terms.

You have the same duty of disclosure to us when you renew, extend, vary or reinstate a contract of general insurance.

Your duty however does not require disclosure of matters:

- that diminishes the risk;
- that is of common knowledge;
- that we know or should know in the ordinary course of our business as an insurer;
- which we indicate we do not want to know.

Non-disclosure

Where the Marine Insurance Act 1909 applies:

If you fail to comply with your duty of disclosure, we may avoid the contract of insurance from its beginning.

Where the Insurance Contracts Act 1984 applies:

If you fail to comply with your duty of disclosure we may be entitled to reduce our liability under the contract in respect of a claim or, in certain circumstances, we may cancel the contract. If your non-disclosure is fraudulent, we may also have the option of avoiding the contract from its beginning.

Underinsurance

We require you to insure the full value or maximum potential risk. If you do not do so, we will consider you underinsured. Where you are underinsured, the maximum amount we will pay you under this policy will not exceed the total sum insured under any circumstances or any specified sum insured for an item.

Where one or more items is the subject of a claim but is not specified in the policy schedule, we will reduce the amount payable on your claim if the total market value of the boat including all listed items exceeds the sum insured shown in the policy schedule by more than 20%. The amount payable for any item will be reduced in proportion to the difference between the market value of the whole boat at the time of the loss and the total sum insured.



Anchorage Marine Underwriting Agency Pty Limited
ABN 78 001 829 063 AFS Licence No. 237400
is acting under a binding authority given to it by the Insurer
QBE Insurance (Australia) Limited ABN 78 003 191 035,
AFS Licence No. 239545 of 82 Pitt Street Sydney.

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