

## Travel Insurance and Cancer



Many people who are affected by cancer have concerns about travel insurance. They may wonder whether they can obtain travel insurance at all if they have cancer, or whether they can obtain full medical cover with their travel insurance if they have had cancer in the past.

This fact sheet explains the law related to eligibility for travel insurance. It sets out your rights and responsibilities when you apply for travel insurance, and the limited circumstances in which insurers can lawfully refuse cover. It also explains what to do if you think you have been treated unfairly.

### What is travel insurance?

Travel insurance covers you for specific property or financial losses, illness or injury that you may suffer before or during your travels. It isn't compulsory to have travel insurance when you travel, but many people choose to get it so that they have some financial security if something goes wrong while they're travelling.

Most travel insurance policies are for international travel. Domestic travel insurance policies usually don't include cover for medical expenses, because these will normally be covered by Medicare and/or your private health insurance.

Travel insurance policies can cover events such as:

- Lost luggage and personal effects;
- Theft of money and goods;
- Delayed or cancelled flights, and cancelled holidays;

- Overseas medical and dental expenses;
- Emergency travel arrangements and accommodation expenses; and
- Death and disability allowances.

### Where can I get travel insurance?

There are a number of different ways to find travel insurance. You can:

- Ask friends which companies they use;
- Check whether any of your current insurers (for example, your health or life insurance provider), your employer or your credit card provider offer travel insurance;
- Search on the internet;
- Look in the phone book; or
- Contact the National Insurance Brokers Association on 1300 53 10 73 or through their website [www.needabroker.com.au](http://www.needabroker.com.au).

### Can I get travel insurance if I have had cancer?

Yes. Everyone who has had cancer should be able to get a travel insurance policy that covers risks such as lost luggage, theft, missed connections and cancelled flights. You should also be able to get medical expenses cover for sudden or unforeseen non-cancer related medical expenses, for example, if you break your leg while hiking. However, difficulties can arise for people affected by cancer who want to obtain cover for cancer-related medical costs.

### When I apply for travel insurance, do I have to tell them that I have had cancer?

Yes. The law says that you must tell the insurer anything that may be relevant and this includes current and past health conditions.

It is a good idea to tell the travel insurance provider that you have or have had cancer, however long ago, to ensure that there are no misunderstandings about whether or not you will be covered for medical costs, and whether you'll be covered for cancer-related medical costs in particular.

If you don't disclose that you have had cancer, and you later want to make a claim for medical expenses, the insurer may be able to use that as a reason to refuse your claim.

### **Can I get travel insurance to cover medical expenses related to cancer?**

While some travel insurers exclude cover for cancer-related expenses for people who have ever had cancer, others will cover cancer-related costs in some circumstances. For example, some policies include lists of pre-existing conditions that will be covered, including some cancers, as long as they are under control or haven't required treatment or medication within a certain time period (for example, the previous 6 or 12 months).

Unfortunately, if you are currently undergoing treatment for advanced cancer, it may be difficult to get travel insurance cover for anything cancer-related, including cancelled or delayed flights due to illness or treatment, and medical costs while overseas. You may still be able to get cover for lost luggage and other non-medical related costs.

**TIP:** It is important to read the Product Disclosure Statement (PDS) for the policy you're considering – before you purchase a policy – and if you're unsure ask the travel insurer. Look particularly for any limitations and exclusions explained in the policy, particularly those relating to pre-existing medical conditions.

If you are applying for medical expenses cover, you may be required to complete a medical assessment form and authorise your doctor to provide details of your treatment and current health status.

Even if you are not asked to complete a medical assessment form, it is a good idea to ask your specialist or GP to write a letter stating that you've finished treatment or that you're in remission, where this is the case, and that you're unlikely to require medical or hospital treatment while you are travelling.

The insurance company will consider the likely risk of you claiming for overseas medical expenses. The terms and conditions of the travel insurance policy may vary depending on your condition, medical history and the insurer's own guidelines.

If the PDS for the policy you're considering does not cover (that is, excludes cover for) claims relating to pre-existing cancer, then you may want to ask the insurer whether they offer any additional policies that would cover you for cancer-related claims. They may charge an assessment fee, a higher premium or apply special terms and conditions for a policy that covers costs related to pre-existing cancer.

**TIP:** Because of the range of policies and cover offered by different travel insurance providers, it is a good idea to ask friends or perhaps a cancer support group which travel insurance companies they have used and been happy with. Also consider where else you might be able to get insurance, for example, some credit cards offer travel insurance for holidays paid for on the card, and some workplaces offer travel insurance for leisure travel.

### **What happens if I am diagnosed with cancer after I take out a travel insurance policy, but before I travel?**

You will need to tell your insurance company that you have been diagnosed with cancer and check your policy and the PDS to see whether you will be covered for any cancer-related costs arising before or during your travel.

**TIP:** If travelling to countries that have a Reciprocal Health Care Agreement with Australia, you can get free emergency medical treatment. Show the hospital your valid Medicare card and passport and tell them that you want to be treated under the Reciprocal Health Care Agreement with Australia. Visit: <http://www.humanservices.gov.au/customer/enablers/medicare/reciprocal-health-care-agreements/participating-rhca-countries>

### **I have been refused travel insurance. Is that lawful?**

It depends on the circumstances.

The general rule in Australian discrimination law is that people cannot be discriminated against because they have cancer, have had cancer or may have cancer in the future (whether because of a genetic predisposition to, or family history of cancer). This means that a person affected by cancer should be able to access the same goods and services as a person who has never had cancer, and at the same price.

However, an exemption under the Commonwealth Disability Discrimination Act 1992 allows insurers to refuse insurance or change the terms of an insurance policy for a person affected by cancer so long as this decision is supported by statistical or actuarial data or other reasonable evidence.

Decisions are made on a case by case basis, but in general, insurers will consider information about factors that may increase or reduce your risk, including whether you're having treatment or whether you're in remission.

The Australian Human Rights Commission's guidelines for insurers recommend that insurers consider whether risks can be managed by restricting cover or increasing premiums, rather than refusing outright to insure a person with cancer, so if you've been refused cover, or feel like you haven't been treated fairly, you may want to consider making a complaint that the decision was discriminatory (see below).

### **Case study**

In 1997 Ms Bassanelli, who had metastatic breast cancer, was refused travel insurance. She lodged a complaint, saying that the refusal of cover was discriminatory. The court found that the insurer had unlawfully discriminated against her by refusing to provide her with travel insurance. The court said that the insurer should have considered whether they could exclude costs related to her cancer, but still insure her for other things, such as lost luggage. The court also found that the decision not to provide Ms Bassanelli with a restricted level of medical cover, which excluded cover for her pre-existing cancer, was not reasonable.

### **I think I have been treated unfairly, what can I do?**

Some people decide that they don't have the time or energy to make a complaint about unfair treatment by an insurance company, and that the best thing to do is to take their business elsewhere. Others feel very strongly about unfair treatment and want to make a complaint. You might like to ask friends or a cancer support group whether they have ever made a complaint and how that process was for them.

If you have been refused insurance for what you want to be covered for, or if you have a policy and your claim is rejected, delayed or reduced, the first step is to complain to your insurance company and specify the outcome you want. It is a good idea to complain in writing, so that there is evidence of the complaint. Generally, an insurance company has up to 45 days to respond to your complaint, and to prove that its decision was reasonably based on medical and statistical evidence.

If you aren't satisfied with the insurer's response there are a number of steps you can take:

- If you're trying make a claim on your existing policy:

If your claim has been rejected or reduced, contact the free and confidential Financial Ombudsman Service (FOS). The FOS can

consider disputes between consumers and insurance companies, if consumers haven't been able to resolve their disputes with an insurer directly. FOS decisions are binding on the insurer (but not on the consumer), which means that if an insurance company is ordered to pay a disputed claim, it must pay the claim. Note that the FOS does not have the power to force an insurance company to provide you with insurance cover.

The FOS website also has [sample complaint letters](#), which can assist you to make a complaint to an insurance company.

- Ph.: **1300 78 08 08**
  - Email: **info@fos.org.au**
  - Website: **http://www.fos.org.au**
- If you've been refused treatment or charged a higher premium:

Make a free and confidential complaint to the Victorian Equal Opportunity and Human Rights Commission or to the Australian Human Rights Commission if you think you have been discriminated against. Generally, both Commissions prefer that complaints are made within 12 months of the discrimination occurring, but they may consider older complaints in some circumstances. Both Commissions try to conciliate or mediate complaints, which means listening to both sides of the complaint and trying to reach an agreement between the two parties. The Commissions can only make recommendations, rather than orders.

Australian Human Rights Commission:

- Ph.: **1300 656 419**
- Email: **complaintsinfo@humanrights.gov.au**
- Website: **http://www.humanrights.gov.au/**

Victorian Equal Opportunity and Human Rights Commission

- Ph.: **1300 891 848**
- Email: **complaints@veohrc.vic.gov.au**
- Website: **http://www.humanrightscommission.vic.gov.au/**

- Get legal advice, to help you decide whether you should make your complaint. Court action can be slow and expensive so it is important to get good legal advice before considering this option.
- The **Consumer Action Law Centre** may be able to provide you with free legal advice about your complaint:
  - Melbourne ph.: **(03) 9629 6300**
  - Country Victorians ph.: **1300 881 020**
  - Website: **http://consumeraction.org.au/**
- **Community law centres** give people free legal information and advice. Find a community law centre, by contacting the Victorian Federation of Community Law Centres:
  - Ph.: **9652 1500**
  - Email: **administration@fclc.org.au**
  - Website: **http://www.communitylaw.org.au/**
- **Private lawyers** charge for their services; however some lawyers offer an initial free thirty minute consultation. It is important to ask your lawyer for an estimation of the likely costs of making a complaint about your insurance problem.

Ask your friends if they have any recommendations for a lawyer, or contact the **Law Institute of Victoria**, which provides a free legal referral service:

- Ph.: **9607 9550**
- Website: **http://liv.asn.au/**

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