

## SUBMISSION ON POLICY ISSUES RAISED IN ROUND 6

Submitted By: Tony Di Donato

Email: [REDACTED]

Phone Number: [REDACTED]

Submission for: My Self

Name of other person, business or organisation:

Do you agree to your submission being published: Yes

Do you agree to your full name being published: Yes

Your submission:

### E. CLAIMS HANDLING

#### Life Insurance

21. In engaging surveillance of any insured, regardless of illness, is the Insurer in breached of Section 13 of the Insurance Contracts Act? All evidence given in the hearings state that surveillance is standard in the industry for the purpose of gathering information of the insured; inferring that the Insurer is not satisfied with the information submitted by a policyholder in good faith. The Act clearly states that the Insurers have a duty of upmost good faith towards policyholders (and vice versa). This duty is confirmed by sections 13 and 14 of the IC Act. One can further and logically arrive at a concluding situation of an imbalance of power in the relationship between the Insurer and the policyholder whereas the Insurer is able to deploy surveillance as a means of information gathering without the explicit knowledge of the policyholder, while the policyholder has very limited means other than the IC Act being adhered to by the Insurer. A total imbalance in the relationship.

In specific reference to the question 21 posed by the Commission; surveillance of an insured with a diagnosed mental health condition has been clinically proven and evidenced in the hearings that it can and does negatively impact the mental illness. I speak from experience. The impact can be far more sinister, as in my case, it also negatively impacted the relationship with my treating psychiatrist to the point of the relationship breaking down because the psychiatrist did not believe my claims of surveillance. The disbelief of my treating doctor leading him to assume and record my condition of [REDACTED]. Once trust is broken between a doctor and patient, then the patient is left in a life threatening and vulnerable position.

SURVEILLANCE IS A HEINOUS ACT AGAINST A POLICYHOLDER WITH A MENTAL ILLNESS.