

AIDA DISPUTE RESOLUTION WORKING PARTY QUESTIONNAIRE

INSURANCE OMBUDSMAN SCHEMES

- 1) Name of Country
- 2) Name and contact details of the author of the answer
- 3) Do you have an Insurance Ombudsman's Scheme to handle insurance disputes in your country?
- 4) Is the scheme regulated by statute and subject to any independent review? (eg a review by a government statutory authority)
- 5) Are all insurers mandated to participate in the scheme or is it voluntary? (eg is participation a condition of their license to operate?)
- 6) List the classes or types of insurance on which the Ombudsman is authorized to adjudicate or make recommendations (eg health, social pensions, liability, motor, domestic, travel ins etc.)
- 7) Can the Ombudsman adjudicate on both claims and underwriting disputes?
- 8) What is the maximum amount in dispute, upon which the Ombudsman can adjudicate?
- 9) Are the Ombudsman's decisions binding on one or both parties or does the Ombudsman merely issue recommendations?
- 10) Is the applicant (claimant /insured) required to make any payment to lodge a dispute with the Ombudsman?
- 11) Who pays the costs of the scheme?
- 12) Is the Ombudsman's decision subject to any right of appeal and if so in what circumstances?
- 13) What are the criteria that determines the Ombudsman's decisions? (eg applicable law, fairness and reasonableness in all the circumstances, prior decisions as precedent?)
- 14) Do the parties have the option to litigate before, during or after the Ombudsman's involvement?

Chris Rodd – Chair AIDA Dispute Resolution Working Party

Melbourne – Australia

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