

# Appendix: Glossary

**Blanket exclusion** is often used to describe a clause that expressly excludes or limits coverage for a category of people in a contract of insurance.

**Disability** includes a “mental or psychological disease or disorder” within the meaning of the *Equal Opportunity Act 2010* (Vic). It includes a disability that may exist in the future and behaviour that is a symptom or manifestation of a disability.

**Discrimination** includes ‘direct’ and ‘indirect’ discrimination under the Equal Opportunity Act on the basis of 19 protected attributes (including disability):

- **Direct discrimination** is when a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that attribute.
- **Indirect discrimination** is when a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that disadvantages or is likely to disadvantage people with a protected attribute.

Discrimination is unlawful when it happens in particular areas of public life including the provision of services, such as the sale of travel insurance products.

**Ex gratia** is a Latin term and means “(something granted) as a favour and not because of a legal obligation”.<sup>1</sup> In the context of the insurance industry, it generally means that a payment has been made voluntarily.

**First-presentation** is a term frequently used to describe the status of a person who experiences symptoms or is diagnosed with a health condition for the first time.

**Insured** is a term frequently used by insurers to refer to the status of a person who has successfully purchased a contract of insurance and is therefore ‘covered’ by an insurance policy.

**Investigation** is an investigation by the Commission under part 9 of the Equal Opportunity Act. References to ‘the Investigation’ in this report mean the investigation into potential unlawful discrimination in the travel insurance industry.

**Mental health condition** A mental health condition is a diagnosable health condition that significantly affects how a person feels, thinks, behaves and interacts with other people, which can vary in severity and duration and have a significant impact on the person.<sup>2</sup> Under Victorian law, a mental illness is defined in the *Mental Health Act 2014* (Vic) 2014 as a “medical condition that is characterised by a significant disturbance of thought, mood, perception or memory”,<sup>3</sup> and is considered a ‘disability’ for the purposes of the Equal Opportunity Act.

**Non-party insurers** means two insurers that had removed existing mental health exclusions by the time of the investigation and were asked to voluntarily provide information to the assist the Investigation: Zurich/Cover-More and QBE.

**Party or parties** means the three insurer parties to the investigation that maintained general mental health exclusions at the time of the investigation and were asked to provide data under section 130 of the Equal Opportunity Act: World Nomads Group, Suncorp and Allianz.

**PDS** is a Product Disclosure Statement, which is a document, or sometimes a group of documents, that contains information about a financial product including any significant benefits and risks, the cost of the financial product and the fees and charges that the financial product issuer may receive. Supplementary PDSs or 'SPDSs' may be issued from time to time and must be read in conjunction with the PDS to which they relate. Insurers, as financial service providers, are required to publicly issue a PDS when selling contracts of insurance.<sup>4</sup>

**Positive duty** is the legal obligation under section 15 of the Equal Opportunity Act for duty holders to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible.

**Pre-existing** is a term frequently used to describe the status of a person who has previously experienced a symptom of, or has been diagnosed with, a health condition that they knew, or should have known, about.

**Systemic discrimination** is when discrimination becomes entrenched in an organisation or industry. Systemic discrimination can form part of organisational or industry culture and may be reinforced by discriminatory policies, procedures and practices.

## **Notes**

- 1 *Macquarie Dictionary Online*, (Macquarie Dictionary Publishers, an imprint of Pan Macmillan Australia Pty Ltd, 2019) <<http://www.macquariedictionary.com.au>>.
- 2 T Slade, A Johnston, M Teesson et al. *The Mental health of Australians 2: Report on the 2007 national survey of mental health and wellbeing*. (Department of Health and Ageing Report, 2009).
- 3 *Mental Health Act 2014*, section 4.
- 4 ASIC Moneysmart, 'Product Disclosure Statement', *Glossary* (Web page, 10 May 2018) <<https://www.moneysmart.gov.au/glossary/p/product-disclosure-statement-pds>>.