[Insert Insurer’s name and address]

Dear Sir/Madam

**Re: Gap insurance – [insert policy number]**

**Background**

1. On around [insert date] I purchased a gap insurance policy from [insert name of company which sold the product to you eg the finance company or car dealer].
2. The insurance cost me $[insert premiums].
3. #The premiums were added to my [loan/ credit card]. The interest rate was [insert interest rate]%.

**Complaint**

1. #Describe why you are unhappy with the policy
2. #Explain why the policy was unsuitable for you

For example 'I was unemployed when I took out the policy, so it was not suitable to me.'

1. #Describe why you are unhappy with the sales process

For example 'The insurance was added to my loan without my knowledge' or 'I was told the insurance would cover me if I lost my job.'

**Law**

1. I understand that the following areas of law might be applicable to my situation:
	* 1. Misleading and deceptive conduct and/or unconscionable conduct (Sections 12DA, 12CD and 12ED of the *Australian Securities Investments Commission Act 2001 (Cth)*, *Australian Securities Investments Commission v The Cash Store* [2014] FCA 926)
		2. The duty of utmost good faith (Section 13 of the *Insurance Contracts Act 1984 (Cth)* and/or the common law; *Carter v Boehm* (1766) 3 Burr 1905, 1909 – 1910 (Lord Mansfield); previous FOS determinations including 204224 and 327386)
		3. Duty to do all things necessary to ensure financial services are provided efficiently, honestly and fairly (Section 912A of the *Corporations Act 2001 (Cth)*)
		4. Requirement to provide product disclosure statement (Sections 1012A, 1012B and 1012C and 1022B of the*Corporations Act 2001 (Cth)*)
		5. Inappropriate financial advice (Sections 961B, 961G and 961J of the *Corporations Act 2001 (Cth)*)
		6. Requirement to ensure sales processes and services by representatives are conducted in an efficient, honest, fair and transparent manner (Clause 4.4 of the General Insurance Code of Practice).

[delete any of the above that do not apply to you]

1. I also understand that I may take this dispute to the Financial Ombudsman Service (FOS) should the dispute not be resolved to my satisfaction through your internal dispute resolution. FOS is obliged to do what is fair in all the circumstances, having regard to the legal principles, applicable industry codes, good industry practice and previous relevant decisions.

**Request**

I think I am entitled to a refund of the premiums and request that you refund any premiums paid to date plus interest.

I look forward to hearing from you within 15 days. My email address is [insert your email address].

Yours sincerely

[Insert your name]