

LINA Members Guide to Media Insurance Claims

This guide provides a high-level overview of key aspects of a Media (Defamation) Liability Policy. While we've made it easy to understand, it's important to always refer to the full policy terms and conditions.

1. Duty of Disclosure

Under Australian Law (Insurance Contracts Act 1984), you must disclose anything that could affect the insurer's decision to provide coverage. It's important to disclose things and be upfront and honest **Before** you take out cover as well as when you **renew** or change your policy. Normally, the proposal forms and questionnaires from insurers will ask the relevant questions, like your revenue, staff, what you are reporting on and risk management.

Failing to disclose important information can result in:

- ✓ Reduced claim payouts
- ✓ Policy cancellation
- ✓ Claims being denied

Tip: When in doubt, disclose! It's always better to over-share than leave something out.

2. Claims Made Coverage




This policy operates on a “**claims made**” basis, meaning it only covers claims:

- First made **against you** during the policy period.
- Relating to events **on or after** any retroactive date listed in the policy.

You need an **active** policy to make a claim and it's important to report any claims (or any matter you think may become a claim) **before** you renew a policy. Claims reported after the policy period ends won't be covered—**unless** you provided written notice of a potential issue during the policy term.

3. Notice and Notification




If you receive a:

-  **Claim** (demand letter, court documents, complaint by email/phone)
-  **Subpoena** (court order to appear or provide documents)
-  **Concerns notice** (a formal written notice sent to you to notify of alleged defamatory statements and give you an opportunity to respond before legal action is taken)

Notify your insurer **immediately**. There are timeframes to do so.




If you suspect a future claim, report it early to ensure coverage. Not notifying immediately may impact your coverage under the policy.

4. What to Say (And Not to Say)

-  **Do NOT admit liability**—even if you feel responsible.
-  **Do NOT settle** or offer to settle without insurer approval.
-  **Do NOT correct or retract published material** before consulting your insurer.

Always check with your insurer before taking any action that could impact coverage.

5. Your Responsibilities

-  **Cooperate** with the insurer—provide documents, answer questions, and follow legal guidance.
-  **Follow policy terms**—you may have an excess to pay or shared costs.
-  **Keep the insurer informed** if your business merges, expands, or acquires new media assets.

6. Insurer's Rights

The insurer may:

- Appoint an experienced **panel law firm** to defend you at favourable rates.
- Approve or decline your choice of lawyer (additional costs may not be covered).
- Choose, with the lawyer's guidance, certain **paths for the claim** (e.g., settlement, retraction)
- Exclude claims for **certain events** (e.g., pollution, fraud, or patent breaches).
- Seek to recover losses from third parties (**subrogation**).

Legal costs ("Defence Costs") usually count toward your total coverage limit. **Defamation claims can be costly!**

7. Important Exclusions

The policy **does not cover**:





- **Pre-existing claims** or known circumstances.
- **Deliberate misconduct** (fraud, criminal acts).
- **Property damage or personal injury** (unless tied to published content).
- **Unapproved breach of contract** or services outside media activities.
- **Patent infringement** (other IP claims may be covered).

8. Complaints and Disputes

Chubb* follows the **General Insurance Code of Practice**. If you have concerns:

- Contact Chubb's **complaints team**.
- If unresolved, escalate to **Internal Dispute Resolution**.
- If needed, seek **external dispute resolution**, as guided by Chubb.

9. Final Takeaways

-  **Read your policy**—details matter.
-  **Report claims early**—don't wait.
-  **Avoid admitting fault** or settling independently.
-  **Cooperate with the insurer** to keep coverage intact.

*KBI will always assist in the lodgement of all claims however all claims are handled by Chubb Claims Experts as well as experienced lawyers who are appointed by Chubb.

For more information, contact **KBI**. They're here to help protect you and your organisation when things go wrong.