

29 July 2019

Fair Trading Regulation 2019
Better Regulation Division, Regulatory Policy
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Sydney NSW 2000

By email: ft@finance.nsw.gov.au

Proposed Fair Trading Regulation 2019

The Insurance Council of Australia (ICA) appreciates the opportunity to provide feedback to NSW Fair Trading's proposed Fair Trading Regulation 2019 (the Regulation) and Regulatory Impact Statement (RIS).

The ICA¹ is the representative body for the general insurance industry in Australia. Our members provide a range of insurance products including motor vehicle insurance.

As you would be aware, ICA members are signatories to the Motor Vehicle Insurance and Repair Industry Code of Conduct (the Code). The Code is administered by the Code Administration Committee (CAC) which comprises three ICA representatives, as well as three representatives from the Motor Traders Association of Australia.

We refer to section 6.4 of the RIS and note NSW Fair Trading has sought feedback on whether any further modifications to the Code are required. As outlined in the RIS the Code was only reviewed and updated by the CAC in July 2017 where a number of changes were made including the introduction of a new dispute resolution procedure. Therefore the ICA is of the view that no further modifications or changes are required at this time.

The CAC is required to conduct a review of the Code every three years where changes and modifications to the Code are considered. Therefore the ICA requests that, should NSW Fair Trading receive any suggested changes or modifications to the Code from other stakeholders, these be referred directly to the CAC so they can be considered as part of its next review of the Code.

¹ ICA members represent approximately 95 percent of total premium income written by private sector general insurers. Insurance Council members provide insurance products ranging from those usually purchased by individuals (such as home and contents insurance, travel insurance, motor vehicle insurance) to those purchased by small businesses and larger organisations (such as product and public liability insurance, professional indemnity insurance, commercial property, and directors and officers insurance).

In relation to the Regulation, the ICA requests NSW Fair Trading ensures that the most recent version of the Code (gazetted on 21 July, 2017) is incorporated into the Regulations. Similarly, going forward, provision should also be made for all future versions of the Code to be easily incorporated into the Regulation.

We trust this feedback is of assistance.

Yours sincerely

Robert Whelan
Executive Director and CEO