



19 February 2026

Ms Lauren Johnston
Assistant Secretary
Competition and Consumer Law Branch
Treasury Building
Canberra ACT 2600

Via Treasury Consultation Hub

Dear Ms Johnston,

Exposure Draft Bill - Competition and Consumer Amendment (Unfair Trading Practices) Bill 2026

The Insurance Council of Australia (Insurance Council) welcomes the opportunity to comment on the Competition and Consumer Amendment (Unfair Trading Practices) Bill 2026 (draft Bill) to strengthen consumer protections against unfair trading practices.

The Insurance Council is the representative body of the general insurance industry in Australia. Our members represent approximately 85 percent of total premium income written by private sector general insurers. Insurance Council members support efforts by the Government to protect consumers from manipulation and unfair subscription practices.

The draft Bill is a positive step towards regulating unfair trading practices that are currently not captured by Australian Consumer Law (ACL). We see value in the general prohibition capturing harmful practices used by entities peripheral to insurance supply chains. These operators include Credit Hire Companies (CHCs) who intercept claims processes and charge excessive fees, misrepresent their affiliation with insurers, or encourage exaggerated claims.

We understand that the Government intends for similar provisions to be applied to the *Australian Securities and Investments Commission Act 2001* (ASIC Act). As these changes are not included in the draft Bill, we expect that any amendments to the ASIC Act will be subject to further consultation. Our comments below therefore focus on considerations relevant to aligning the ACL provisions with the ASIC Act in future reforms.

The ACL Bill would benefit from being clearer about what is in scope of the definition of a 'contract for payment in instalments' (see Part 2, s.9 of the draft Bill). As currently drafted it appears to cover any contract that can be paid monthly, which would likely capture insurance contracts paid monthly (but exclude those paid annually).

In previous submissions¹ on unfair trading practices, we have outlined several areas where regulatory duplication is likely. Conduct relating to deception or unfairness is regulated under multiple legislative frameworks beyond the ASIC Act, including the *Corporations Act 2001*, the *Insurance Contracts Act 1984*, and the General Insurance Code of Practice. Duplication impedes productivity by requiring insurers to maintain parallel control, training, and assurance systems designed to meet different

¹ Insurance Council of Australia.(2023).[Submission to Treasury's CRIS: Protecting Consumers from Unfair Trading Practices.](#)

frameworks that ultimately seek the same consumer outcomes.² Duplication risks further impeding productivity and adding unnecessary cost to an industry that already faces an annual total compliance burden estimated at \$3.5 billion.

The proposed disclosure requirements for subscription contracts in the draft Bill are a good example of where duplication will occur. These obligations substantially overlap with existing requirements under the Design and Distribution Obligations, the *Insurance Contracts Act 1984*, and the General Insurance Code of Practice. There is also a risk of unintended consequences. For example, insurers could be found in breach of unfair trading prohibitions if legally mandated disclosures are deemed “complex,” despite being required by law.

While the intent of these measures is positive, given the extremely short timeframe provided for consultation, insurers require additional time to assess where duplication may arise and to identify unintended impacts. The Insurance Council will continue working with its members to examine how the draft ACL provisions could be most efficiently translated into the ASIC Act. Our aim is to support a consistent, streamlined framework that promotes consumer protection while avoiding unnecessary duplication and operational uncertainty for insurers. We intend to provide more detailed analysis to Treasury in a separate submission.

We look forward to being consulted on any changes that may be considered to the financial services framework.

Yours sincerely



Andrew Hall
Executive Director & CEO

² Insurance Council of Australia.(2025).[Cost of Regulatory Burden](#).