21 July 2026

Insurance Council of Australia

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Submission regarding redrafted General Insurance Code of Practice

We write to you in consideration of the consumer protections in the redrafted Code with respect to *Section 4 - Making a claim* and subsection *Claims fulfilment*, items 83, 84 and 85, page 24 of the General Insurance Code of Practice Draft for Public Consultation.

We note the draft Code states at item 83 that insurers are responsible for the quality of work and materials where they have selected the repairer and item 85 with regard to scope of works that insurers will provide information.

We draw to your attention that the Code fails to outline any standards that general insurer subscribers must meet with regards to ensuring repairs by their selected repairers are performed legally, such as development applications in place prior to beginning any repair work.

The draft Code also fails to outline any responsibilities for insurer subscribers to ensure that structural and electrical certifications are not based upon falsified information nor on forged statutory documents.

The draft Code further fails to outline any responsibilities for insurer subscribers to ensure that scopes of work, for either repair or settlement, are not underpinned by any falsified reports or certifications which reduce repair scope or settlement value.

In our experience with our major general insurer, the insurer failed to take sufficient responsibility for their own service suppliers' faulty work, resulting in major structural work being done on our home prior to any building application approval, 'not-for-construction' drawings placed on file with our local council, fraudulent certifications left in place and not revoked as requested, document tampering not reported to police as requested and dangerous electrical work signed off as safe.

The complaints process was grossly ineffective, both internal and external as our insurer presented extensive lies to the Australian Financial Complaints Authority (AFCA) including denying having undertaken building repairs without any development approval in place and demonstrating clear intent to re-use fraudulent certifications. AFCA failed to take any action even once they had been advised of same.

We note item 83 states that complaints about the insurer subscriber's chosen repairer will be handled under the insurer's complaints process however in our experience with our insurer the CEO complaints team had full knowledge of the above matters and refused to address any of these prior to forcing settlement. No regulatory party is taking any steps to protect Australian consumers from having unsafe, non-compliant and dangerous insurance building repairs performed on their homes.

The draft Code further fails to provide consumer protections at item 84 by allowing subscriber insurers to self-determine what they consider to be a 'reasonable' cost for accommodation when repairs authorised by the insurer have been found to require further work. This has catastrophic impacts on consumers when the insured event has resulted in them not able to remain safely in their home. Item 84 should provide for accommodation for consumers until their home is ready to be returned to. A failure to correct item 84 will result in the Code being directly responsible itself for causing further severe vulnerability and risk of homelessness in insurance claimants. This is a shameful act by the Code.

We implore the draft Code to be strengthened to protect Home Building Insurance customers from dangerous works.

Kind regards

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Authors of *Submission 77 to the House of Representatives Standing Committee on Economics Inquiry into insurers' responses to 2022 major floods claims* Inquiry into insurers' responses to 2022 major floods claims – Parliament of Australia