

28 August 2025

Director
Regulatory Reform and Implementation
Regulation and Supervision
Australian Securities and Investments Commission
Level 7, 120 Collins Street
Melbourne, VIC, 3000

By email: rri.consultation@asic.gov.au

Dear Director,

ASIC's Update to Regulatory Guide 183 - Approval of financial services sector codes of conduct

The Insurance Council of Australia ('Insurance Council') welcomes the opportunity to respond on behalf of our members to the Australian Securities & Investments Commission's ('ASIC') update to Regulatory Guide 183, 'Approval of financial services sector codes of conduct' ('RG 183').

The Insurance Council is the representative body of the general insurance industry in Australia and represents approximately 85 per cent of private sector general insurers by gross written premium ('Industry'). As a foundational component of the Australian economy, the general insurance industry employs approximately 60,000 people and on average pays out \$147 million in claims each working day (\$36.5 billion per year).

We refer to the 'Initial Industry Response: The General Insurance Code of Practice Independent Review and the 2022 Flood Inquiry Recommendations' published in December 2024 and note the Insurance Council's agreement to seek ASIC's approval of the General Insurance Code of Practice ('the Code').¹ In May 2025, the Insurance Council further announced that, in addition to seeking ASIC's approval of the Code, it will, along with members, be redrafting a Code which will be contractually enforceable by individual consumers. That is, the redrafted Code will form part of the individual contracts with consumers, rather than being enforceable through enforceable code provisions.

Updated Regulatory Guide 183 Feedback

We welcome ASIC's update to RG 183 and the increased clarity it provides in relation to the approval of financial services sector codes. We further welcome the opportunity for early engagement with ASIC on the content of the Code before submitting for approval, recognising the importance of this in ensuring an effective Code application process.

We refer to RG 183.45 and note ASIC's expectation that all substantive code obligations are to be enforceable by consumers. Given the Industry is in the process of redrafting a contractually enforceable Code, we ask for further information as to what ASIC considers substantive code obligations.

¹ Initial Industry Response: The General Insurance Code of Practice Independent Review and the 2022 Flood Inquiry Recommendations. [The General Insurance Code of Practice Independent Review and the 2022 Flood Inquiry Recommendations](#)

We further seek greater clarity on the difference between single-issue industry guidelines or arrangements and supporting documents, as referred to in RG 183.70 to 183.73, particularly given the implications of these documents for ASIC's approval of a code.

With respect to further specific feedback on the updated RG 183, we note the following:

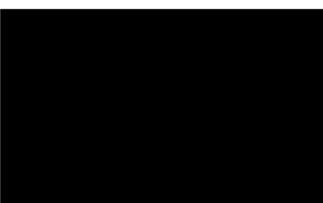
- We refer to RG 183.26 and ask that ASIC please confirm if enforcement action relating to misrepresentations applies to ASIC's enforcement jurisdiction under RG 183.22 or more broadly to an entire ASIC-approved code. Clear delineation between ASIC's enforcement jurisdiction and the code administrator's jurisdiction is important to avoid duplicated regulatory activity.
- We refer to the fifth criteria in Table 5 and RG183.67 and note the implications this has for codes that might need to be updated because certain consumer implications are no longer commercially viable for the relevant industry. We seek guidance from ASIC as to how it expects industries to navigate this.
- We refer to RG 183.47 and the reference to AFCA's consideration of a code forming part of the contractual relationship with the consumer when considering remedies and ask for further information as to the basis for this inclusion in the updated RG 183.
- We welcome clarification that the requirement at RG 183.64 with respect to adequate arrangements in place for systemic and serious code non-compliance to be reported to ASIC is a requirement for the code administrator rather than individual subscribers.
- We ask for greater clarity on the role and distinction between 'code administrators' and the 'secretariat function', including further information on the type of responsibilities a 'secretariat function' should have.
- With respect to RG 183.52, we note that only a statutory body can issue a fine and suggest amending the wording to clarify that a code administrator can enforce a financial penalty.

Regulatory Guide 168

The ICA has separately recommended to ASIC consideration that Regulatory Guide 168, with respect to product disclosure statements, include an exemption that allows ASIC approved industry codes to be referenced in consumer contracts, rather than fully reproduced within product disclosure statements. Doing so would provide a more practical, future-proofed and enhanced consumer experience.

We appreciate the opportunity to provide feedback on the updated RG 183. If you have any questions, please contact myself or [REDACTED] Senior Adviser, Regulatory and Consumer Policy, at [REDACTED].

Yours sincerely,



General Manager, Regulatory and Consumer Policy