

30 June 2022

Discrimination Law Reform
Justice and Community Safety Directorate
ACT Government Directorates
GPO Box 158
Canberra ACT 2601

via email: civilconsultation@act.gov.au

Dear Sir/Madam

Discrimination Amendment Bill 2022

We welcome the opportunity to comment on the *Exposure Draft: Discrimination Amendment Bill 2022* (the Bill). Small business access to commercially viable insurance products is a significant priority for this Office, particularly as the sector seeks to drive economic recovery from the pandemic. The amendments proposed in the Bill regarding insurance policies are an important step in addressing small business concerns raised with this Office. To best assist small business and their advisers operating throughout Australia, consideration should be given to ensuring a nationally consistent approach to discrimination relating to insurance policies.

We support the proposed amendment to Section 28 of the *Discrimination Act 1991* restricting insurance service providers to only discriminate in relation to the terms in which an insurance policy is offered based on actuarial or statistical data and/or specific risk considerations. Critically, we recommend the amendment proceed with an inclusion of a risk dimension, requiring the insurance service provider, upon request from the consumer, to:

- provide a document containing the data, specific risk conditions or meaningful explanation of the data or specific risk conditions to the consumer; or
- make a document containing the data available for inspection at a reasonable time and place.

This Office is aware of several instances where a small business consumer is denied access to commercially viable insurance cover with no explanation of the reasons impacting the decision by the insurance service provider. By withholding this information, the small business is unable to attempt to negotiate with the insurance service provider or take meaningful steps toward risk mitigation.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Cameron Dyson-Smith on 02 5114 6105 or at Cameron.Dyson-Smith@asbfeo.gov.au.

Yours sincerely



The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman

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