

28 July 2025

Office of the Australian Information Commission
By email: copc@oaic.gov.au

Dear Commissioner,

Children's Online Privacy Code

The Insurance Council of Australia (Insurance Council) appreciates the opportunity to provide input on the development of the Children's Online Privacy Code (Code) by the Office of the Australian Information Commissioner (OAIC). Insurers support taking measures to protect children's online privacy.

The Insurance Council is the representative body of the general insurance industry in Australia and represents approximately 85% of private sector general insurers. As a foundational component of the Australian economy, the general insurance industry employs approximately 46,000 people, generates gross written premium of \$66 billion per annum and on average pays out \$159 million in claims each working day (\$39.4 billion paid out per year).

Insurers are committed to continuously improving the customer experience and made several commitments in the General Insurance Action Plan to improve claims processing. This includes ensuring fast and efficient management of claims as well as complaints. Insurers are looking for a risk-based application of the Code that minimises unnecessary administrative steps that may slow down the claims process or obstruct children from accessing insurance either directly or through a guardian.

Insurance products accessed by children

In some instances, insurers deal directly with children in the delivery of their products and services. Insurers will generally offer coverage to any individual who holds a financial interest in the insured asset, regardless of age. This can include motor, travel, CTP and contents insurance. Children can also be claimants of workers compensation, which could include people in their early teens. Where children own the insured asset or are able to lawfully participate in the associated activity (for example driving or working), insurers may recognise that the minor is of a legally appropriate age to purchase insurance. It is very unlikely that children engage with general insurers under the age of 13 years old and, where they do, they are likely to be represented by a parent or guardian. This can include circumstances where a child has been involved in an accident or is a witness to an accident.

APP entities captured by the Code

The OAIC should consider the proportionality of requirements set out in the Code to the risk presented by a minor's engagement with insurance. Insurers currently are required to comply with the APPs which deal with the collection and handling of personal information. There is also an extensive financial services regulatory framework that regulates how insurers market their products and communicate with their customers. Examples include prohibitions to hawking under the *Corporations Act 2001* alongside requirements for ethical, transparent and fair conduct under the General Insurance Code of Practice, the *Insurance Contracts Act* and the *Australian Securities and Investment Commission's Act 2001*. In the UK, insurers are exempt from complying with the Age Appropriate Design Code (Children's Code) because children are unlikely to access insurance services. An exemption for insurers to the OAIC's Code could therefore be considered. If insurers are captured by the Code, the OAIC should clearly identify the risk being addressed and ensure there is no duplication or inconsistency with existing requirements set out by financial services regulation.

Scope of the services covered by the Code

Insurers employ electronic services including chatbots and can offer designated internet services via websites and apps. The content is usually fact-based and, in many cases, critical to delivering an essential and/or consented service. The OAIC should consider the potential of the Code to prevent minors from accessing insurance, particularly if age verification or onerous consent requirements are introduced. Delivery of insurance services requires insurers to handle personal information in line with the current APPs for the purposes of assessing a premium, processing a claim or investigating fraud. Any changes to the APPs should avoid limiting insurer's ability to undertake core services and manage fraud.

Insurers would welcome the opportunity to review the draft Children's Online Privacy Code, to identify potential unintended consequences and ensure it is operationally relevant. We appreciate the opportunity to contribute to this important discussion and look forward to continued collaboration.

If you have any questions related to our submission, please contact Brooke Noorbergen, Senior Strategic Policy Adviser, at [REDACTED]

Yours sincerely

