

4 March 2022

Ms Sophie Mitchell
Exemptions
Australian Competition & Consumer Commission
CANBERRA ACT 2601

via email: exemptions@acc.gov.au

Dear Ms Mitchell

AA1000582 – Insurance Council of Australia – application for authorisation AA1000582 – draft determination

Thank you for the opportunity to provide feedback on the ACCC’s proposal to enable the Insurance Council of Australia (ICA), and firms that issue business interruption insurance (BII), to enter and give effect to agreements to use the DSpark Tool to assist in claims arising from Covid-19.

This Office supports the ACCC’s proposal as it is in the interests of all parties in these arrangements to have access to a clear and concise body of information that reflects the publicly available information around the impact that Covid-19 has had on small businesses. We also keenly note the reduction in time and financial cost associated with assessing BII claims that the DSpark Tool has the capacity to provide, and well as the transparency it may provide to all parties in relation to assessments should our third recommendation be adopted.

The office recommends that:

1. The ACCC grants the authorisation to enable the ICA, and firms that issue BII, to enter and give effect to agreements to use the DSpark Tool to assist in claims arising from Covid-19.
2. The DSpark Tool be limited to aggregating only publicly available information about Covid-19 exposure sites, number of positive Covid-19 cases in a locality, and other associated public health orders.
3. The insured and their representatives also be allowed to access information from the DSpark Tool to assess claims, particularly in the circumstances where a claim is denied, so that proper consideration may given in any appeal/objection proceedings.
4. The Authorisation end date of October 2023 be adhered to, pending additional review at a later date.

Thank you again for the opportunity to comment. If you would like to discuss this matter further, please contact Ms Atia Sadiqzai on 02 5115 6116 or at atia.sadiqzai@asbfeo.gov.au.

Yours sincerely



The Hon. Bruce Billson

Australian Small Business and Family Enterprise Ombudsman