



## **Code Administration Committee Annual Report (January to December) 2023**

The Motor Vehicle Insurance and Repair Industry Code of Conduct (Code) has been in operation since 1<sup>st</sup> September, 2006. The Code is currently voluntary in states and territories within the Commonwealth of Australia, other than in New South Wales and South Australia where it is legislated as mandatory for Industry participants.

The Code Administration Committee (CAC), is made up of three (3) appointees from the Motor Trades Association of Australia (MTAA Ltd) and three (3) appointees from the Insurance Council of Australia (ICA). Pursuant to Clause 13.2 of the Code the CAC is responsible for the administration, monitoring, compliance and promotion of the Code. This Report is prepared in accordance with Clause 13.2 (c) of the Code.

### **1. Meetings**

#### Representatives of the ICA

- Peter Hartman – Allianz Insurance
- Brett Wallace – Suncorp Insurance; and
- Mr George Manos – Insurance Australia Group

#### Representatives of MTAA Ltd

- Ms Kathy Zdraveski (VACC)
- Mr Kaes Cillessen – MTASA
- Mr Stephen Jenkins (Chairman)

The CAC operated a dual function throughout 2023. The CAC was responsible for the overall administration of the Code. In addition, the CAC was tasked with receiving the independent expert report following a statutory review of the Code and then the review the Recommendations by the author of the Report Dr Michael Schaper. The CAC met on normal CAC matters on the following dates:  
16<sup>th</sup> February, 2023

**5<sup>th</sup> May, 2023**

**22<sup>nd</sup> June, 2023, and**

**27<sup>th</sup> July, 2023**

Various issues were discussed by the CAC during the reporting period. These included;

- the operation and functionality of the website;
- Industry education surrounding operation of Code;
- statutory review of the Code, which is reported in more detail in this report;
- process and procedure surrounding mandating of Code within South Australia;
- explaining the application of MVIRI in Tasmania
- CAC meetings and communication to stakeholders
- usage of Overseas Assessors and compliance with the Code requirements

## **2. Review of Motor Vehicle and Repair Industry Code of Conduct**

During 2023 Dr Michael Schaper was engaged and involved with the Statutory Review of the Code. Dr Schaper engaged with a range of Industry stakeholders to obtain feedback as to the functionality of the Code, its processes and systems. In addition, input in line with the Terms of Reference was provided to assist Dr Schaper to address the future operation of the Code and its Governance.

Dr Schaper delivered his final report in April 2023. This report was tabled and discussed by the CAC. The representatives of the ICA and MTAA discussed in detail the recommendations and met on the following dates to work through the fifteen (15) recommendations of Dr Schaper

**31<sup>st</sup> May, 2023**

**3<sup>rd</sup> July, 2023**

**27<sup>th</sup> September, 2023 and**

**20<sup>th</sup> November, 2023.**

The CAC categorized the Recommendations in to three (3) main areas:

- (a) Governance of the Code
- (b) Education and Promotion
- (c) Code Revision

The CAC has sought specific legal advice surrounding the future governance structure of the overarching body to continue to govern the Code. In addition, the CAC has worked through the recommendations to understand the areas in which a more simplified and effective Code can assist the Body Repair Industry into the future. In particular the CAC is mindful of technological changes in the Body Repair Industry which must be accommodated within an Industry wide Code. This work will

continue throughout 2024 and it is anticipated that following further industry consultation a revised Code will be presented to Industry by mid 2024.

### **3. Dispute Resolution under the Code**

Pursuant to the Code the CAC is required to report surrounding “number and type of applications for Mediation under the Code”. There were no Mediations reported to the CAC during the reporting period.

In respect to the notifications of lodgement of internal dispute resolutions (IDR) through the website of the CAC, in total one hundred and twenty-five (125) IDRs were lodged. These are broken down into the following states:

- Queensland – 21
- South Australia – 19
- New South Wales – 43
- Victoria – 39
- Western Australia – 3


There were no known External Dispute Resolutions reported to the CAC pursuant to Clause 12 of the Code.

### **4. Summary of Compliance of Industry with Code in 2022**

The CAC is required under Clause 13.2 to report on the Insurer and repairer compliance with the Code. Whilst the CAC has no data on which it is able to specify compliance with Industry participants, the CAC is aware that ongoing education is required surrounding how the Code applies to Industry participants and also the mechanisms available under the Code to facilitate co-operation, transparency and compliance with the Principles of the Code.

Further work on this education will be undertaken as part of the implementation of the recommendations within the report of Dr Schaper.

Dated 8<sup>th</sup> January, 2024



Stephen Jenkins  
Chairman  
Code Administration Committee.

