

# EXPOSURE DRAFT



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## Insurance Contracts Amendment (Genetic Testing Protections in Life Insurance) Regulations 2026

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2026

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Dr Daniel Mulino [**DRAFT ONLY—NOT FOR SIGNATURE**]  
Assistant Treasurer  
Minister for Financial Services

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## 1 Name

This instrument is the *Insurance Contracts Amendment (Genetic Testing Protections in Life Insurance) Regulations 2026*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	At the same time as Schedule 1 to the <i>Treasury Laws Amendment (Genetic Testing Protections in Life Insurance and Other Measures) Act 2026</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Insurance Contracts Act 1984*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1 Amendments

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## Schedule 1—Amendments

### *Insurance Contracts Regulations 2017*

#### **1 Part 2 (heading)**

Repeal the heading, substitute:

### **Part 2—Disclosures, misrepresentations and use of certain information**

#### **2 At the end of Part 2**

Add:

### **Division 4—Use of protected genetic information in relation to contracts of life insurance**

#### **13A Information taken to be *protected genetic information***

- (1) For the purposes of subsection 33F(5) of the Act, information mentioned in paragraphs 33F(1)(a) and (b) of the Act is *protected genetic information* if the information relates to genetic testing for any of the following:
  - (a) alpha thalassemia;
  - (b) BRCA1-associated hereditary cancer syndrome;
  - (c) BRCA2-associated hereditary cancer syndrome;
  - (d) familial hypercholesterolemia;
  - (e) familial multiple polyposis syndrome (including, but not limited to, familial adenomatous polyposis and adenomatous polyposis coli);
  - (f) hereditary breast and ovarian cancer syndrome;
  - (g) hereditary leiomyomatosis and renal cell carcinoma;
  - (h) Huntington disease;
  - (i) Li-Fraumeni syndrome;
  - (j) Lynch syndrome;
  - (k) MYH-associated polyposis;
  - (l) neurofibromatosis type 1;
  - (m) neurofibromatosis type 2;
  - (n) Von Hippel-Lindau syndrome.
- (2) This section does not limit the things covered by subsection 33F(1) of the Act.

#### **3 Part 4A**

Repeal the Part, substitute:

## Part 4A—Enforcement

### 39A Infringement notices

#### *Prescribed offences*

- (1) For the purposes of paragraph 75X(a) of the Act, each of the following provisions is a prescribed offence:
  - (a) subsection 33C(5) of the Act;
  - (b) subsection 33H(1) of the Act.

#### *Prescribed civil penalty provision*

- (2) For the purposes of paragraph 75X(b) of the Act, subsection 33H(2) of the Act is a prescribed civil penalty provision.

## 4 In the appropriate position in Part 5

Insert:

### 43 Application of amendments made by the *Insurance Contracts Amendment (Genetic Testing Protections in Life Insurance) Regulations 2026*

- (1) Despite the repeal and substitution of section 39A by Schedule 1 to the *Insurance Contracts Amendment (Genetic Testing Protections in Life Insurance) Regulations 2026*, an offence against subsection 33C(5) of the Act is a prescribed offence for the purpose of paragraph 75X(a) of the Act regardless of whether the conduct constituting the offence occurred before, on or after the commencement of that Schedule.
- (2) Nothing in Schedule 1 to the *Insurance Contracts Amendment (Genetic Testing Protections in Life Insurance) Regulations 2026* affects the validity of an infringement notice issued before the commencement of that Schedule.