

Problems with Insurance Repairs

This fact sheet is for information only. You should get legal advice about your personal situation.

Main ideas

- Insurers are responsible for the repairs they organise.
- If the repair is poor or you are having problems with the repairers, complain first to the insurer.
- If the insurer does not fix the problem, complain to AFCA.
- Taking the insurer to court is a last option. Get legal advice.

In this fact sheet:

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[If your car or property has been repaired by the other driver's insurer](#)

Insurers are responsible for the repairs they organise

The insurance company is responsible for the quality of the repairs done by repairers if the insurer chose and authorised those repairers to do the work. Under the General Insurance Code of Practice, the insurer must:

- accept responsibility for the quality of work and materials, and
- handle any complaint about the quality or timeliness of the work or conduct of the repairer as part of their complaints handling process.

The General Insurance Code of Practice also says that if your insurer agrees to fix the repairs and because of that, you need a hire car (for car insurance claims) or accommodation (for home insurance claims) then the insurer needs to arrange this for you and cover the reasonable costs.

The insurer may send you a scope of works, before the repairs start, so you can understand what works will be done, and how. **Read the scope of works carefully.** Consider taking it

to your own expert (such as an independent builder, mechanic or smash repairer) if you're not sure if the proposed works are fair or reasonable.

Remember to read your policy (Product Disclosure Statement) for details about what your insurer is responsible for. There will usually be a specific section about what happens when you claim, how the insurer does repairs and what their responsibilities are. It will often cover issues such as whether the insurer:

- can use aftermarket, recycled or second-hand car parts
- will pay extra to replace undamaged areas to create a uniform appearance.

Complain to your insurer if you are unhappy with the repairs

You can complain if you are unsatisfied with:

- the quality, work or parts used
- if the work is taking too long, or you are having issues with the repairer. [For issues with delay, read our fact sheet about Insurance Claim Delays.](#)

It can be very helpful to have evidence to show the insurer, for example:

- photos to show problems with the work
- a letter or report from your own expert explaining what the issues are, or why the repairs were not done properly or to normal industry standards.

You can:

- Ask the insurer to fix the problem.
- [Complain to your insurer's internal dispute resolution department. You can find their details through the Australian Financial Complaints Authority website.](#) Tell them what the issue is and give good reasons why the insurer should fix the problem. The insurer has 30 days to give you their decision in writing.
- If your insurer refuses to fix the repairs or does not respond in 30 days, [complain to the Australian Financial Complaints Authority \(AFCA\)](#). AFCA often relies on expert evidence, so you may need to get your own expert report explaining why the repairs were not done properly. AFCA will weigh your evidence against the insurer's when making a decision.
- If AFCA finds in your favour and you accept their decision, the insurer must fix the repairs.
- If AFCA finds in favour of the insurer, you can reject the decision and consider court action. Always get legal advice first. If you lose or something goes wrong, you could end up paying the insurer's court and legal costs.

[Read our Insurance Complaints to AFCA fact sheet.](#) There are time limits to complain to

AFCA and to start court proceedings. Get legal advice if you have concerns.

If your car or property has been repaired by the other driver's insurer

Sometimes the other driver's insurance company will offer to repair your car or other property for you. If you are unhappy with the repairs, you may be able to complain to AFCA.

If the other driver is uninsured, unwilling to make a claim against their insurance policy, or you are at fault and the other driver's insurer is chasing you for money, you cannot complain to AFCA. All you can do is to negotiate, or take the matter to court. This is expensive and risky. **Get legal advice.**

[Consider complaining to the regulator about the insurer. The Australian Securities and Investments Commission \(ASIC\)](#) cannot help resolve your dispute, but if they get enough complaints, they may be able to take steps to prevent the situation affecting other people.

Need more help?

[For a list of other resources, visit our Useful Links page.](#)

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