



Queensland Association of Independent Legal Services Inc

4 December 2014

Hon Scott Emerson MP
Minister for Transport and Main Roads
GPO Box 2644
Brisbane QLD 4001

By post and email: TMR@ministerial.qld.gov.au

Dear Minister,

Registration of hail damaged cars

The Queensland Association of Independent Legal Services Inc (**QAILS**) writes to request that you urgently review regulations relating to the registration of hail damaged cars written off by insurance assessors, to reduce red tape and further stress on Queenslanders affected by recent storms.

QAILS is the peak organisation for Queensland community legal centres. Our members offer free legal assistance to vulnerable Queenslanders, including those with insurance-related disputes. You can find out more about our work at www.qails.org.au.

In community legal centres' extensive experience assisting clients affected by natural disasters and extreme weather, we are able to identify systemic issues and trends, and provide constructive suggestions for improvement.

The *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* regulates how written-off vehicles are managed in Queensland. It requires that vehicles classified as written-off are registered on a 'written-off vehicle register', and applies to a 'repairable write-off', which has been assessed as uneconomical to repair. The vehicle can only be re-registered if it is:

- repaired;
- passes a Queensland safety inspection; and
- passes a written-off vehicle inspection.

Once registered as a written-off vehicle, it cannot be used on the road, and the penalty is up to 20 penalty units (s 80).

There will be many Queenslanders whose vehicles will be written off, but will need to continue to use their cars, particularly as they deal with storm damage to their homes and property.

The current provisions penalise drivers using cars where the damage doesn't compromise a vehicle's safety systems or structural integrity.

Following significant hail storms in 2010, both the Victorian and Western Australian reformed this process, to simplify the process and to accommodate vehicle owners whose vehicles have only cosmetic (but expensive to repair) hail damage, and who wish to keep their vehicles because they are mechanically sound, but have been declared uneconomical to repair by their insurer.

We write to request that you urgently review the current provisions, and streamline the process for vehicles that have cosmetic damage but remain safe.

QAILS would welcome the opportunity to work with your department to address this problem. Your department can contact me on 3392 0092 or at director@qails.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J Farrell', with a large circular flourish at the end.

James Farrell OAM
QAILS Director

cc Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice
Neil Scales, Director-General, Department of Transport and Main Roads