

GUIDE FOR SUBMISSIONS TO THE 2009 REVIEW OF THE

MOTOR VEHICLE INSURANCE AND REPAIR INDUSTRY CODE OF CONDUCT

SCOPE OF REVIEW:

In accordance with the Motor Vehicle Insurance and Repair Industry Code of Conduct, the priority for the review will be a consideration of whether the Code has operated in accordance with the provisions of the Preamble and Principles of the Code, as contained in *Section 1 – Principles of the Code* outlined on page 5 and 7 of that document. The review will also consider whether the current clauses of the Code operate in a manner that support or detract from the Preamble and Principles of the Code.

While the focus of the review is not intended to canvass matters outside the scope of the guidelines provided in the Preamble and Principles of the Code, other than where such matters directly impact on the Code's ability to deliver on these stated objectives, should a matter, or matters, be regularly and consistently raised by participants in the review process these matters will be noted and reported on as an addendum to the review document.

The review will gather information and views from interested parties who operate under the Code and report on these to the Code's Administration Committee (CAC). Those persons making submissions should address some or all of the following:

Section 1 – Principles of the Code

Does the Code work effectively to promote transparent, informed, effective and co-operative relationships between smash repairers and insurance companies.

In accordance with this, does the Code meet the stated objectives of having vehicles repaired in accordance with documented manufacturers' technical specifications, without compromising vehicle warranty conditions, while having regard to the age and condition of the vehicle?

If not, please detail why, providing any supporting evidence available.

Section 3 – Definitions

Are any of the Definitions preventing any section of the Code from being applied in accordance with the stated principles? If so, please specify which definitions and how.

Section 4 – Insurer and Repairer Relations

Repairers and Insurers –

Do repairers and Insurers comply with their obligations under this Section of the Code? If not please detail how and provide any supporting evidence.

Are any of the provisions in this Section preventing the Code from being applied in accordance with the stated principles?

If so please detail how, providing any supporting evidence.

Section 5 – Network Smash Repairer Schemes

5.1 Notification of opportunities to Apply for NSR Status

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.2 Disclosure of Information on NSR schemes

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.3 Term of Agreement

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.4 Extensions of NSR Status

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.5 Termination of NSR Agreements After a Breach by a Repairer

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.6 Termination of NSR Agreements Based on Performance

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.7 Termination of NSR Agreements where there is no breach by a repairer.

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

5.8 Termination of NSR Agreements where there is no breach by a repairer.

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

Section 6 - Estimate, Repair and Authorisation Process

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of their non-compliance, providing any supporting evidence.

Are any of the provisions in Section 6 preventing the Code from being applied in accordance with the stated principles? If so please detail how, providing any supporting evidence.

Section 7 – Repair Warranties

Do insurers and repairers comply with their obligations under this Section of the Code?
If not please detail the nature of their non-compliance, providing any supporting evidence.

Are any of the provisions in Section 7 preventing the Code from being applied in accordance with the stated principles? If so please detail how, providing any supporting evidence.

Section 8 – Payment Terms

Do insurers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, providing any supporting evidence.

Are any of the provisions in Section 8 preventing the Code from being applied in accordance with the stated principles? If so please detail how, providing any supporting evidence.

Section 9 – Disclosure Obligations

Do insurers and repairers comply with their obligations under this Section of the Code? If not please detail the nature of non-compliance, by providing any supporting evidence.

Are any of the provisions in Section 9 preventing the Code from being applied in accordance with the stated principles? If so please detail how, providing any supporting evidence.

Section 10 and Section 11 – Dispute Resolution Procedures and Process

Are Repairers and Insurers following the procedures and processes in accordance with their obligations under this Section of the Code? If not please detail the nature of their non-compliance, providing any supporting evidence.

Are the internal and external dispute resolutions processes outlined in this Section being used effectively and if not, what suggestions can be offered to improve these.

Process for lodging of Submissions:

The CAC has engaged the services of **ICDPA** to conduct the external review of the Code. Written submissions, in the form outlined above, are to be submitted directly to the Reviewer:

Mr Graeme Addison
ICDPA
8 Moralla Road
Kooyong Vic 3144

All contact should be via email: graeme@icdp.net

Time Frame for Review:

All written submissions are to be received by the reviewer no later than **4.00 pm on Wednesday 25th November, 2009.**

The Reviewer will also be holding optional face- to- face review sessions providing interested parties who operate under the Code with an opportunity to speak directly with the reviewers, in support of the matters raised in their written submission.

These sessions will be held in Sydney on **Wednesday 9th December, 2009** for repairers and on **Thursday 10th December, 2009** for insurers. The first day session (for repairers) will be held at **MTA-NSW, 43 Brisbane Street, Darlinghurst** and the second day session (for insurance companies) at **ICA Level 4, 56 Pitt Street, Sydney**. Each session will commence at 10am.

Should you wish to participate in one of these sessions please register your intention on the CAC website (www.abrcode.com.au) by 4.00 pm on 25th November, 2009. Participants will be responsible for all costs associated with their attendance at these face to face sessions.