

SUBMISSION ON POLICY ISSUES RAISED IN ROUND 6

Submitted By: Chris thomas

Email: [REDACTED]

Phone Number: [REDACTED]

Submission for: My Self

Name of other person, business or organisation:

Do you agree to your submission being published: Yes

Do you agree to your full name being published: Yes

Your submission:

1st October, 2018

My name is Chris Thomas, I am 29 years old recently married to my amazing wife Angela Thomas. We have 2 beautiful daughters, one who recently turned 1 and the other recently turning 3. I have been insured with [REDACTED] since the day I owned my first car. My mother and father are shareholders of [REDACTED] as well as having multiple insurance policies with [REDACTED] as have my grandparents. My family has an association with [REDACTED] going back well over 60 years.

My 2017 Toyota Hilux SR5 was insured with [REDACTED] and currently still is. I've owned this car for just over 1 year. I was happy to have [REDACTED] as my insurance company because in the PDS modifications were covered, and my car has been modified to go off road and to remote destinations safely with my family. The car is not over the top and all modifications are legal and carried out by qualified mechanics. There are a lot of safety upgrades to the vehicle such as upgraded brakes for better stopping performance and upgraded suspension components for on and off road stability.

My policy also allowed me to choose my choice of repairer. Another key feature was if the car was less than 3 years old that genuine brand new parts were to be used in any repair.

However....

On the 19th of June 2018 my car was parked on the street near my house. It was struck by a courtesy bus at night time. The car was a wreck. The car was hit so hard that it was launched down the road and up over the gutter approximately 20m from where it was parked. I found out about this accident on a Facebook post.

What follows is a chronology of efforts to repair my car:

- I rang the police left work and went and inspected my wrecked car that was just left there

- I rang [REDACTED] and organised a tow truck.
- The car was taken to [REDACTED]
- They reported the chassis was bent and they are unable to repair it because they don't have the equipment. Once I found out I had a bent chassis I wanted my choice of repairer which would have been Toyota.
- I spoke to the assessor whom I think name is [REDACTED]? (Unsure he stopped dealing with my car that same week and [REDACTED] took over) I requested that my car go back to my choice of repairer, [REDACTED] Toyota where I had purchased it from, to be assessed.
- The assessor refused my right to choose a repairer. I was told the car was going to [REDACTED] to be assessed as they can measure the chassis.
- In the mean time I got the claim number from [REDACTED] who is the insurance company of the courtesy bus - the at fault driver. They offered me a hire car which wasn't appropriate for my day to day use as I needed a work Ute with 2 anchor points for the girl's car seats. [REDACTED] explained because I was not at fault to contact my [REDACTED] assessor with their claim number and request a hire car. I contacted my assessor (the first assessor) about the hire car, he refused the hire car without any explanation as to why.
- The car was taken to [REDACTED]

They measured the car.

- [REDACTED] became my new assessor.
- [REDACTED] told me the cars chassis was only bent 8mm (which is on their quote as well).
- I late found out that this information was not correct and that they would have known that at the time - so as a complete lie!
- I spoke over the phone with [REDACTED] about the damage to the chassis. Naturally I assumed the car was going to be a write off due to the structural integrity being affected by the bent chassis. It was not – and they chose to repair it.
- I spoke to [REDACTED] about the new car replacement on my policy reminding him the car is less than 1 year old.

█████ refused this request.

I did not know where I stood in a situation like that. I assumed █████ was helping me and would have my best interests in mind. I looked into chassis strengthening and spoke to engineers about ways to strengthen the cars chassis. I came across the legal and strong way of chassis plating and then I spoke to █████ from A██████████s several times about this and not once did he say it's not a good idea or it's against Toyota's specifications of putting heat into the chassis. So that was done.

- There was also a big tear in the cars chassis also that needed welding which they said was allowable by Toyota.

After some considerable time the car was ready... so they said. I inspected the car and the repairs they had done were appalling:

- *The paint was badly applied with runs and poor qualities to the surface and lack of shine.*
- *The welded repair was of poor quality and had not been painted.*
- *There were several greasy hand prints on the interior ceiling of the car.*
- *There were scratches, chips, and gouges in the paint and in the chassis.*

I requested the quote and then discovered that they have also

- used second hand parts to fix my car
- quoted a whole lot of parts that have not even been replaced like gear box seals which hadn't even been looked at.

I raised these issues with █████ in particular the second hand parts used to repair my car. His response at the time was "you're better off with them" .

I disagree completely with his assessment and my policy clearly states brand new parts are to be used!

I raised all these issues with the repairer and [REDACTED] and I am absolutely disgusted that [REDACTED] treat their loyal customers this way.

The car actually broke down in [REDACTED] driveway and was towed to Toyota. Toyota inspected the car, changed a few parts as well as showing me some more signs of damage. A few of the mechanics there said if this car came here it would have been a write off.

[REDACTED] said the issue with the break down was due to my upgraded parts. Which is not the case as after my modifications were installed I took the car to [REDACTED] Toyota to be inspected and the only issue was the ABS sensor was broken. Which was going to be replaced next service, which it was. I had to pay for this repair from the break down with my own money even though it wasn't an issue prior to the accident.

[REDACTED] said they inspected the drive train, which is also a lie as they would have seen the broken part if they had done so.

I began the process of making a formal complaint through [REDACTED] complaints department and then got in contact with [REDACTED] another assessor and we spoke on the phone. The first time we spoke on the phone it ended in an argument due to his poor attitude towards me.

He refused to attempt to solve any and all issues with the car even though he hadn't yet inspected the car himself. I told him I am not going to accept it like this and amazed by his response "that's fine we know where you live and we'll just dump it on your lawn". I am truly disgusted that for over 10 years of being a loyal customer this is the way I was treated.

[REDACTED] inspected the car at a later date and he sent me an email stating that the car needed more work. However prior to inspect the car he was willing to say the car was fine and threaten to dump my car on my lawn.

Time had passed and the argument of the second hand parts was once again. I was informed by Toyota that new parts were unavailable.

After this, went to Toyota and asked about the second hand parts. Toyota gave me a quote for the brand new parts and at the time all these parts were in stock and readily available at all Toyota dealerships in Australia. They also stated that any qualified Smash repairer can assemble these parts for my car. There is over 35 second hand parts on my less than 1 year old car. Both [REDACTED] lied to me about this.

I subsequently, had a meeting with [REDACTED], and [REDACTED] the assessors. I raised the issues of the still present damage.

- The twist in the bull bar.
- The twist in the brackets holding the front diff.
- The twist in all the steering suspension components.
- The poor paint job including orange peel, dry spray and areas missed.
- The poor weld job of the repair which Toyota stated “unsatisfactory”
- The genuine concerns for the internal components of the mechanical and electrical components. As no car is designed to be hit by a bus at high speed and to be safe or not damaged.
- I raised many issues about the safety of the vehicle.
- I also raised the issue of the second hand parts that were used to repair my car.
- After looking at the quote from [REDACTED] and the use of the second hand parts they quoted \$2150

Brand new parts from Toyota were \$19,343.82.

If these parts were initially quoted the car would have been deemed a total loss.

[REDACTED] responded.

He refused to replace or even inspect the twist in the bull bar, the twists in the brackets holding the front diff. He refused to have the internals of the mechanical components inspected.

Even though there was damage at the rear off the car right through to the front of the car he still refused.

He responded to the use of second hand parts with a smug attitude saying "yeah were not doing that."

The only positive results were a new chassis component to be welded to replace their poor workmanship and the poor quality paintwork to be fixed.

[

That meeting was a complete waste of my time. Not to mention the hours up until this point on the phone to the assessors and the repairers along with the several hours on hold to [REDACTED]

After this I contacted an independent Post Collision Inspector who guided me on what information I needed about the car. [REDACTED]

I requested for weeks the measurements for my car from both [REDACTED] and both [REDACTED] the assessors. They refused to give me the measurements for weeks.

I also spoke to [REDACTED] from Fair Trading. Once the repairers [REDACTED] were aware of the involvement of Fair Trading I the received the measurements for my car. Bill brought to my attention the fact that the car wasn't bent 8mm but up to 24mm and 17mm in several locations. [REDACTED] all lied to me about extent of the damage to my car. The car should have been a write off and replaced straight away!

[REDACTED] myself and my post collision inspector all had a meeting at [REDACTED]

The agreed outcome of this meeting was that:

- *All the painting needed to be rectified.*
- *The mount supporting the transfer case needed inspecting.*
- *The car was to be taken to [REDACTED] to be measured and it was agreed that all measurements had to be within 3mm*
- *It was also agreed that my post collision inspector was allowed access to the car when being measured.*

During the time of all these problems I contacted the Financial Ombudsman Service. They guided me to [REDACTED] complaints and finally led me to [REDACTED] another assessor. [REDACTED] stated he will answer all questions.

Unfortunately this was again another lie [REDACTED] never answered any questions about safety of the car due to the accident. In fact [REDACTED] diverted from the question and stated he has concerns with my modifications. He refused to answer the question about what is to happen if the car is not within the 3mm limits agreed by [REDACTED]. He could not answer this question.

I went back to the FOS and put in my complaint. They gave [REDACTED] 14 days to give me a response of what is to be done.

I got in contact with [REDACTED] complaints she said that if I have any emails or issues to contact her. I have sent several emails to her about every issue including safety and have not received any response which is extremely unhelpful.

The car went to [REDACTED]s and was measured. In several locations the car was not within the 3mm range agreed by [REDACTED] from Fair Trading.

On the morning of the inspections [REDACTED] contacted my post collision inspector saying he would contact him when they were going to measure the car. After lunch that same day I received the measurements and my post collision inspector was lied to by [REDACTED] about the timing of the measuring so he was unable to attend.

I contacted everyone from the assessing team [REDACTED] I also contacted [REDACTED] complaints, regarding the measurements.

The only responses I got back were from [REDACTED]

[REDACTED] wanted evidence so I sent the measurements from [REDACTED]s to him then never heard back from [REDACTED]

[REDACTED] only response was "all good" and then explained the car is finished at [REDACTED]s and going to Toyota again to be inspected.

This is a massive safety issue!

The car went to Toyota and they found the steering assembly was damaged and notchy. This was then replaced so for all these months my genuine concerns about the steering and suspension components even though it was visibly twisted was then proven. It was in fact twisted and broken.

[REDACTED] have not answered any questions about the safety of the car. [REDACTED] said she has documentation from Toyota about the repair of my car however no documentation about the safety of the car. One of the emails [REDACTED] forward me states.

“We do have the detailed chassis dimensions in our repair manuals, there IS ZERO TOLERANCE (zero +or-), the measurements must be exact as per the repair manual.” According to [REDACTED]’s measurements there’s several locations on the steering assembly that are up to +5mm and as far as -5mm out!

I’ve contacted [REDACTED] recently and requested to sort this out before it goes to FOS. She does not want to do so. I have spoken to her several times about the use of second hand parts and she has manipulated my wording and continued to say I agreed to them, which is a lie. I have organised several meetings with assessors and repairers about the use of second hand parts and I have sent countless emails about the use of these parts. I have NEVER agreed to this.

[REDACTED] have not provided any evidence or documentation proving my car is safe. They have not even answered the question if the car is safe. They have used the fact I had the chassis plates welded to the car to strengthen the chassis against me. They were happy to allow it at the start and not inform me of the effects, but then use it against me as a negative. Yet they were willing to weld the tear in the chassis and when that failed cut the part of the chassis out and weld a new part in.

My concerns still are:

- *Bull bar damage which affects the timing of the airbag deployment.*
- *All the twists and damaged items in the suspension and steering components which affects the handling of the car.*
- *The mechanical components have not been properly inspected which could break and cause me to lose control of the car.*
- *Electrical components of the car have not been inspected at all and could potentially fail and cause me to lose control of my car.*
- *The structural integrity of the chassis after having been bent and then corrected plus the several heat cycles it’s been through now from repairs.*
- *The poor workmanship of [REDACTED]*

On Friday the 28th of September (over 3 months after the accident) [REDACTED] informed me my car was ready. I contacted [REDACTED] and asked what is to happen if I still find damage and issues she stated the car needs to be 100% and you have to have evidence of repairs that still need to be done.

I ran [REDACTED] and organised my car to be delivered to my house. Which they did.

I raised the issue of what happens if the car is not finished and his response was "do what you got to do". I asked him to explain that to me and his response was "do what I got to do" with no explanation of what he means! He then also informed me and I quote "the car won't be 100%".

There is still so much damaged to the car:

- *The bull bar is still twisted and dinged,*
- *there's still damage to the left steer tyre including sidewall cuts and abrasion,*
- *damage to the panels of the car*
- *a couple of slight dings*
- *in fact every single issue about the paint raised by fair trading that needed to be rectified has not been completed.*
- *The car chassis has not been fixed and this is still present in the wheel alignment*
- *the twist in suspension components.*

PLEASE NOTE: I recently received an email from [REDACTED] from Toyota regarding the repairs to the Chassis. I quote his response "we do have the detailed Chassis dimensions in our repair manuals, there is zero tolerance (+ or-). The repairs must be exact as per the repair manual."

The last time the car was measured at [REDACTED] here were several positions on the chassis which do not meet Toyota specifications. The worst range form -5mm to + 5 mm on the steering components.

Basically I do not believe that the car is safe and every time my family and I hop in it we are risking our lives. No one who has worked on this car or inspected has given me an unequivocal commitment that this car is now safe to drive.

This is NOT how any [REDACTED] customer should be treated. I am not in the position I was in prior to the accident. I am in a worse of position! I sincerely believe that the lives of my family are at risk in this car.

I am now waiting for the FOS to contact me regarding a resolution for this matter.

I am sure that can you can hear my distress in this letter. This was my first new car.....one I planned to have for a long time. I chose a safe and reliable car and it was well looked after. When this accident occurred it was like a new car. It was only 9 months old with 11,000 kilometres on the odometer. I worked hard to provide this car for my family and what I have endured over the past 3 months has not only been distressing....it has impacted my health and the well-being of my family. I have often responded with anger because it seems that the situation and the way I have been treated has been so unfair. I have had to fight for my rights at every point and have been treated with contempt by the insurer [REDACTED] and the repairers.

I am sure you can imagine how you would feel if this was your car and your family.

I am asking for your personal intervention to seek a resolution to this situation.

Chris Thomas