Lemon Vehicles In Aus Submission

The consumer laws are a complex set of laws that need to be fair for all parties.

What we need to remember is consumers will always be behind the eight ball when it comes to knowing their rights, if businesses do not let the consumer know what their rights are when making purchase the majority of consumers do not know what their rights are.

I have worked with many consumers trying to reach outcomes through manufacturers, Dealerships, office of fair trading and helping set up tribunal case and I have seen it all even from a consumer point as dealing with my own consumer law case.

**Consumer guarantees**

The consumer guarantees are set out to cover many arears but lack clear definitions and even when you do apply the arears that work effectively the Dealerships and Manufacturers are not following them and complying with the law as set out.

I have seen clear breaches where vehicles have been rejected and the Dealerships refuse to accept that the vehicle has been rejected.

**Enforcement**

Enforcement I believe is also a major area of concern.

Who is I ask enforcing these breaches of the consumer guarantees not office of fair trading they only mediate according to them and the ACCC do not work on an individual case basis.

This only leaves the tribunal of each state to deal with these matters. By the time a consumer gets to this stage they are all tired out with nothing left to fight the battle.

Many consumers will give up and off load the vehicles before now. If they do have the fight left in them they are left to try and work out how to lodge a case. Now the tribunal is supposed to be a fair system and doesn’t allow lawyers into the tribunal but really when an average consumer can not afford to have someone to set their case up you can guarantee they will not have much of a chance as the Manufacturer /Dealership will.

We also have the problem that adjudicators do not need to have a legal background to make a judgement on your case. So really unless you know your rights and have a solicitor setup your case what chance do you really have with this system.

1. The definition of minor and major faults need to be clear and precise and a number of repair attempts needs to be introduced and if not repaired after a number of attempts it should be classed as major fault.
2. A major component that fails within the warranty period that renders the vehicle not driveable should be classed as a major fault example: Motor or transmission.
3. The office of fair trading needs to be given the powers to enforce on an individual case basis and be able to apply penalties for the breach of consumer guarantees. Penalties should be set on a point basis and applied on a sliding scale and increase on the number of breaches by the licensee.

I have seen submissions of recommendations for a separate body to be setup, we already have governing bodies in place, why not give them the resources to do the job properly instead of creating further process.

I do believe the system we have with a few changes can work without creating more processes.

I do believe the system can be much more fair for the consumer listed below is an example:

Once a complaint has been made to the office of fair trading they should be able to make a decision and enforce the law to the full extent and apply penalties.

If they can not make the decision because it is not a clear cut case office of fair trading should be the one who refers the case to the tribunal with the case notes.

This process would make it an equal playing field for both parties as it sits at the moment the companies have the upper hand.

**Warranty/service**

I would like to think many people have been told their rights when It comes to warranty but that is not always the case and consumers are not very well educated nor are they being told their rights.

Many consumers think that they have to service their vehicles with the dealerships because they are being told they have to or they will void their warranties.

They also do not know they have further rights once their warranty has run out but lets face it the Dealerships or manufacturers would not be making all the money they are making by repairing vehicles and charging customer it is just not in their best interest to do so.

The after sales is big business when it comes to repairs and parts. I do believe we need to have laws in place regarding the cost of genuine parts because lets face it a vehicle costing $27,000 new and the price of replacing a transmission being replaced at the cost of $23,000 is another area where the consumer is being ripped off.

**Fuel consumption**

I am a big believer in real world figures when it comes to fuel consumption test and the consumers are being miss led when purchasing a vehicle.

I do think the testing needs to be carried out by the governing body in each country the vehicle is sold.

This in return will give the consumer more accurate information when purchasing a vehicle and better standards need to be in place and vehicles tested for the emission on vehicles before they are allowed to be sold in Australia.

**Conclusion**

In conclusion I have had my own experience that took 17 months to be resolve. In short at first I did not know how to deal with it but that did not stop me from learning my rights and getting recourse that I deserved.

Not every consumer has this fight in them. I have seen flaws in the process along the way. It should not take this long for a consumer to be able to resolve an issue.

This led me into helping others and starting lemon vehicles In Aus lobby group.

I have managed to get results for many consumers, but not without a fight and taking to social media.

I have met people that have been trying to get a resolution for years and where suffering anxiety due to what they have been through.

I shake my head at times in disbelief that the Australian consumer laws are not protecting the consumers and being enforced.

I do believe it is time for Australia to move forward and implement stronger laws and for governing bodies to be given the powers to enforce them properly and better process to resolve cases within months and not years.

Stewart A Lette

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