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Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Ashton Wood

1st August 2015

Submission to the Legal Affairs and Community Safety Committee on Consumer Protections and Remedies for buyers of new motor vehicles.

To Whom It May Concern:

My name is Ashton Wood and I destroyed a \$49,000 Jeep out of frustration with ongoing issues with my new motor vehicle and a law that is so open I could drive a 35 tonne excavator through it.

No laws were harmed in the destruction, but a LOT of questions were asked about why we are 40 years behind the USA in consumer protection laws for motor vehicles.

Many people have since asked me why I would destroy a perfectly good vehicle... my answer, "I would never destroy a perfectly good vehicle, I destroyed a LEMON vehicle, as there is no law in Australia to protect me or the other sucker who might have ended up with my lemon car if I took the easy option and traded it in."

There are thousands of similar stories like mine from consumers all over Australia who are fed up with a Consumer Law that doesn't protect the consumer!



Image 1: My Jeep before the destruction.

Background:

I became a Jeep “fan” when I purchased a new Jeep in 2006 for \$36,000.

It was our family car and we took it on the beach at Frazer Island and Stradbroke island many times. It was flawless!

Based on that wonderful experience I sold that Jeep after 4 years and purchased what became widely known as “the possessed Jeep”.

Purchased in 2010, I paid just over \$49,000 for a bigger, better Jeep, with a larger diesel engine, leather trim and a longer wheelbase.

It was cursed from the start, with the fuel line falling off in the dealers’ driveway at the time of delivery, so I had to leave that night without my new car.

Within the first 13 months the vehicle had suffered a loss of all climate controls, rattling in drivers door, clock in the radio couldn’t keep the correct time, the bash plate was falling off, the Turbo Inlet Manifold cracked (tow truck required), Rain Sensor issue where the wipers would come on if you touched the internal mirror, Both external mirrors coming loose to the point of nearly falling off and finally a crack in the heater exchange behind the dashboard, which sent boiling hot coolant through the inside of the car (tow truck required).

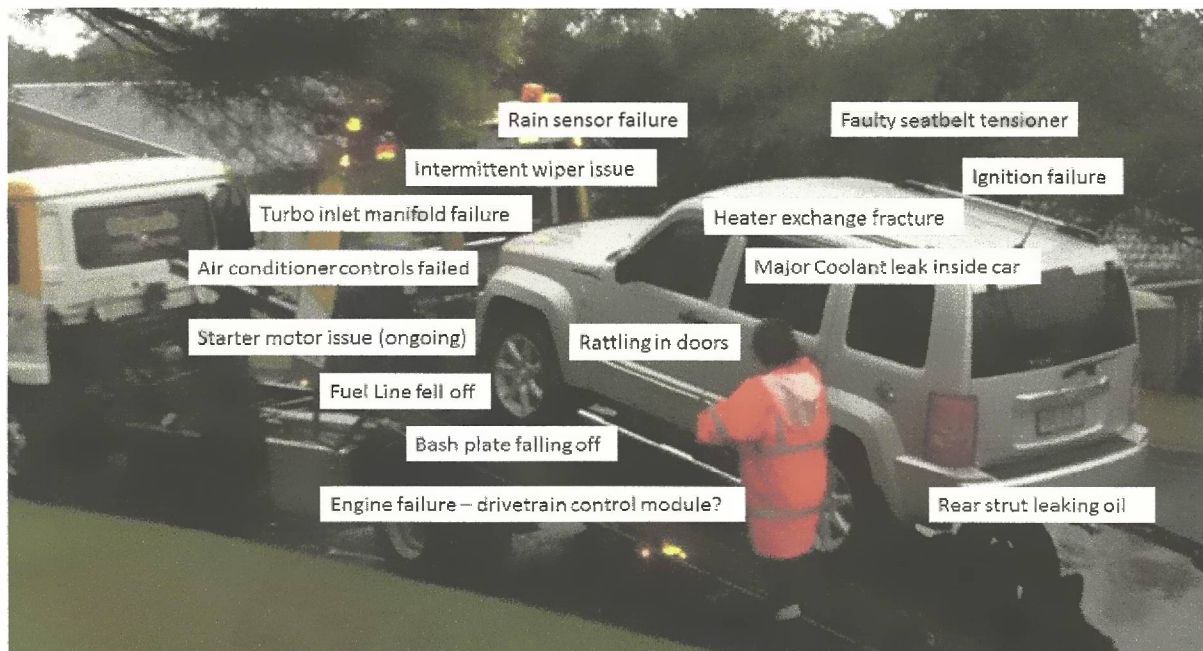


Image 2: My Jeep on a tow truck, with all of the issues noted.

By the 9th issue (and 3rd complete failure) my blood was boiling and I called Fiat Chrysler Australia (FCA) head office in Melbourne to officially raise a case.

I honestly thought they were there to help, but was horribly mistaken.

I formally requested a refund or a replacement vehicle, however FCA confirmed that only the dealer can arrange a replacement vehicle, I questioned this on the basis that FCA imports the vehicle and the dealer only sells the vehicle.

FCA told me it was in the agreement they have with the dealer, so I asked to see the “dealer agreement” so I could see the responsibilities for myself, this request was rejected.

It seemed to be the parties were simply finger-pointing to confuse me, and it was working! In December 2012 the Jeep had an immobilisation failure and required another tow-truck. I called FCA again, demanding a refund for my lemon.

I was fuming and raised an official complaint with Office of Fair trading and informed the FCA of this action, hoping that they would see the seriousness of these ongoing issues.

The Office of Fair Trading confirmed case C-2012-13811 had been raised, finally they'll have to do something now, I thought.

During the Christmas holidays a “service light” came on dashboard, so we took it back to Maroochydore to find that the Seatbelt Tensioner was faulty.

I followed up the Office of Fair Trading who told me that dealer has rejected any wrongdoing as the car has been getting towed (by Jeep assist) to my local Jeep Service Centre in Maroochydore and not his service centre in Noosa (I don't mandate where “Jeep Assist” tow the car). The dealer believes the responsibility lies with FCA and not his dealership. He has refused to provide refund and suggested I take it up with the manufacturer/importer.

I spoke to the dealer who stated that he is not prepared to replace the vehicle as this is “obviously a Jeep manufacturer issue” and needs to be dealt with by FCA - the best he could do is remove his margin and delivery charges if FCA agree to provide a new replacement vehicle.

I later received a letter from the Office of Fair Trading... both FCA and the dealer have confirmed that are not willing to provide any redress to me.

AT THIS POINT I GAVE UP MY FIGHT, I had tried everything including:

- 1. Engaged the dealer for a resolution**
- 2. Engaged the importer/manufacturer for a resolution**
- 3. Engaged the Office of Fair Trading for a resolution.**

I honestly didn't know where to turn to next, and I didn't have unlimited funds to start full-blown court action.

In July 2013 we had another Coolant smell in vehicle and they discovered another (smaller) heater exchange leak behind the dashboard, apparently in a different place from last time.

Not long after, our Jeep starter motor began playing up, intermittently running AFTER the car had started.

The stater motor was replaced, but continued to over-run intermittently.

The dealer stated he couldn't replicate the issue, so we recorded it on video for him to see.

Finally, in March 2014, our Jeep went into "limp mode" while my wife was driving through a terrible storm with the kids in the car... I was en-route to an airport, so could not help her.

After the additional issues throughout 2013 and 2014, I escalated directly to the FCA CEO through her PA, sent her the full history of the vehicle and again requested a full refund or vehicle replacement.

I setup a Facebook page to get their attention and it worked. They contacted me the very next day and promised to sort this out.

I demanded a meeting with their management team and flew to Melbourne on 2nd of April to meet with them and discuss the issues.

They held the meeting at a large law firm in Melbourne with the in-house solicitor in attendance, so I had no option but to have my own legal representation with me at a cost of \$900.

After a 2 hour discussion they told me that they had replaced the battery and there was nothing more they could offer (seriously!). We obviously told them that was not acceptable and they agreed to come back with a "trade-in" offer.

The next day they offered me \$22,500 for my \$49,000 vehicle.

I looked into the Queensland Civil and Administrative Tribunal (QCAT) system, only to discover that they only had jurisdiction to \$25,000 and my Jeep had cost over \$49,000, so I really had no where else to go.

I decided to raise a case with QCAT anyway, in the hope the FCA would see that I was serious and provide me with a full refund or replacement vehicle.

FCA sent in a counter-application to my request, demanding I remove my Facebook page and apologise to them in the Australian Financial Review.

I immediately removed my Facebook page (it was called www.facebook.com/JeepIssues)

I later replaced that Facebook page with a new page called www.facebook.com/DestroyMyJeep, which is still active today, has reached over 5 million people and is closely monitored by FCA, the ACCC and the media.

FCA sent their solicitor and state service manager to the QCAT hearing, where the solicitor, when challenged about his position (solicitors are not allowed to be in a QCAT mediation without prior notification) claimed he had a change in role the week prior and was no longer a solicitor (I still have his business card that clearly states him as a solicitor).

The QCAT hearing was dismissed due to the jurisdiction amount, so I went home and setup a crowd-funding campaign to raise my own funds to destroy my Jeep.

Since starting this campaign I have been joined by two other lobby groups, Lemon Laws 4 Aus, run by Connie Cicchini and Lemon Vehcles in Aus, run by Stewart Lette, interestingly both of these people own lemon cars imported by FCA.

People from all over the world donated funds to help me “make a point” and sponsors names were written all over the car in permanent marker in the weeks before the destruction.



Image 3: My Jeep ready for destruction and covered in names of supporters.

The press have also given this a LOT of coverage and we have support from the Queensland Attorney General (the Hon Yvette D’Ath), the Queensland Speaker of Parliament (Peter Wellington MP), the Federal Minister of the Motoring Enthusiast Party (the Hon Ricky Muir) and the RACQ as well as thousands of everyday Australians who are just asking for a fair go.

I personally met with the ACCC to see what they could do, but was told that they do not investigate individual cases... so, not being one to give up... I brought hundreds of unhappy FCA customers to their webpage to fill in the Consumer Complaint Form, and now the ACCC have confirmed that they are investigating FCA and we are waiting on the outcome of their investigation.

On 4th October 2014, I tore apart my \$49,000 Jeep using hammers, crowbars, arrows and large excavators.



The Image 4: Photos from the destruction day.

USA introduced lemon laws back in 1975 to protect their consumers.

I understand that the Australian government engaged the CCAAC to review this in 2009 and only found had a handful of known cases of lemon vehicles at that time. The CCAAC ignored a position paper put to them by the RACQ requesting lemon laws and obviously didn't bother checking with the various Tribunals or the ACCC about past cases.

We need a Lemon Law, or a change to the current Australian Consumer Law to include a Lemon Law, to protect the Australian Consumer and hold manufacturers, importers and dealers responsible for the quality of motor vehicles sold in Australia.

With local manufacturing moving off-shore by many of the largest vehicle manufacturers, it's more important than ever that we see a law that protects the consumer and ensures only quality vehicles make it to our shores and are driven on our roads.

I am available at any time for further discussion about this issue.

Kind regards,



Ashton Wood



www.destroymyjeep.com