

**From:** [s lette](#)  
**To:** [Legal Affairs and Community Safety Committee](#)  
**Subject:** "Lemon" Laws - An inquiry into consumer protections and remedies for buyers of new motor vehicles  
**Date:** Tuesday, 29 September 2015 9:45:17 AM  
**Attachments:** [lemon laws submission government.docx](#)

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Attn Committee,

I have attached my submission regarding the enquiry into consumer protections. I also the Authorise the committee to be able to use this submission in further proceeding regarding implementation and parliamentary proceeding regarding chances to be made to consumer laws and the Qcat systems or processes.

I would also be happy to be involved if needed in the implementation of these processes.

Kind regards

Stewart Lette

Lemon Vehicles In Aus (Lobby Group)

Submission review of consumer Laws / Qcat

vehicle purchased Oct 2013

I am a father of 2 children and fulltime career for my wife ex-servicewoman with Depression & PTSD. I updated our vehicle to be able to enjoy the new car experience with my family and for reliability to be able to make medical appointments. Mrs. Lette has severe anxiety and every time we go out now her anxiety level increases due to the unknown.

Our lives have been restricted since we have purchased this vehicle and encountered so many issues if we don't need to drive the vehicle it stays parked up in our driveway.

I have listed the issues below in point for and referring to relevant documentation attached.

The response from the office of fair trading is also attached.

1. Steering pulling harshly to the left.

The steering was report to the Dealership 2 days after delivery of vehicle and booked in for inspection on the 18/11/2013 service doc 687728 which states carried out wheel alignment, road tested ok. Reported back to Northstar still pulling to left was booked in again on the 20/11/2013 service invoice 687824. It stated carried out wheel alignment all ok. I had mentioned to the service department a number of times over a period of 12 months or more the steering had issues and was told that it was ok and they couldn't do anything more it was normal for the vehicle to steer left. It was when FCA got involved they found that after I reported excessive tyre wear it was inspected by an independent third party to find the vehicle was setup for left hand drive and a camber kit had to be fitted to rectify the problem refer to report Northstar date 26/3/2013 service invoice 695298.

I do believe this would come under that the vehicle is not of acceptable quality and Inability to repair within a reasonable time.

The steering still has a slight veer to the left going by the report from the third party it is approx. 96% correct but no further adjustment is available.

2. Reverse sensors not fitted as per factory standard feature. Vehicle booked in reverse sensors fitted on the 18/11/2013. Returned vehicle 19/11/2013 wires shorted out on reverse sensors no report supplied by service department.

3. Right hand Rear bar and Arch loose clips broken when reverse sensors were fitted northstar made many attempts to fix this even stated that the movement was normal 29/5/14 service doc 691002 and 26/3/14 service doc 695298 made another attempt it was not until FCA sent a technician from Melbourne that they managed to repair this issue and secure the rear bar and guard properly refer to FCA report attached.

4. High fuel consumption

First reported the high fuel consumption 2 days after purchase to the Sales person David he stated I needed to give it time to run in and the consumption would come down.

When speaking with David at the time of purchase fuel consumption was one of my concerns and I asked what is the fuel consumption and was handed a brochure which stated 9.8/100 combined.

Still an issue a month later the service department looked into it on the 18/11/2013 service doc 687728 unable to fault and asked me to do a fuel consumption test 3 full tanks and klms and resulted at 16.75 per 100 klms far from the 9.8. Reported again and investigated on the

7/1/2014 service doc 688215 they stated again consumption is Normal but then refer to report dated 29/5/2014 691002 [REDACTED] performed a consumption test with a result of 14.5 per 100 klms and states it is normal. I now refer to FCA's report they claim they tested the fuel consumption and got a fantastic result of 10 litres per 100 kilometers.

The fuel consumption is still high and it is not what was shown to me at the time of purchase nor was I told at the time it could use 20 to 50 % higher as FCA refers to in the green guide.

If I had of known at the time of purchase I would not have purchased the vehicle.

They have not been able to rectify this issue in a reasonable time.

#### 5. Rough idle

Reported on service doc 688215 dated 7/1/2014 [REDACTED] stated this is normal operation but over time I noticed it on cold start as well as when you are sitting at running temp FCA looked into this refer to FCA report and claims it was due to incorrect fluids used due to third party service. They claimed oil to be low and burned and degraded and when asked for a sample of this oil I was told it was sent off for testing and also asked for the report from FCA it still has not been supplied to date.

The oil that was used was the approved penrite oil with the Chrysler approve code. It could not be possible considering the rough idle was reported to [REDACTED] on the 7/1/2014 at 2768 klms and the repco service was performed on the 23/6/2014 at 7769klms.

This vehicle still idles rough and not been fixed to date and has been reported to FCA after care Manager Mr. Tim Richardson.

#### 6. Transmission issues

Reported to [REDACTED] service vehicle surging forward clunking noise as well as intermittent harsh changing. Refer to service report 7/1/2014 service invoice 688215 @ 2,768 klms. This was reported a number of times over a period of months till finally drove the car in stuck in limp mode they booked it in and changed the transmission refer doc dated 11/4/2014 service invoice 689739.

##### 2<sup>nd</sup> transmission

The new transmission has issues booked in 29/5/14 unable to fault service Invoice 691002 Booked in 7/7/2014 service invoice 691751 refer to report knock has been confirmed as minor shift noise and is a normal characteristic of the transmission.

Refer to internal email by [REDACTED] owner of [REDACTED] who admits to a mild to harsh change on test drive. I then refer to mopar document where Chrysler were having issues with harsh changing in the 62TE transmissions in 2012 Chrysler have made 9 upgrades to this transmission due to clutch engagements and harsh changing.

[REDACTED] and FCA have both stated it is a characteristic with the transmission. I Refer to FCA report they state Mr Lette's vehicle is commercially acceptable.

##### Reports from independent Repairers/ specialists

1. [REDACTED] automatic transmission specialist report.
2. [REDACTED] carried out 150 point inspection.
3. [REDACTED] inspection report.
4. Report [REDACTED] inspected LHF cv shaft.
5. Report [REDACTED] test drive of vehicle.

Issues regarding the transmission has been first reported in December 2013 and is still current to date with many failed attempts from Multiple Mechanics from [REDACTED] and FCA on the 8/5/2015 it has now been ongoing for 19 months.

**7. Excessive tyre Wear**

Due to the steering issues the left hand front tyre chopped the edge out of the tyre and was defective in less than 19,000 klms. FCA replaced one tyre one tyre on the vehicle I replaced the other at my cost. Refer to service doc 8/5/2015. (Picture of tyre attached)

**8. Fob Key not recognized**

This has been intermittent issues on the 8/5/2015 I had a passenger in the vehicle that managed to catch this on video on the instrument panel. FCA looked into this and found No Fault at the time.

**9. Static through radio**

This happens intermittently when this occurs my phone will not connect to the Uconnect system which gives me hands free in the vehicle. Once again FCA investigated this in [REDACTED] workshop and found No fault at time of testing.

**10. Rear sway bar mounting assembly**

Whilst the vehicle was in having a wheel alignment organized by [REDACTED] at the [REDACTED]. The rear sway bar mount fell off in the hands of the technician refer to repair document Northstar dated 26/3/2015 service invoice 695298.

**11. Clunking & Knocking Noise**

The knocking noise in this vehicle has been present since December 2013 when first reported to [REDACTED] it was booked in with other related transmission issues. It was booked in on 7/1/2014 service invoice 688215 , 29/5/14 service invoice 691002, 7/7/2014 invoice 691751, 7/7/2014 service invoice 691751, 26/3/2015 service invoice 695298, 8/5/2015 repair order 697302. Please refer to FCA report.

FCA sent [REDACTED] and [REDACTED] District service Managers to meet with myself at [REDACTED] and I also had Connie Cicchini present as a witness on the 8/5/2015. We went on a test drive. On that test drive [REDACTED] admits to hearing two noises in the vehicle one that is felt through the back seat of the vehicle. [REDACTED] also makes mention is that the noise you are talking about and I reply yes it is.

Please refer to attached affidavit of Connie Cicchini regarding the test drive.

I also have video evidence of this during the test drive which I can present to the tribunal.

Refer to report [REDACTED] which refers to one of the noises being the outer left cv assembly.

I have had the outer cv hub shaft inspected by [REDACTED] at [REDACTED] findings were that hub has previously been removed and shimmed.

This work has not shown as being performed on any service documentation by [REDACTED] or FCA when work has been carried out. Parts listings for this vehicle does not show anywhere that a shim should be. So the question remains have they tried to fix this noise previously knowingly knowing that there is an existing problem with unauthorized parts that do not belong on the vehicle in the first place.

### **Summary**

I have worked with Dealership / Fiat Chrysler and made every attempt for them to be able to fix this vehicle. I have even had the vehicle to people in specialist fields to diagnose the vehicle to be able to assist Dealership/ Fiat Chrysler to be told they are not specialists in the fiat field.

When the transmission was faulted the first time I requested in writing to have the vehicle replaced or they buy back the vehicle even gave them an option of swapping for a different secondhand vehicle in there yard. The replacement or refund was not responded to in writing but was told by the service manager at the time Wayne Bourke this was not going to happen.

I also had a reply by email by [REDACTED] in regards to the used vehicles that they would not be able to meet the selling price to achieve the swap.

I also do believe that [REDACTED] have breached the warranty conditions of the vehicle in the same email it has be stated FCA had instructed them to perform no further diagnostics on the vehicle. The Dealership was also trying to release themselves from liability on a number of occasions telling me they only sell the vehicle that I needed to speak to FCA customer care. This is confirmed in this same email by [REDACTED] stating they are bound by what FCA tells them to do.

When I purchased the vehicle I asked a series of questions to the Salesperson [REDACTED] which were towing capacity, Fuel consumption, service pricing and Known Issues.

The sales person handed me the brochure and showed me the figures of the fuel consumption gave me a sheet with the service pricing and said they have not had any major problems.

The vehicle I test drove which was a red base model drove very well no steering pulling to the left or noise from the vehicle or problems with the transmission.

My wife and children were with me at the time of the test drive.

If I had of know that the vehicle was so different to the one I test drove and had all these issues I would not have purchase the vehicle.

I was looking for a new car experience and all I have got now is a vehicle that is worth going by the market is \$8,000- \$12,000 vehicle due to the problems.

This vehicle should be covered under the consumer guarantees I have been in contact with the CEO Patrick Dougherty from FCA with no result to this matter it has also been before office of fair trading which [REDACTED] refused to negotiate. I currently have lodged the complaint with the ACCC.

Recently this vehicle was listed to be heard at Sandgate court for mediation 18/9/2013, I was contacted by the Dealers legal firm on the 17/9/2013 to meet with the new owner of the Dealership and worked to an outcome we both agreed to be acceptable.

I asked the new owner why the change of heart and his response was it was the proper thing to do. He said it is not about the law he read my case and said I have been through enough so let's put this behind us so you can move on with your life.

I do believe if it wasn't for this Man who took over the business this would still be dragged out for as long as possible. As you can see from this case there are a number of issues over a 2 year period. The need for lemon laws are real there is no doubt in my mind that this vehicle was a lemon.

I also do believe there is also a real need for testing standards why is a vehicle allowed to be brought into this country and sold with steering setup for left hand drive. It is a real safety issue within itself diminishing the handling capacity of the vehicle.

Another issue is the \$25,000 dollar limit on Qcat, I do feel this needs to be removed or a higher limit needs to apply when average cost of a vehicle is much higher which therefore gives many no means of recourse without going to Magistrates Court.

Although my vehicle has been sorted out I am still out of pocket and the time spent dealer with this matter comes with stress put on loved ones. I believe the process needs to be simplified and more powers given to the various departments would save time and money spent in the courts.

In Australia we are 40 years behind the consumer protections in the United States and if we do not have stronger laws in place when all manufacturing stops in Australia we will have a real problem.

I do also believe that stronger consumer laws will benefit Australia long term resulting in better quality vehicles being imported and safer vehicle on our roads for the future.

At the moment we have many people off loading vehicles into the secondhand market which in return put these unsafe vehicles back on the road put other driver at risk.

I have help many others since I started my lobby group page ( lemon vehicles in aus ) on facebook. I have approximately 200 members and still growing to date. I have read through many of the cases of these people that are members and I thought my case was bad but I can say this many have not got a resolution and off loaded the vehicle they battled for years with no results like Ashton Wood who destroyed his Jeep. Many like Connie Cicchini who battled through Qcat for over 2 years.

The investigations in to manufactures that have been recently in the media is only the tip of the iceberg, We have a real problem which is only going to get bigger without changes being made to the current system and consumer laws.

Mr Stewart A Lette

( lemon vehicles in Aus) Lobby Group