

From: [Tracy Leigh](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: Late submission request
Date: Monday, 19 October 2015 9:59:04 PM
Attachments: [List of faults Lotus Freelanders.pdf](#)

Hello,

I missed the deadline to make a submission to this enquiry as I was overseas. I would like to request a late submission to the enquiry. Given the nature and severity of our problems I think that this is very relevant and should be heard.

My lemon is a \$73000 caravan. I am not sure if this qualifies as a motor vehicle although it should because it has to be registered to be on the road.

I have very clear rights under Australian Consumer Law. My caravan has had 20 faults, some of which were safety related and most of which remain unresolved due to the difficulty in getting them repaired. We requested a refund from the dealer because we believe that the type and severity of the faults constitute a 'major fault'. The retailer told us there is no offer of a refund and that they can't afford it anyway.

We contacted Fair Trading Queensland and they were no help at all. They wrote to the retailer who stated the same old lines he stated to us whilst further trying to pin some blame on us for the problems. I tried to have the retailer investigated for refusing our right to even ask for a refund but it fell on deaf ears. Apparently not their jurisdiction. So there are no consequences at all for the retailer to simply keep stonewalling us.

For us to have our rights even heard, we will need to spend tens of thousands of dollars in litigation with no guarantee of success. QCAT only has a limit of \$25000 so we have to go to a full trial.

We have currently hit a brick wall with nowhere to go but accept whatever the dealer is willing to offer us, even though this will cause us significant disadvantage financially.

There are hundreds of other caravan owners in similar positions. In fact in the 8 months we have owned this caravan we have spoken to many who have said basically the whole caravan industry needs an enquiry because each and every manufacturer is producing consistently faulty products and not repairing them satisfactorily. Every single new caravan has faults. Quality assurance is almost non-existent.

There needs to be a motor vehicle tribunal (including for caravans) with experts where it won't cost the consumer their life savings to have their rights upheld.

Under ACL the notion of a 'reasonable consumer' needs to be more concrete. I know that no reasonable consumer would buy a new caravan with 20 faults including a left hand indicator that still doesn't work and which needs the walls of the caravan removed to repair. This is the test of a 'major fault' under ACL yet I am totally unable to have that accepted by the retailer. The only way is by litigation with huge risk and cost to us.

There also needs to be offences under the Australian Consumer Law for retailers who refuse to recognise ACL or to uphold its provisions, such as in our case where the retailer told us there was never going to be a refund under any circumstances. This is not an offence apparently even though it is against the law because a refund is part of the law under some circumstances. How can that be?

It is incredibly frustrating and has caused me medical issues resulting from the stress of the situation.

I have attached a chronology of the faults in my caravan for your information. I hope you can use this in the enquiry.

Something needs to be done urgently to rectify this situation for so many people suffering similarly. An enquiry into the caravan industry also needs to be considered. Disgruntled caravan owners need a voice and we don't have one.

best wishes

Tracy