

From: [REDACTED]
Subject: FW: NCAT Statutory Review [SEC=UNOFFICIAL]
Date: Tuesday, 16 July 2019 10:37:51 AM

From: [REDACTED]
Sent: Tuesday, 16 July 2019 9:24 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: NCAT Statutory Review [SEC=UNOFFICIAL]

Good morning

I am writing in response to the NCAT Statutory Review. Apologies for the late submission, we only became aware of the review after the closing date for submissions.

In December 2017 the ACCC completed its [Final Report of our New Car Retailing Market Study](#) which covered issues relating to consumers' experiences in enforcing their rights under the Australian Consumer Law (ACL).

That report covered a range of topics relevant to your review, particularly the issues of whether it easy or difficult for people to work out whether NCAT is the right body to resolve their legal issue, whether NCAT accessible and responsive to its users' needs, whether there things that NCAT could do to make it easier for people appearing in the Tribunal to understand the process and participate and whether NCAT resolve legal disputes quickly, cheaply and fairly.

In summary, the key points from the ACCC's report include (see from page 71):

- Voluntary conciliation models involve compromise on statutory ACL entitlements
- Low claim limits (although I note less of an issue in NSW)
- Inconsistencies and errors in interpreting ACL concepts
- Consumers may experience resource challenges – eg tribunals requiring parties to engage experts which becomes a barrier for consumers, parties seeking costs orders to deter consumers enforcing their rights
- Consumers may be deterred due to complexity or fatigue

We are exploring ways to improve consumers' access to justice when trying to resolve motor vehicle consumer guarantee issues through tribunals.

We would appreciate the opportunity to discuss these issues with you further.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]