

## **Summary of Experiences with Jaguar LandRover Australia rectifying a fault with my car**

During the latter half of 2015 my Land Rover Freelander 2 developed an intermittent shudder through the drive train when turning corners from a standing start. The problem mainly occurred during cold weather and could be felt by the driver and passengers.

The problem was unsuccessfully investigated by [REDACTED] on two occasions in October and November 2015 – 5 and 6 months before expiry of the new car warranty (the three year new car warranty expired on 28/4/2016). [REDACTED] performed some mechanical work on the steering, but the problem persisted, albeit intermittently, again mainly when the car and the weather was cold.

Early in 2016 I discussed the matter again with a [REDACTED] service person and we agreed to wait until cooler weather before investigating again as, although the problem was still occurring, it had become less frequent over the summer period.

During April 2016 the problem became significantly worse. However, I was unable to have the car looked at again until 30 June owing to a combination of my own work program (including significant time out of the State and overseas), the fact that I don't live near a Land Rover dealer and [REDACTED]'s long lead times for making service appointments. I was not concerned at this stage that the appointment was made after the warranty period had expired, as the problem was pre-existing and I had been given verbal assurances by [REDACTED] Management in January 2016 regarding the vehicle warranty arising out of incorrect advice given to me by the original salesperson (the car was bought as a demonstrator).

On 30 June 2016 the problem was diagnosed by [REDACTED] as a faulty rear differential (Haldex Unit), which would need to be replaced and I was advised that this would cost around \$5,000 (I was later given a firm quote of \$4,806.50). The problem investigated on 30 June was exactly the same problem (same circumstances and same feeling through the car) as investigated in October and November 2015.

I was subsequently advised both verbally and in writing that Jaguar Land Rover Australia (JLRA) will not pay for the repair to be performed under warranty, as the car is no longer under warranty. I was advised that [REDACTED] will pay \$1500 towards the cost of repair but the full cost could not be covered because the car had been serviced outside of the dealer network.

I considered that the repairs should have been paid for in full by JLRA on two counts:

1. The problem with the car was pre-existing before the new car warranty expired. Given that the issue was present within the warranty period, even if it wasn't diagnosed correctly, it should be rectified under warranty. My local garage sought the opinion of people at the Victorian Automobile Chamber of Commerce (VACC) who agreed with this view.
2. Under Australian Consumer Law there is a consumer guarantee that the car I bought from JLRA, [REDACTED] must be of an 'acceptable quality'. This includes the entire vehicle. Further, the car must 'last for a reasonable amount of time' and the consumer guarantee still applies even if the car is regularly serviced elsewhere (that is, not by the dealership - an issue raised by JLRA).

The only potential area for interpretation that I could see with the above is what could be considered 'a reasonable amount of time'. I contended that the rear differential on my vehicle had not lasted for a reasonable amount of time for the following reasons:

- The problem first appeared well before the warranty period had expired and when it had travelled less than 60,000 km (mostly highway travel).
- I searched websites and Freelander owner's forums and could find no reference to a similar problem. There are many references to faulty bearings and noisy differentials at cruising speed (not a problem with my car) but I could not find a description that matched the symptoms being exhibited by my car.
- My mechanic at the [REDACTED] consulted a Land Rover mechanic who said that he had not heard of a similar problem.
- I have owned 13 cars of various ages (5 from new) and had another 11 cars assigned to me as work vehicles. The Freelander is the first that has experienced a differential failure.

I therefore concluded that this is a very rare problem not experienced by the vast majority of 2-3 year old Land Rover Freelander 2s. Hence, I contended that the rear differential of my car has not lasted for a reasonable amount of time.

I put this argument to JLRA but following considerable correspondence they refused to accept what I considered to be their consumer responsibilities. Subsequently, I lodged a claim with the Victorian Civil and Administrative Tribunal (VCAT). Following lodgement of this claim and setting of a hearing date, I subsequently received a letter from JLRA saying that they had reviewed my case and offered to fix my vehicle "as a goodwill gesture" at no cost, provided that I withdraw my VCAT Claim.

On 11 November 2016 I had my vehicle returned following repair, over 12 months since the original problem was investigated. Throughout this experience I was extremely surprised that JLRA, a firm promoting itself as a manufacturer and distributor of premium vehicles, would not stand by its product, particularly given the unusual nature of the problem being experienced. Such an attitude to customer care will certainly not support the sort of image that the company is trying to promote – "the world's leading manufacturer of premium all-wheel drive vehicles".

However, the primary lesson for consumers from my experience is to know your rights under Australian Consumer Law and to be persistent in these sorts of matters.

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[REDACTED]