Refund request correspondence (June to October 2023)

Email text reproduced verbatim from the original messages; quoted history, signatures and personal details (addresses, phone numbers, staff names other than the respondent's representative named in the decision, rego) removed.

Date Thursday, June 29, 2023 2:52 pm
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

I look at this on Monday and will be in contact

Date Tuesday, August 1, 2023 8:59:48 AM
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

Kia did mention they will contact Brian Hilton once a Decision is made which hopefully will be within two weeks.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date Monday, September 4, 2023 11:15:22 AM
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

I have sent your Email to Kia Head office.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date Wednesday, September 13, 2023 11:42:42 AM
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

I do understand your frustration kia are well aware of your request.

Date	Wednesday, September 13, 2023 1:32 PM
From	Ellen Gallo (written by Nick Pratley)
To	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject	Re: Request for Refund due to Persistent Major Failures with Kia Sportage

Hi Bernard,

Your previous response is very disappointing. I am now requesting that this issue be escalated to higher management at Brian Hilton.

After speaking to Fair Trading and NCAT they have advised that under the Australian Consumer Law the supplier (dealership) is responsible for any and all quality issues and defects with vehicles. This is set out here, on the ACCC website:

https://www.accc.gov.au/system/files/1449_ACL%20Motor%20vehicle%20sales%20and%20repairs_FA_WEB.pdf

Page 1, Table 1. A supplier guarantees that a) goods will be of acceptable quality and b) goods will be fit for any purpose.

Page 10, Please read through all examples, specifically number 3 about the length of time and failed attempts at fixing, noting that the dealer is always the responsible party.

Page 12, The last two paragraphs in the second column, state:

When there is a major failure to comply with a consumer guarantee, the consumer can choose to:

• reject the vehicle and choose a repair, refund or an identical replacement (or one of similar type and value if reasonably available) from whoever supplied the vehicle (e.g. the dealer).

This vehicle was purchased from Houma Holdings Pty Ltd, Trading as Brian Hilton Motor Group. I can not see why you are "waiting on Kia" to determine the outcome of this refund request. As far as I am concerned, what you do with the vehicle and if you can recover the cost from Kia once you have refunded it is up to you and Kia, not me as the consumer.

I have spoken to Fair Trading and NCAT this morning and will be lodging a civil case against Houma Holdings Pty Ltd as the dealer for the full refund of the vehicle if we have not had a response by Friday, 15th September 2023.

Please ensure all replies are via email, we will not accept any updates via phone.

Regards,

Ellen Gallo

Date Wednesday, September 13, 2023 1:45 pm
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

All matters relating to Buyback/refunds are Handled by Myself and there is no one above me, I did speak to Kia Last week

And they will update me on this matter Shortly. This matter has been taken seriously I will Update you With a Response By COB Monday 18th September.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date Wednesday, September 13, 2023 1:57 PM
From Ellen Gallo (written by Nick Pratley)
To Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

Hi Bernard,

As my previous email states - consumer law says that the DEALERSHIP is responsible, not Kia. I am not waiting on an answer from Kia, I'm waiting on and answer from Brian Hilton.

As also stated in my previous email, if I don't have a response from Brian Hilton by close of business on Friday 15th of September then I will be lodging the case to NCAT.

Regards,

Ellen

Date Wednesday, September 13, 2023 2:26 pm
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

If you need to Lodge a Complaint to NCAT Brian Hilton will support any paperwork that is required, and Yes I do have to Involve the Manufacturer when a claim is requested

For a Refund or a Buyback, as this is there product we are selling and we are agents for the Manufacturer.

As mentioned I will update you By COB Monday 18th I will contact Kia again and ask for an Update.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date Friday, September 22, 2023 9:21 AM
From Ellen Gallo (written by Nick Pratley)
To Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

Hi Bernard,

Can you please provide an outcome by close of business today? I will be lodging the case against Brian Hilton to NCAT this weekend if no outcome is provided.

I have been more than patient and fair but this has gone on far too long.

Thanks,

Ellen

Date Friday, September 22, 2023 12:19 pm
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

I have contacted Wyong they have left a message for you can you call Brian The Service Manager about Your appointment to Fit a Harness there number is 4353-1122

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date Friday, September 22, 2023 1:04 PM
From Ellen Gallo (written by Nick Pratley)
To Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

Bernard,

If you had read any of my emails, you would see that I'm not asking for a repair - I'm declining a repair and I'm well within my right to do so. This whole time I have been asking for a refund due to persistent major failures. Telling me to call and book an appointment is not a resolution.

You've assured me multiple times that this issue is being taken seriously, but the way that you have handled this issue is beyond a joke. My emails clearly haven't been read properly if at all, and this last 3 months have been a waste of time as clearly this hasn't been taken seriously whatsoever and nothing has been done. Brian Hilton should be embarrassed about the way this has been handled.

I've given you every opportunity to sort out this issue, but will now be lodging the case against Brian Hilton to NCAT for a full refund plus damages.

Ellen

Date Friday, September 22, 2023 1:43:01 PM
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley)
Subject Re: Request for Refund due to Persistent Major Failures with Kia Sportage

This Matter has been taken seriously and I have addressed this with Kia and our Service Team about your Vehicle.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date Wednesday, September 27, 2023 4:28:06 PM
From Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To Ellen Gallo (written by Nick Pratley); [service manager]
Subject Update on Request for a Refund

Good Afternoon Ellen.

Apologies about the Delay Kia Australia has responded they have Requested to Repair your vehicle.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford

Date	Tuesday, October 3, 2023 10:33:56 AM
From	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To	Ellen Gallo (written by Nick Pratley); [service manager]; [service staff]
Subject	Update on wiring harness.

Good Morning Ellen.

Could I ask you please to Reach out to Either Brian or Josh in our Service Department to have the Wiring Harness Fitted this will Not affect

The NCAT proceedings we need to Fit this Part irrespective of the NCAT outcome.

Please call 4353-1122 to organise Fitment ASAP.

Regards,

Bernard De Riviere

Guest experience manager

Brian Hilton Motor Group North Gosford