

Having just completed a claims process with the NSW CTTT against a vehicle manufacturer for compensation of out of pocket expenses and non-economic loss – pain and suffering in Part VI – B, section 87ZB Exemplary and aggravated damages plus section 87CG another stress related claims caused by a break down in the far west. I was very disappointed firstly by the manufacturer's goodwill offer and the fact CTTT's functions do not cover the above sections of the Consumer Law Act. I decided to see if I could have these matters resolved by getting legal representation and suing the matter in another court. I approached a well know legal firm firstly by phone then with follow up written submissions outlining the basis of my stress related claims and loss of touring pleasure in this matter. After several weeks and contrary to the law firm's web site I received no reply by the next business day and still haven't after several weeks. I started to make general enquiries with free legal services about the apparent reluctance of law firms to take on this type of case. The impression I got was there is far better/ easier cases "low lying fruit to pick" to pursue than get involved with a stressed out client where medical and legal costs can quickly overwhelm any possible compensation and the risks of losing are much higher- an aspect many law firms seem to want to avoid particularly on a "no win no pay" deal.

In effect these sections of the Consumer Law are virtually unenforceable even with the strongest array of evidence. This is particularly unjust for Pensioners like me – a growing part of this ageing society. So I would like to make a suggestion that would provide some cheap justice / recompense to people who find themselves in similar situation.

I propose a set daily rate (\$20 CPI) to cover these non-economic losses on a "take it or leave it" basis for a period no longer than a month with limited medical documentation – if acceptable would take no further action in the courts.

No legal representations would be needed and the matter can be resolved at the CTTT hearing in the same way out of pocket expenses are decided upon.

Peter White