

30 JUN 2020

Sophie

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Dear Sophie

### Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 8 June 2020 regarding decisions made by the Motor Vehicle Disputes Tribunal (the Tribunal). Your request was as follows:

*What kind of decisions can be made by the motor vehicle dispute tribunal (MVDT) for a dispute between a car buyer and a car trader?*

*Besides a full refund to the buyer OR no refund to the buyer, is there any scenario in between all or nothing?*

*For example, can the MVDT adjudicate the trader to pay for the expense of repairing a faulty vehicle to the buyer?*

*The key point is "is there any scenario between all or nothing for the buyer?"*

Please note that answers to your questions can be found at the Ministry of Justice website: [justice.govt.nz/tribunals/motor-vehicle-dealer-disputes/](http://justice.govt.nz/tribunals/motor-vehicle-dealer-disputes/) However, for the purposes of responding to your request I have summarised the information below.

The Tribunal has jurisdiction to hear claims and make a wide variety of orders under:

- the Consumer Guarantees Act 1993 (CGA); and
- the Fair Trading Act 1986 (FTA).

### What the Tribunal can do if you make a claim under the CGA

#### *Rejection and refund*

If the vehicle fails to comply with the guarantees in Part 1 of the CGA, a buyer can get an order upholding rejection of the vehicle. If this happens the trader is ordered by the Tribunal to give the buyer a full refund.

#### *Repair costs*

The Tribunal can award reasonable repair costs to the buyer if they do not want to claim for rejection and refund of the vehicle.

#### *Consequential damages*

The Tribunal can order the trader to pay damages for any loss or damage to the buyer as a result of vehicle non-compliance with a guarantee in the CGA. The loss has to result from the non-compliance.

## What the Tribunal can do if you make a claim under the FTA

If the Tribunal finds the buyer has suffered loss or damage under the FTA it can:

- declare that the contract and any collateral contract is void
- vary the contract
- order the trader to refund money
- order the trader to pay damages
- order the trader to repair or provide parts for the vehicle
- order the trader to provide specified services

Reading Tribunal decisions can give you a wide range of examples of the kinds of decisions the Tribunal makes. Decisions are published online and are searchable through the Ministry's website: [justice.govt.nz/tribunals/motor-vehicle-dealer-disputes/decisions/](http://justice.govt.nz/tribunals/motor-vehicle-dealer-disputes/decisions/)

I trust that this information assists.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JS', followed by a long horizontal line extending to the right.

Jacquelyn Shannon  
**Group Manager, Courts and Tribunals, Regional Service Delivery**

Ref: 82194