

# autofile

JANUARY 21, 2002

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## 'I won't go' says defiant Brian Felton

**M**otor Vehicle Disputes Tribunal member and former MVDI president Brian Felton will not stand down from the tribunal - and he won't be pushed either.

Last week *autofile* published the decision of the Auckland District Court in regard to an appeal against a decision of the Auckland number two tribunal.

The tribunal awarded compensation to the owner of a clocked car rather than rescission of the contract - a wrong determination according to the district court.

The court's decision sets a dangerous precedent which could put considerable pressure on the Fidelity Fund if all consumers with odometer wound cars went for rescission.

Felton stood down from the tribunal that made the final

decision in the case after repeated accusations of bias by Dermot Nottingham, who assisted in the original case and the appeal.

"I chose not to continue to be a party to any of this process because of the constant accusations of bias by the Nottinghams," Felton told *autofile*.

Nottingham is now in the process of having the decision reviewed by the High Court in a bid to have Felton and the rest of the tribunal stood down.

"They can't do that anyway," says Felton in regard to Nottingham's actions.

While the tribunal was cleared by the district court of any *actual* bias, the decision singled out Felton of always having to face accusations of *apparent* bias because of his position, but Felton believes this is no reason for him to stand down.

The most significant factor in the apparent bias surrounding Felton was that he was MVDI president when the decision was made by the institute to assist dealers legally in cases which could establish precedents or case law.

Felton also disagrees with the district court decision that the tribunal went against accepted precedent by not granting rescission or that the tribunal was against granting rescission. Felton says that if you look back through past cases there have been many times when the tribunal cancelled contracts.

Nottingham believes, however, that a person with Felton's background should not serve in his position.

"If any other member was found to have the conflicts of interest in their history of Brian Felton, they would be asked to resign by the minister," he claims.

Nottingham is aiming to have Felton, as well as the other members of the No2 tribunal - G. Wiles and G. Burkett - removed: "And we think we will be successful." ■



Brian Felton

## Slow start and strong finish for imports

**I**t was a slow start and strong finish for used import registrations in 2001 - but it is 2002, which is set to be more interesting.

A combined total of 135,589 used import registrations in 2001 was well ahead of 2000's total - but short of 1999's record 139,400 result.

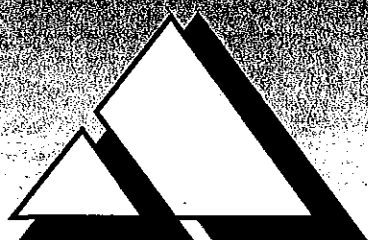


Stephen Lawton

Overall, 128,693 used import passenger vehicles were registered in 2001, an 11% rise from 116,280 the year before.

Used import commercials, however, had a negative twelve months - despite an excellent year for commercial-friendly farmers - down 13.1% to 6896.

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