



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD462/2022

On Appeal from a single Judge of the Federal Court of Australia

**TOYOTA MOTOR CORPORATION AUSTRALIA LIMITED (ACN 009 686 097)**  
Appellant

**KENNETH JOHN WILLIAMS** and another named in the schedule  
Respondents

### **ORDER**

**JUDGES:** JUSTICE MOSHINSKY, JUSTICE COLVIN and  
JUSTICE STEWART

**DATE OF ORDER:** 27 March 2023

**WHERE MADE:** Melbourne

#### **THE COURT ORDERS THAT:**

1. The appeal be allowed.
2. Paragraphs 1 to 5 of the orders made by the primary judge on 16 May 2022 be set aside.
3. The matter be remitted for re-assessment of reduction in value damages under ss 271(1) and 272(1)(a) of the Australian Consumer Law (**ACL**), being Sch 2 to the *Competition and Consumer Act 2010* (Cth), and damages for excess GST under ss 271(1) and 272(1)(b) of the ACL, in accordance with the reasons of the Full Court.
4. Within 14 days, each party file a written submission on consequential orders and costs.
5. Within 28 days, each party file any responding written submission on consequential orders and costs.



6. Subject to further order, the issues of consequential orders and costs be determined on the papers.

Date that entry is stamped: 27 March 2023

*Sia Lagos*  
Registrar



**Schedule**

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Second Respondent      DIRECT CLAIM SERVICES QLD PTY LTD (ACN 167 519 968)