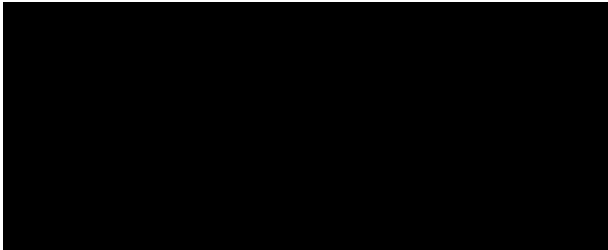


14 May 2024



Official Information Act #23.239 – Response

1. We refer to your request received on 24 April 2024 for information about Tristram European Ltd (Tristram European). You would like to know if the Commerce Commission (the Commission) has received any complaints about Tristram European.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).
3. We note that you would also like to know whether the Commission is the regulator of Car Dealerships.

Our response

4. We have searched our database for relevant complaints and can advise that as at 26 April 2024 the Commission has received 13 complaints about Tristram European.
5. Please note:
 - 5.1 The Commission's current database was implemented in 2017. At the time of implementation, complaints records from 1 January 2012 onwards were transferred to our current database.
 - 5.2 Limited complaint records from before 2012 were transferred to the current database. These do not reflect a complete picture of the complaints received by the Commission before 2012.
 - 5.3 Other than the complaint records transferred to the current database, we are not able to access complaint records from our previous database(s).

The Commission's complaint process

6. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Screening and Analysis Team on the basis of the information available at the time. When conducting this initial assessment, the Screening and Analysis Team considers:
 - 6.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 6.2 the Commission's Enforcement Response Guidelines;¹ and
 - 6.3 the Commission's strategic priorities and resourcing constraints.
7. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
8. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.²
9. This process enables us to identify complaints that best reflect our current enforcement priorities.³ The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.
10. At this stage, the Commission has decided to take no further action (NFA)⁴ in relation to the 13 complaints.

Solving issues with a car dealer

11. In response to your query at [3], the Commission does not regulate car dealerships.

¹ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

³ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

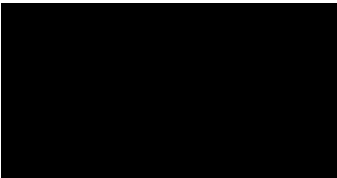
⁴ The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

12. The [Consumer Protection website](#) provides information on what to do if you bought a vehicle and there is a problem. If you cannot solve your issue directly with the seller, you can potentially contact:
 - 12.1 the [Motor Trade Association](#) (MTA);
 - 12.2 the [Motor Vehicle Disputes Tribunal](#) (MVDT); or
 - 12.3 Report the dealer to the [Motor Vehicle Traders Register](#).

Further information

13. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
14. Please do not hesitate to contact us at oiacomcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator