



This is an important notice issued to you by the Federal Court of Australia regarding a class action relating to certain Toyota Hilux, Prado and Fortuner diesel vehicles

You are receiving this notice because you acquired a Toyota Hilux, Prado or Fortuner vehicle with a 1GD-FTV or 2GD-FTV diesel engine between 1 October 2015 and 23 April 2020 and, as a result, are likely to be a Group Member in a class action concerning these vehicles.

This notice provides important information regarding the class action, especially if you are considering either:

- selling your vehicle (in which case, see paragraph 2(e) below); or
- taking up Toyota's recent invitation to have the DPF system in your vehicle repaired (in which case, see paragraphs 3 to 4 below).

A HIGH COURT DELIVERS JUDGMENT IN THIS CLASS ACTION

1 A recent judgment of the High Court of Australia has set out the law as to how the Court is to go about calculating the amount of money you may be entitled to receive in this class action. If you are interested, a copy of the High Court's judgment is accessible at: <https://eresources.hcourt.gov.au/showCase/2024/HCA/38>.

2 The legal position is that:

- (a) Toyota Hilux, Prado and Fortuner vehicles with a 1GD-FTV or 2GD-FTV diesel engine acquired between 1 October 2015 and 23 April 2020 (**Relevant Vehicles**) were not of acceptable quality at the time they were initially supplied because they were fitted with a defective diesel particulate filter (**DPF**) system;
- (b) Toyota engaged in misleading or deceptive conduct in connection with marketing and selling the Relevant Vehicles;
- (c) the value of the Relevant Vehicles at the time they were initially supplied was reduced because of their defective DPF systems;
- (d) in calculating the amount of money you may be entitled to be paid by Toyota for that reduction in value, it is necessary for the Court to take into account the fact that, by the time of trial, an effective repair for the defect existed; and
- (e) Group Members who have sold (or who sell) their Relevant Vehicle are **not** entitled to receive money for reduction in value under section 272(1)(a) of the *Australian Consumer Law*, although they may still be entitled to receive money to compensate them for other loss or damage they have suffered because of Toyota's misleading or deceptive conduct and/or as a result of the Relevant Vehicle not being of acceptable quality. **Accordingly, if you sell your Relevant Vehicle, you will lose any entitlement to receive money for reduction in value that you may otherwise have under section 272(1)(a) of the *Australian Consumer Law*.**

B CORRESPONDENCE FROM TOYOTA REGARDING DPF REPAIRS

- 3 You may have received a letter from Toyota in around October 2024, inviting you to take your Relevant Vehicle to a Toyota Dealer to have the defective DPF system in the vehicle repaired.
- 4 You should be aware that **if you take up Toyota's invitation to have the DPF system in the vehicle repaired, Toyota will argue in this class action that you will lose any entitlement to be paid money for reduction in value under section 272(1)(a) of the *Australian Consumer Law*, something which Toyota did not include in their letter.**

C WHAT HAPPENS NEXT?

5 The Court still needs to:

- (a) calculate the amount of money you may be entitled to receive in this class action (taking into account the fact that, by the time of trial, an effective repair for the defect existed); and
- (b) determine the consequences of Toyota's DPF repair being applied to a Group Member's Relevant Vehicle for the Group Member's entitlement to receive money for reduction in value under section 272(1)(a) of the *Australian Consumer Law*.

6 You will be advised in due course what the Court determines.

7 While these remaining steps are taken, Group Members can continue to register their interest to receive any money to which they may be entitled in the class action at www.toyotaclassaction.deloitte.com.au. If you have any questions about the matters raised in this Notice, you can submit a query at www.toyotaclassaction.deloitte.com.au or call 1800 324 984.