**IN THE HIGH COURT OF NEW ZEALAND**

**AUCKLAND REGISTRY**

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|  | **CIV-2015-404-1925** |
| **UNDER** |  |
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| **IN THE MATTER**  | **Interlocutory application by plaintiffs on notice for an interim injunction.** |
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| **BETWEEN** | **Low Volume Vehicle Technical Association** |
|  | Plaintiff 1**Anthony Peter Johnson**Plaintiff 2 |
| **AND** | **John Bernard Brett** |
|  | Defendant |

affidavit of john brett

SWORN

I, John Bernard Brett, of Paeroa, swear -:

* 1. I am a professional engineer with 50 years experience. In a professional capacity I have designed and built many Vehicles and vehicle assembly facilities, forming part of my Curriculum Vitae.
	2. I was a LVV Certifier for 13 years. I am held in high regard by my customers, who still seek my advice. NZTA gave me near maximum scores on all of my annual appraisals.
	3. I have long been a whistle-blower, expressing the view that the LVV system is dangerously deficient. My authority was revoked at the behest of the LVVTA and Mr Johnson for this reason in December 2012.
	4. During 13 years that I was a LVV Certifier and since, I have endured continual defamation from Mr Johnson, including several occasions on which he advised the New Zealand Transport Agency that he believed that I had “personality disorders” and “mental issues”. Similar allegations were also included in his sworn affidavits to the Manukau District Court at my appeal hearing. Mr Johnson also admitted under examination that certain statements he had made under oath were not actually true, and hence perjury.
1. My website [www.lowvolumevehicle.co.nz](http://www.lowvolumevehicle.co.nz) was set up originally to promote my business and to be a resource site for vehicle modifiers and certifiers in New Zealand. It has subsequently become the only available forum for expressing concerns about the Low Volume Vehicle system.
2. On the matter of the “Settlement Agreement” dated May 2014 between the LVVTA and John Brett –
	1. I signed this agreement, and initially abided by it.
	2. The LVVTA failed to honour Clauses 4(a),(d),(f) and (g) of that agreement,
	3. I then regarded the agreement null and void.
3. The widespread public concern about the LVV system has included
	1. Deaths and injuries, as recorded in accident reports and coroners reports.
	2. Unsafe vehicles remaining in service, as admitted by Mr Johnson under examination at my appeal hearing.
	3. Disabled drivers forbidden to use their modified vehicles, as reported in various media, and by the manufacturer UDL Ltd.
	4. Highly skilled certifiers leaving the system, their reasons stated to me and to others.
	5. Major vehicle modifiers closing their businesses or relocating offshore.
4. The public concern about the shortcomings and dangers of the Low Volume Vehicle system has been sufficient that the Hon Craig Foss, Associate Minister of Transport has initiated an independent inquiry into the system, and a contract has been awarded to Standards New Zealand Ltd to carry out the first stage of this inquiry
5. The material on the website [www.lowvolumevehicle.co.nz](http://www.lowvolumevehicle.co.nz) is entirely factual and supported by evidence which is in the public domain, such as
	1. Sworn testimony of Mr Johnson whilst under examination at my appeal hearing
	2. Certification records, both mine and other LVV Certifiers
	3. LVVTA Publications such as Information sheets and newsletters.
	4. Published position statements of Mr Roger Phillips, CEO of UDL (U-Drive Mobility Limited)
	5. Published magazine articles copied with permission and attributed on the website.
6. The Low Volume Vehicle Technical Association and its CEO Mr Anthony Peter Johnson have a privileged role in ensuring the safety of Low Volume Vehicles in New Zealand. As such they cannot be expected to be sheltered from public scrutiny and debate.
	1. The LVVTA and Mr Johnson are in a position of power and can adversely affect the legitimate activities and livelihood of people in the Automotive Industry. There are a number of examples where that power has been unreasonably exercised and those who have suffered have no recourse other than to sue the Government
	2. Having such a powerful agency able to suppress comment, both good and bad because it does not like the comment is seen as a derogation of the basic right that all people should have available to hold oppressive bureaucracies to account for their actions.
	3. Closing down or restricting the website removes the only avenue available for views to be expressed, and for people to show that they are not alone when fighting for fairness within the New Zealand Society.
	4. This legal action amounts to bullying, in that the most damning criticism on the site has not been mentioned in this application, because that criticism was written by Mr Roger Phillips of UDM, whose Lawyers have already responded to Libel threats made by the applicants.
7. The interlocutory application by plaintiffs on notice for an interim Injunction is an attempt to suppress relevant factual material and hide this material from the public, the NZTA and the Standards Association Inquiry. It could be seen as an attempt to influence the outcome of the Public Enquiry.
8. For these reason I contend that the Court in its wisdom should decline this **Interlocutory application by plaintiffs on notice for an interim injunction.**
9. If the Court so rules, I am seeking Costs at the Standard rate.

Sworn/affirmed at-

On (date)

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|  |  |
|  | John Bernard Brett |
| before me: |  |