

What if I don't like the Referee's decision?

You can't appeal just because you didn't like what was decided. You can only appeal if you believe the Referee conducted your hearing in an unfair way and that affected the outcome.

You can file an appeal within 28 days of the decision. Staff at the District Court can tell you how to file an appeal.

Appeals are heard by District Court Judges but not in open Court. You will have to convince the Judge that the hearing was conducted in an unfair way. The Judge can send the claim back to the Tribunal for a rehearing, refer the claim to the District Court, or dismiss the claim.

What if the other party doesn't follow the decision?

The other party has to do what the Referee decided by the end of the deadline specified in the order. If the trader doesn't do what was ordered you can go to the District Court and ask for the order to be enforced. You will need to fill in a form with the other party's name and address and a copy of the Referee's decision. The other party will then have to go to a Court hearing to work out how they can meet the Tribunal order.

For more information

For more information about your consumer rights visit www.consumeraffairs.govt.nz or your local Citizens Advice Bureau.

Contact details of your local Citizen's Advice Bureau are in the White Pages or online at www.cab.org.nz. You can call 0800 FOR CAB (0800 367 222).

You can get free legal advice from a community law centre. Contact details of your local community law centre are in the White Pages or online at www.communitylaw.org.nz.

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This factsheet should not be used as a substitute for specialist legal advice.

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MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

THE DISPUTES TRIBUNAL

CONSUMER FACTS



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New Zealand Government

The Disputes Tribunal is useful for sorting out problems involving a limited amount of money.

A Disputes Tribunal hearing is heard by a Tribunal Referee. The hearing is private and normally only involves you and the other person, the Referee and any witnesses. There are no lawyers.

What does the Referee do?

The Referee will help you and the trader to reach an agreement if this is appropriate. If it's not, or you can't agree, the Referee will look at the facts and the law and decide what is fair.

The Referee can order

- › payment for loss or damage
- › variation or cancellation of an agreement or contract
- › repairs, refunds or returns
- › that money is not owed
- › that the claim should be dismissed
- › that the claim should be struck out because it is outside the Tribunal's jurisdiction.

How do I make a claim?

You need to get a 'Claim' form from the District Court or from the Tribunal website www.justice.govt.nz/disputes. Fill in the form with all the details about the dispute. Give this form to the Court staff. You will also have to pay the hearing fee. The Court will let you and the other party know when the hearing will be. Usually this is within six weeks.

Where will the hearing be?

The claim is heard nearest to where the applicant is. If the other party is far away and makes a claim first the hearing will be closer to where he or she is and it might be difficult for you to get to. Find your nearest Disputes Tribunal by looking in the White Pages or at www.justice.govt.nz/disputes.

How do I prepare?

You can't have a lawyer with you and you must explain your claim to the Referee yourself. Plan what you will say at the hearing. Start by writing down what happened along with the dates and times.

Collect all the documents that relate to the case. These may be receipts, emails, or anything else that proves what you are saying. You can ask a witness to give evidence for you.

If you want help preparing for the hearing you can go to a Citizens Advice Bureau or a community law centre. You can ask staff at the District Court about the Disputes Tribunal process. You can also get advice from a lawyer.

Who can help me at the hearing?

You can have someone speak for you if you are under 18 or have a disability. The person can't be a lawyer though. You need to tell the Disputes Tribunal staff that you will have someone to help you.

If you need an interpreter, you need to apply for one in writing at the Disputes Tribunal. This is a free service but make sure you have this organised well beforehand.

You can have support people with you at the hearing but they are not entitled to speak for you.

How much does it cost?

The hearing costs are:

- › \$30 for claims under \$1,000
- › \$50 for claims between \$1,000 and \$5,000
- › \$100 for claims of \$5,000 or more.

How much can I claim?

You can claim up to \$15,000, or up to \$20,000 if the other party agrees. If your dispute involves more than these amounts you will need to reduce how much you are claiming.

What if I don't go to the hearing?

If you made the claim and don't go, then the claim may be dismissed and it may be difficult to get a new hearing. If the claim is against you and you don't go the Referee could decide the case without hearing your side.

What if the other party doesn't go to the hearing?

If the other party doesn't go to the hearing the Referee can decide to hear your case and make a decision or the Referee could set a new date for the hearing.

When can I get a rehearing?

You or the other party can ask for a rehearing within 28 days if, for example:

- › you had a good reason why you didn't go to the first hearing
- › an important witness couldn't get to the first hearing
- › you found out new facts about the dispute after the first hearing was over.