



(Disputes Tribunal Act 1988)  
**ORDER OF DISPUTES TRIBUNAL**

District Court

[2023] NZDT 388

**APPLICANT** DL

**RESPONDENT** D Ltd

**The Tribunal orders:**

1. The claim is dismissed.

**Reasons**

2. DL is seeking a refund of the hose reel she bought from D Ltd. The instructions that came with the reel were not clear and it broke in the process of being assembled and disassembled. D Ltd is disputing liability for the claim.
3. The issue for determination by the Tribunal is whether DL is entitled to a refund because the hose reel was not of an acceptable quality.

**Was the hose reel and any of its parts and instructions of acceptable quality?**

4. DL said that she bought the hose reel online but it did not come with written assembly instructions. There were only diagrams on the outside of the box. These diagrams were confusing. They only showed the reel from one side so she couldn't see how to put in the hose connector. The picture only showed the side where the turning handle was. DL said that she struggled to put the hose connector in so she took off the black piece to make it easier. However, when she realized this wasn't going to work she tried to take it off and ended up breaking the plastic. The reel was advertised as being easy to assemble but it wasn't.
5. DL said the company should have had written instructions on the box, better diagrams of the reel from different angles and tools to disassemble it.
6. Mr X from D Ltd gave evidence. He said that the hose reel was simple to put together. There was no picture of the other side of the reel but there were no pictures of the two black pieces being taken off. DL did something which she was not meant to do. It was not the company's fault that she made a mistake. Mr X said that it was not anticipated that a person would disassemble the reel and there was no reason for them to have anticipated this.
7. This claim is governed by the Consumer Guarantees Act 1993. The Act requires goods to be of an acceptable quality. This means they must not have any minor faults, be fit for purpose, safe to use, and durable. If goods are not of acceptable quality, then the consumer may have a remedy against the supplier. If the fault is substantial, then the consumer is entitled to a refund.

8. I have listened to the evidence and looked at the photos and I am not satisfied that there was not anything wrong with the hose reel.
9. D Ltd did not promise anything different from what was on the box. There is no evidence that the diagrams were wrong or that there was an assembly step missing. While I can understand how the packaging and instructions could be improved, there was nothing wrong with the product itself or its instructions. The problem with the hose reel is just as likely to have been caused by DL's actions than by the product itself.
10. Therefore, the claim is dismissed.

**Referee:** LK Whineray  
**Date:** 5 September 2023



## Information for Parties

### Rehearings

You can apply for a rehearing if you believe that something prevented the proper decision from being made: for example, the relevant information was not available at the time.

If you wish to apply for a rehearing, you can apply online, download a form from the Disputes Tribunal website or obtain an application form from any Tribunal office. The application must be lodged within 20 working days of the decision having been made. If you are applying outside of the 20 working day timeframe, you must also fill out an Application for Rehearing Out of Time.

PLEASE NOTE: A rehearing will not be granted just because you disagree with the decision.

### Grounds for Appeal

There are very limited grounds for appealing a decision of the Tribunal. Specifically, the Referee conducted the proceedings (or a Tribunal investigator carried out an enquiry) in a way that was unfair and prejudiced the result of the proceedings. This means you consider there was a breach of natural justice, as a result of procedural unfairness that affected the result of the proceedings.

PLEASE NOTE: Parties need to be aware they cannot appeal a Referee's finding of fact.

Where a Referee has made a decision on the issues raised as part of the Disputes Tribunal hearing there is no jurisdiction for the District Court to reach a finding different to that of the Referee.

A Notice of Appeal may be obtained from the Ministry of Justice, Disputes Tribunal website. The Notice must be filed at the District Court of which the Tribunal that made the decision is a division, within 20 working days of the decision having been made. There is a \$200 filing fee for an appeal.

You can only appeal outside of 20 working days if you have been granted an extension of time by a District Court Judge. To apply for an extension of time you must file an Interlocutory Application on Notice and a supporting affidavit, then serve it on the other parties. There is a fee for this application. District Court proceedings are more complex than Disputes Tribunal proceedings, and you may wish to seek legal advice.

The District Court may, on determination of the appeal, award such costs to either party as it sees fit.

### Enforcement of Tribunal Decisions

If the Order or Agreed Settlement is not complied with, you can apply to the Collections Unit of the District Court to have the order enforced.

Application forms and information about the different civil enforcement options are available on the Ministry of Justice's civil debt page: <http://www.justice.govt.nz/fines/about-civil-debt/collect-civil-debt>

For Civil Enforcement enquiries, please phone 0800 233 222.

### Help and Further Information

Further information and contact details are available on our website: <http://disputestribunal.govt.nz>.