

20 April 2020

Mary Phillips
fyi-request-12407-2704a6ed@requests.fyi.org.nz

Our ref: OIA 80992

Dear Ms Phillips

Official Information Act request: Disputes Tribunal

Thank you for your email of 9 March 2020 requesting, under the Official Information Act 1982 (the Act), information relating to the Disputes Tribunal. On 6 April 2020, the deadline to respond to your request was extended by 10 working days until 22 April 2020 to complete consultation. You specifically asked:

“If I apply to the Disputes Tribunal for a rehearing and it is granted on the information I supply, why would the 1st hearing be considered? Isn’t a rehearing in essence another hearing? When I apply for a Disputes Tribunal hearing on the Fair Trading act and the Consumer Guarantee Act can a referee give a ruling quoting another law I have not had the opportunity to prepare for?”

On your first point, yes, a rehearing would not relitigate the first hearing. A rehearing would reconsider the case, taking into account the grounds on which a rehearing was granted. For example, if there is further relevant information that could not have been known before the first hearing. It is important to note that applying for a rehearing does not stop an existing Order of the Disputes Tribunal from being enforced.

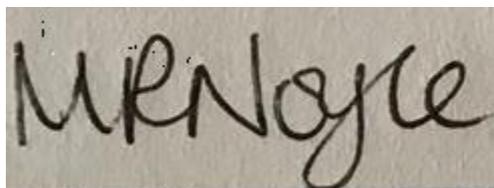
On your second point about legislation referred to by the Referee in the decision on your case, there is nothing more I can add to the letter dated 18 February 2020. The Disputes Tribunal is a division of the District Court and the Ministry of Justice cannot comment or become involved in the decisions of judicial officers.

If, however, you have a complaint about the conduct of the Referee who heard your case, you can lodge a complaint with the Principal Disputes Referee. There is information about this on the Tribunal’s website at: www.disputestribunal.govt.nz (under related links).

If you require any further information, please contact Jerram Watts, Acting Team Leader, Media and External Relations, by calling (04) 918 8980; or emailing media@justice.govt.nz

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz

Yours sincerely



Megan Noyce
Acting General Manager, Courts and Justice Services Policy