

10 AUG 2020

Newton Gates  
fyi-request-13276-d7d56d43@requests.fyi.org.nz

Dear Mr Gates

**Motor Vehicle Disputes Tribunal – complaints process**

Thank you for your email of 11 July 2020.

Although your email states that you are seeking information under the Official Information Act 1982, I have not considered your requests under that legislation. This is because you are not asking for information or documents that already exist, but rather are requesting the following information in the context of a case in the Motor Vehicles Disputes Tribunal (MVDT):

*Question 1:*

*How and to whom can the claimant complain about the adjudicator before the end of the case?*

*Question 2:*

*Can the claimant request to change the adjudicator before the end of the case?*

In response to question 1, complaints about the behaviour of a MVDT adjudicator can be made in writing to the Minister(s) who recommended the adjudicator to the Governor-General for appointment. MVDT adjudicators are appointed by the Governor-General on the joint recommendation of the Minister of Commerce and Consumer Affairs and the Minister of Justice. You can find more information about the process and the information that you are expected to include in your complaint at [justice.govt.nz/assets/Documents/Publications/complaining-about-a-member-of-a-tribunal-201711.pdf](https://justice.govt.nz/assets/Documents/Publications/complaining-about-a-member-of-a-tribunal-201711.pdf)

If you are dissatisfied with the outcome of your case before the MVDT, you can appeal to the District Court within 10 working days of receiving the decision. You can find more information about appealing a MVDT decision at [justice.govt.nz/assets/Documents/Publications/Guide-to-the-MVDT2.pdf](https://justice.govt.nz/assets/Documents/Publications/Guide-to-the-MVDT2.pdf). Judicial review may also be open to you to challenge the decision of the MVDT. I would suggest you seek independent legal advice regarding what is appropriate in your case.

In response to question 2, I must advise that no party in any jurisdiction can select, request or change the judicial officer who has been scheduled to hear a particular case. If a party has concerns about a possible conflict of interest they can be raised with the adjudicator at the hearing. Any decisions regarding recusal will be made by that adjudicator.

I hope this information assists.

Yours sincerely



Reuben Lewthwaite  
**Manager Operations Support (Acting), Courts and Tribunals, Regional Service Delivery**  
Ref: 82802