

3 October 2014

J Beck

fyi-request-2028-38c904ca@requests.fyi.org.nz

Dear J Beck

Thank you for your email of 19 September 2014 requesting, under the Official Information Act (OIA) 1982, an audio recording of your Disputes Tribunal hearing.

First, I must advise that the OIA does not extend to the judicial functions of a tribunal. Conducting a hearing is a judicial function of the Disputes Tribunal and your request falls outside the OIA.

Access to an audio recording of a Disputes Tribunal hearing is governed by the Disputes Tribunals Rules 1989. Under the Rules, the record kept by a Referee is not searchable or accessible. This includes an audio recording of the hearing, and there is no provision for parties to obtain a copy of the recording or a transcript.

The exception to this is where a party to a case has lodged an appeal to the District Court against a decision of the Disputes Tribunal. In such cases a party can apply to the District Court for a transcript, and it would be a decision for a District Court Judge as to whether a transcript is ordered to be produced.

Further information on lodging an appeal against a Disputes Tribunal decision is available on the Tribunal's website at www.justice.govt.nz/tribunals/disputes-tribunal.

You have the right, by way of complaint to an Ombudsman under section 28(3) of the OIA, to seek an investigation and review of this response.

I hope that you find this information helpful.

Yours sincerely



Heather Baggott
General Manager Special Jurisdictions

Ref: 50530