

Version
as at 12 April 2022



Disputes Tribunal Rules 1989 (SR 1989/34)

Rules name: amended, on 14 September 2018, by rule 4(1)(a) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Paul Reeves, Governor-General

Order in Council

At Wellington this 20th day of February 1989

Present:

His Excellency the Governor-General in Council

Pursuant to section 60 of the Disputes Tribunals Act 1988, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These rules are administered by the Ministry of Justice.

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Rules

1 Title and commencement

- (1) These rules are the Disputes Tribunal Rules 1989.
- (2) These rules shall come into force on 1 March 1989.

Rule 1(1): replaced, on 14 September 2018, by rule 4(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

2 Interpretation

- (1) In these rules, unless the context otherwise requires,—

Act means the Disputes Tribunal Act 1988

approved form, in relation to any matter, means the form that is approved for the purposes of the matter by the chief executive after consultation with the Principal Disputes Referee

working day, in relation to the Tribunal, means a day other than—

- (a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, or Waitangi Day; or
- (b) the day observed as the anniversary day of the former province in which the relevant office of the Tribunal is located; or

- (c) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; or
 - (d) a day in the period commencing on 25 December in a year and ending on 15 January in the following year.
- (1A) Any term or expression that is defined in the Act and is used, but not defined, in these rules, has the same meaning as in the Act.

(2) *[Revoked]*

Rule 2(1): replaced, on 14 September 2018, by rule 5 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 2(1) **approved form**: inserted, on 29 October 2019, by rule 4(1) of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Rule 2(1) **working day** paragraph (a): amended, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Rule 2(1A): inserted, on 14 September 2018, by rule 5 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 2(2): revoked, on 29 October 2019, by rule 4(2) of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Rule 2A: inserted, on 14 September 2018, by rule 6 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

3 Application of rules

These rules apply to all proceedings under the Act.

Commencement of proceedings

4 Lodging claim and confidentiality

[Revoked]

Rule 4: revoked, on 29 October 2019, by rule 5 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

4A Memorandum of agreement to extend financial limit must be in prescribed form

[Revoked]

Rule 4A: revoked, on 29 October 2019, by rule 5 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

5 Fees

- (1) The following fee is payable to the Tribunal at the time of the lodging of a claim:

- (a) \$45, if the total amount in respect of which an order of the Tribunal is sought under the claim is less than \$2,000:
 - (b) \$90, if the total amount in respect of which an order of the Tribunal is sought under the claim is \$2,000 or more but less than \$5,000:
 - (c) \$180, if the total amount in respect of which an order of the Tribunal is sought under the claim is \$5,000 or more.
- (2) No fee is payable in respect of any claim lodged under rule 26(3)(b).
 - (3) The fees prescribed by this rule are inclusive of goods and services tax.

Rule 5: replaced, on 1 July 2013, by rule 4 of the Disputes Tribunals (Fees) Amendment Rules 2013 (SR 2013/212).

Rule 5(1)(a): amended, on 14 September 2018, by rule 9 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 5(1)(b): amended, on 14 September 2018, by rule 9 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 5(1)(c): amended, on 14 September 2018, by rule 9 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

6 Notice of hearing

[Revoked]

Rule 6: revoked, on 29 October 2019, by rule 6 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

7 Enlargement of dates of hearing

- (1) Where, in any proceedings before the Tribunal, a date of hearing has been fixed pursuant to the Act or these rules, the Tribunal or a Registrar may, on the application of a party or of the Tribunal's or the Registrar's own motion, enlarge the date of hearing on such terms (if any) as the Tribunal or the Registrar thinks just.
- (2) Where the date of hearing is enlarged pursuant to subclause (1), the Registrar shall notify the parties to the proceedings of the new date of hearing.

Rule 7(1): amended, on 14 September 2018, by rule 10 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

8 Form of acknowledgement from applicant's insurer

[Revoked]

Rule 8: revoked, on 29 October 2019, by rule 7 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

9 Approval of representative under section 38 of Act

- (1) Before the commencement of a hearing, a party to any proceedings who wishes to be represented at the hearing must apply to the Tribunal for any necessary approval under section 38 of the Act.
- (2) The Tribunal may give the necessary approval before the commencement of the hearing.

- (3) Nothing in this rule limits the power of the Tribunal to give an approval under section 38 of the Act on the application of a party or otherwise at any time after a hearing has commenced.
- (4) In this rule, **officer**, in relation to an insurer's agent, means an individual who is an employee, officer, or member of the agent.

Rule 9: replaced, on 29 October 2019, by rule 8 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Service

10 Service of documents

- (1) Subject to subclause (3) and to rule 15(1), any document that is to be served on any person in any proceedings before the Tribunal may be served—
 - (a) by delivering the document to the person to be served or by bringing it to that person's notice if that person refuses to accept it; or
 - (b) by leaving it for the person to be served at that person's place of residence with any person who is normally resident with the person to be served at that place and who appears to be over the age of 18 years; or
 - (c) by posting the document to be served in a letter addressed to the person to be served at that person's last known or usual place of residence.
- (2) Where service is effected by letter in accordance with subclause (1)(c), then, unless the contrary is shown, service is deemed to have been effected on the person to whom the letter is addressed at the time when the letter would have been delivered in the ordinary course of post, and in proving service it is sufficient to prove that the letter was properly addressed and posted.
- (3) The Tribunal or a Registrar may in any particular case direct that a document be served on a person by any other means that the Tribunal or the Registrar considers proper.

Rule 10(1): amended, on 14 September 2018, by rule 13(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 10(3): amended, on 14 September 2018, by rule 13(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

11 Service on corporations

In the absence of any statutory provision prohibiting service in the following manner, any document that is to be served on any corporate body in any proceedings before the Tribunal may be served by delivering the document—

- (a) to the mayor, chairman, president, town clerk, managing director, secretary, treasurer, or other similar officer of the corporate body; or
- (b) to any person purporting to have charge of the affairs or business of the corporate body at its principal office or principal place of business or at the office or place of business nearest to the office of the Tribunal from which the document issued.

Rule 11: amended, on 14 September 2018, by rule 14(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 11(b): amended, on 14 September 2018, by rule 14(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

12 Notices

The provisions of rules 10 and 11 shall apply to any notice that by the Act or these rules, or by any order made pursuant to the Act or these rules, is required to be given to any person.

13 Time for giving certain notices

Where, pursuant to section 25(1)(a) or (b) or section 49(4)(a) of the Act, notice is required to be given to any person, that notice shall be given not less than 8 working days before the day of hearing.

Rule 13: amended, on 14 September 2018, by rule 15 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Witnesses

14 Summons to witness

- (1) Subject to subclause (2), the Tribunal may at any time during any proceedings, by a summons in the approved form, summon any person—
 - (a) to attend before the Tribunal, or any Investigator appointed by the Tribunal in respect of the proceedings, at the time and place specified in the summons; and
 - (b) to give evidence in the proceedings; and
 - (c) to produce to the Tribunal or to the Investigator such documents in that person's possession or control as are specified in the summons.
- (2) A summons must not be issued under subclause (1) unless a Registrar believes on reasonable grounds that the attendance of the witness is necessary or expedient for the proper determination of the proceedings.

Rule 14(1): amended, on 29 October 2019, by rule 9 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Rule 14(1): amended, on 14 September 2018, by rule 16(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 14(2): amended, on 14 September 2018, by rule 16(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

15 Service of summons

- (1) Every summons issued under rule 14 shall be served on the person to whom it is directed, either by personally delivering it to that person or, if that person refuses to accept it, by bringing it to that person's attention, within a reasonable time before the time specified in the summons for that person's attendance.

- (2) The witness must be paid or offered the sum that a Registrar estimates is payable under rule 17 for allowances and travelling expenses (but not for fees), and the payment or offering of the sum must occur—
 - (a) at the time of service of the summons; or
 - (b) at any other reasonable time before the time at which the witness's attendance is required.
- (3) No witness is obliged to comply with a summons issued under rule 14 unless the sum specified in subclause (2) of this rule is paid or tendered to the witness in accordance with that subclause.

Rule 15(2): replaced, on 14 September 2018, by rule 17 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

16 Obligation on witness to attend extends to adjourned proceedings

- (1) The obligation on a witness summoned under rule 14 to attend any proceedings extends to any time and place to which the proceedings are adjourned, but only if rule 15(2) has first been complied with in respect of each subsequent attendance.
- (2) The Tribunal or the Investigator (as the case may require) may excuse a witness from any such further attendance.

17 Witnesses' expenses

- (1) Every person who attends before the Tribunal or an Investigator, for the purpose of giving evidence in any proceedings, is entitled to receive such fees, allowances, and travelling expenses as the Tribunal directs, in accordance with the scale set out in the Schedule of the Witnesses and Interpreters Fees Regulations 1974 (SR 1974/124).
- (2) The fees, allowances, and travelling expenses referred to in subclause (1) are payable—
 - (a) in every case where the person attends in compliance with a summons issued under rule 14, out of money appropriated by Parliament for such purposes; and
 - (b) in every other case, by the party on whose behalf the person attends, unless in any particular case the Tribunal orders them to be paid out of money appropriated by Parliament for such purposes.

Rule 17(1): amended, on 14 September 2018, by rule 18 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

18 Failure to give evidence

- (1) Every person commits an offence against these rules and is liable on conviction to a fine not exceeding \$1,000 who—
 - (a) has been duly served in accordance with these rules with a summons issued under rule 14; and

- (b) has been paid or offered the sum specified in rule 15(2); and
 - (c) fails without sufficient cause to comply with the directions of the summons or with the requirements of rule 16 in respect of the summons.
- (2) Every person commits an offence against these rules and is liable on conviction to a fine not exceeding \$1,000 who—
- (a) is present at any proceedings before the Tribunal (whether or not as a result of the service of any summons on that person); and
 - (b) is required to give evidence in the proceedings; and
 - (c) refuses—
 - (i) to be sworn; or
 - (ii) to give evidence in the proceedings.
- (3) The payment of a fine shall not release a person from any liability under any other action for failing to comply with the directions of a summons issued under rule 14.

Rule 18(1): amended, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Rule 18(1): amended, on 1 July 2013, by rule 4 of the Disputes Tribunals Amendment Rules 2013 (SR 2013/179).

Rule 18(1)(b): amended, on 14 September 2018, by rule 19(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 18(2): amended, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Rule 18(2): amended, on 1 July 2013, by rule 4 of the Disputes Tribunals Amendment Rules 2013 (SR 2013/179).

Rule 18(2)(a): amended, on 14 September 2018, by rule 19(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Adjournments

19 Adjournments

The Tribunal may from time to time adjourn a hearing on such conditions as it thinks just.

Rule 19: amended, on 14 September 2018, by rule 20 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Enforcement of orders and agreed settlements

20 Notice of objection to enforcement of order

- (1) For the purposes of section 45(3) of the Act, the period within which a party may file a notice of objection is 15 working days after the Registrar of the District Court gives notice of the application to the party under section 45(2) of the Act.
- (2) *[Revoked]*

- (3) The notice of objection must be filed in the office of the court where the application was made.

Rule 20: replaced, on 14 September 2018, by rule 21 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 20(1): replaced, on 29 October 2019, by rule 10 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Rule 20(2): revoked, on 29 October 2019, by rule 10 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

21 Requests for enforcement of work orders

[Revoked]

Rule 21: revoked, on 29 October 2019, by rule 11 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

22 Requests for enforcement of agreed settlements

[Revoked]

Rule 22: revoked, on 29 October 2019, by rule 11 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

23 Application for rehearing

An application for a rehearing under section 49 of the Act must—

- (a) be in the approved form; and
- (b) specify the grounds on which the application is made.

Rule 23: replaced, on 14 September 2018, by rule 21 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 23(a): replaced, on 29 October 2019, by rule 12 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

24 Notice of appeal

- (1) *[Revoked]*

- (2) Every notice of appeal filed under section 50(3) of the Act shall specify the grounds of the appeal, which grounds shall be specified with sufficient particularity as to give full advice to both the court and the other parties of the issues involved.

Rule 24(1): revoked, on 29 October 2019, by rule 13(1) of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Rule 24(2): amended, on 29 October 2019, by rule 13(2) of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Transfer of proceedings

25 Transfer of proceedings to District Court

Where an order is made under section 36(1) or (2) of the Act transferring proceedings from the Tribunal to the District Court, a Registrar must, as soon as practicable, give notice of the order to the parties to the proceedings.

Rule 25: replaced, on 14 September 2018, by rule 22 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

26 Transfer of proceedings from District Court or High Court to Tribunal

- (1) Where an order is made under section 37(1) or (2) of the Act transferring proceedings from the District Court or the High Court to the Tribunal, the proceedings must be transferred to the office of the Tribunal—
 - (a) specified in the order; or
 - (b) closest to the office of the court from which the proceedings are transferred, if no office is specified in the order.
- (2) A Registrar of the office of the court from which the proceedings are transferred—
 - (a) must forward all papers relating to the proceedings to a Registrar of the office of the Tribunal to which the proceedings are transferred; but
 - (b) is not required to forward the papers if a Registrar of the office of the court from which the proceedings are transferred is also a Registrar of the office of the Tribunal to which the proceedings are transferred.
- (3) A Registrar of the office of the Tribunal to which the proceedings are transferred must, as soon as practicable,—
 - (a) notify all the parties to the proceedings that the proceedings are transferred; and
 - (b) request the plaintiff to lodge a claim form with the Tribunal within—
 - (i) 10 working days of receipt of the request; or
 - (ii) any further time that the Registrar, on application, allows.
- (4) If the plaintiff lodges a claim form with the Registrar in accordance with subclause (3)(b), then the Registrar must fix a day and time for the hearing and must, as soon as practicable and at least 8 working days before the hearing,—
 - (a) notify all parties to the proceedings of the time and place of the hearing; and
 - (b) send to the parties (other than the plaintiff) a copy of the claim.

Rule 26(1): replaced, on 14 September 2018, by rule 23(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 26(2): replaced, on 14 September 2018, by rule 23(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 26(3): replaced, on 14 September 2018, by rule 23(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 26(4): substituted, on 13 September 1999, by rule 3 of the Disputes Tribunals Amendment Rules 1999 (SR 1999/245).

Rule 26(4): amended, on 14 September 2018, by rule 23(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

27 Plaintiff in proceedings transferred to Tribunal to lodge claim

[Revoked]

Rule 27: revoked, on 13 September 1999, by rule 4(1) of the Disputes Tribunals Amendment Rules 1999 (SR 1999/245).

General provisions

28 Forms

[Revoked]

Rule 28: revoked, on 29 October 2019, by rule 14 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

29 Documents that must be sealed

The following documents that are issued by the Tribunal must be sealed with the seal of the District Court:

- (a) final orders:
- (b) records made under section 22(1) of the Act:
- (c) documents requiring certification for use in proceedings before the Tribunal, or before a court or tribunal.

Rule 29: replaced, on 14 September 2018, by rule 24 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

30 Offices of Tribunals

[Revoked]

Rule 30: revoked, on 14 September 2018, by rule 25 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

31 Office hours

- (1) An office of the Tribunal must be open at the same times and on the same days as the office of the District Court where the Tribunal is situated.
- (2) A notice of the office hours shall be displayed in a convenient place that is in the vicinity of the office and is accessible to the public.

Rule 31(1): replaced, on 14 September 2018, by rule 26 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

32 Holidays of Tribunals

[Revoked]

Rule 32: revoked, on 14 September 2018, by rule 27 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

33 Records

- (1) A Registrar must keep a record of all proceedings of the Tribunal.
- (2) The record that section 51(2) of the Act requires the Referee who heard proceedings of the Tribunal to keep (a record sufficient to enable that Referee to

furnish to the Registrar, within 20 working days after a notice of appeal has been lodged in the Tribunal's records under section 50(4) of the Act, a report under section 51(1) of the Act on, and on the reasons for, the manner in which the proceedings were conducted) must include an audio or audiovisual recording of the proceedings.

Rule 33: substituted, on 19 May 2011, by rule 6 of the Disputes Tribunals Amendment Rules 2011 (SR 2011/104).

Rule 33(1): amended, on 14 September 2018, by rule 28(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 33(2): amended, on 14 September 2018, by rule 28(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

34 Accounts

- (1) A Registrar shall keep account of all money paid into or out of the Tribunal, in accordance with directions given under the authority of the Minister.
- (2) All money paid into the Tribunal shall be held in a trust account maintained by the District Court, and shall be kept in the same manner as the other money in that trust account.

Rule 34(1): amended, on 14 September 2018, by rule 29 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 34(2): amended, on 1 July 2014, by rule 4 of the Disputes Tribunals Amendment Rules 2014 (LI 2014/177).

34A Confidentiality of applicant's contact details

A Registrar may keep an applicant's residential address and other contact details confidential from the respondent (including any person appointed or approved under the Act as a representative of the respondent) if—

- (a) the applicant requests the Registrar to keep those contact details confidential; and
- (b) the Registrar has reasonable cause to believe that the disclosure of those contact details to the respondent could prejudice the personal safety of the applicant or the applicant's family.

Rule 34A: inserted, on 29 October 2019, by rule 15 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

35 Searches

- (1) The following persons may (without fee) search, inspect, and take a copy of the records of, and the documents lodged in, the Tribunal in relation to any proceedings:
 - (a) any party to the proceedings;
 - (b) any person appointed or approved under the Act as a representative of any party to the proceedings;
 - (c) any other person who satisfies a Registrar that the person has a genuine and proper interest in the proceedings.

- (2) If a person described in subclause (1) disputes the exercise of a Registrar's power under that subclause, a Registrar must, on the person's request, submit the disputed matter to a District Court Judge, whose decision will be final.
- (3) Nothing in this rule enables a person to search, inspect, or take a copy of, or limits or affects any entitlement that any parties to an appeal to the District Court have under the Act or under rules of court to access or be served with,—
 - (a) the record that section 51(2) of the Act requires a Referee to keep; or
 - (b) a copy of a report furnished or compiled under section 51(1) or (3) of the Act.

Rule 35(1): amended, on 14 September 2018, by rule 30(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 35(1)(c): amended, on 14 September 2018, by rule 30(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 35(2): replaced, on 14 September 2018, by rule 30(3) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 35(3): added, on 19 May 2011, by rule 7 of the Disputes Tribunals Amendment Rules 2011 (SR 2011/104).

Rule 35(3): amended, on 14 September 2018, by rule 30(4) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

*Assessment of candidates for appointment or reappointment as Principal
Disputes Referee*

Heading: inserted, on 17 December 1998, by rule 2 of the Disputes Tribunals Amendment Rules (No 4) 1998 (SR 1998/355).

35A Advertising for candidates

- (1) If it is proposed to appoint or reappoint a Principal Disputes Referee under section 6A of the Act, the Secretary for Justice must—
 - (a) invite applications for the appointment or reappointment; and
 - (b) convene a panel to assess candidates for the appointment or reappointment.
- (2) The invitation must give notice of—
 - (a) the proposal to appoint or reappoint a Principal Disputes Referee; and
 - (b) the requirements of section 6A(2) of the Act; and
 - (c) the manner in which any person may apply to be appointed or reappointed; and
 - (d) the manner in which applications are to be processed; and
 - (e) the closing date for the receipt of applications.
- (3) The Secretary for Justice must ensure the invitation is publicised by such means as appear to the Secretary to be necessary to ensure that the invitation reaches a wide section of prospective candidates.
- (4) An application must—

- (a) be accompanied by a curriculum vitae of the candidate:
 - (b) if it relies on a qualification the candidate holds that is not a Bachelor of Laws from a university in New Zealand, include evidence of the qualification and of the equivalence of the qualification to such a Bachelor of Laws:
 - (c) name at least 3 persons who would be available to discuss with an assessment panel the candidate's personal attributes, knowledge, or experience:
 - (d) include a declaration by the candidate that he or she either has been, or has never been, declared bankrupt:
 - (e) include an undertaking by the candidate that, if selected for an assessment, he or she will at the assessment give the assessment panel a letter from the Ministry of Justice detailing any convictions for criminal offences recorded against his or her name by that department:
 - (f) be received by the Secretary of Justice either by the closing date given in the invitation, or by such later date as the Secretary may allow.
- (5) An assessment panel must consist of the Chief District Court Judge or a District Court Judge named by the Chief District Court Judge, who is the chairperson of the panel, and—
- (a) a person appointed by the Secretary for Justice; and
 - (b) a person appointed by the head of the Ministry of Consumer Affairs.
- (6) If an application relies on a qualification the candidate holds that is not a Bachelor of Laws from a university in New Zealand, the Secretary for Justice must forward the application to the Minister of Justice to ascertain whether the Minister considers the qualification is equivalent to such a Bachelor of Laws.
- (7) The Secretary for Justice must forward to the assessment panel the applications he or she has received in accordance with subclause (4)(f) from each candidate who—
- (a) holds a qualification referred to in section 6A(2)(a) of the Act; and
 - (b) has never been declared bankrupt.

Rule 35A: inserted, on 17 December 1998, by rule 2 of the Disputes Tribunals Amendment Rules (No 4) 1998 (SR 1998/355).

Rule 35A(4)(e): amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

Rule 35A(5): substituted, on 1 October 2003, by section 12(2) of the State Sector Amendment Act 2003 (2003 No 41).

35B Assessment of candidates

- (1) The assessment panel must select the candidates the panel considers are most likely to be suitable to be appointed or reappointed,—
- (a) from the applications forwarded to it under rule 35A(7); and

- (b) having regard to the criteria specified in section 6A(2)(b) of the Act and rule 35C.
- (2) The assessment panel must invite the candidates it has selected to attend at a time and a place specified by the panel to be assessed by the panel.
- (3) To assess a candidate for appointment or reappointment as Principal Disputes Referee, the assessment panel—
 - (a) may ask the candidate any questions or use any other method of assessment that may assist the panel to determine whether or not the candidate meets the criteria specified in section 6A(2)(b) of the Act and in rule 35C; and
 - (b) may discuss the candidate’s personal attributes, knowledge, or experience with any of the at least 3 persons the candidate has named for that purpose.
- (4) At least 3 members of the assessment panel must be present during each part of an assessment, and each member of the panel must independently assess each candidate in accordance with the criteria specified in section 6A(2)(b) of the Act and rule 35C.
- (5) As soon as practicable after completing an assessment of each of the selected candidates, the assessment panel must advise the Minister of Justice of—
 - (a) the applications forwarded to the panel under rule 35A(7); and
 - (b) the candidates the panel selected under subclause (1); and
 - (c) any candidate or candidates the panel recommends be appointed or reappointed, or that it makes no recommendation for appointment or reappointment.

Rule 35B: inserted, on 17 December 1998, by rule 2 of the Disputes Tribunals Amendment Rules (No 4) 1998 (SR 1998/355).

35C Criteria for assessment of candidates

- (1) In considering for the purposes of section 6A(2)(b) of the Act whether a candidate is capable of performing the functions of a Referee, the assessment panel must consider the matters set out in subclauses (2) and (3) of rule 38.
- (2) In considering, for the purposes of section 6A(2)(b) of the Act whether a candidate is capable of performing the functions of the Principal Disputes Referee, the assessment panel must consider—
 - (a) the candidate’s leadership abilities:
 - (b) the candidate’s management expertise:
 - (c) the candidate’s ability to accept public scrutiny:
 - (d) the candidate’s awareness of tikanga Maori:
 - (e) any other personal attribute, knowledge, or experience of the candidate that the panel considers relevant.

Rule 35C: inserted, on 17 December 1998, by rule 2 of the Disputes Tribunals Amendment Rules (No 4) 1998 (SR 1998/355).

Assessment of candidates for appointment or reappointment as Referees

36 Advertising for candidates

- (1) For the purpose of encouraging the nomination, as candidates for appointment as Referees, of men and women from diverse backgrounds and diverse ethnic and age groups, the chief executive shall cause every notice under section 8(1)(a) of the Act—
 - (a) to be advertised in the area served or to be served by the office of the Tribunal in respect of which the appointment or reappointment is proposed to be made; and
 - (b) to be publicised by such other means, including contact with community groups operating in the area, as appear to the Secretary to be necessary to ensure that it reaches a wide section of the community in the area.
- (2) The Secretary for Justice shall, on receiving from members of the public the names of any persons whom they consider would be suitable for appointment as Referees, refer those names to the assessment panel appointed under section 8(1)(b) of the Act.
- (3) The assessment panel shall invite the persons whose names are referred to it to forward to the panel, by a date specified by the panel, an application for appointment or, as the case may be, reappointment as a Referee.
- (4) Every application under subclause (3) must be accompanied by a curriculum vitae of the applicant.
- (5) If any person to whom an invitation is given under subclause (3) does not make such an application by the date specified by the panel, that person shall not be assessed by the panel for appointment or reappointment as a Referee.

Rule 36(1): amended, on 14 September 2018, by rule 31(1) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 36(1)(a): amended, on 14 September 2018, by rule 31(2) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Rule 36(1)(a): amended, on 1 October 2012, by rule 8 of the Disputes Tribunals Amendment Rules 2012 (SR 2012/213).

Rule 36(4): amended, on 14 September 2018, by rule 31(3) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

37 Assessment of candidates

- (1) The assessment panel shall select from the applications received by it under rule 36(3) the persons whom the panel considers are most likely to be suitable for appointment or reappointment as Referees, having regard to the criteria specified in rule 38, and shall invite those persons to attend at a time and place specified by the panel to be assessed by the panel in accordance with subclause (2) of this rule.

- (2) For the purposes of assessing a candidate for appointment or reappointment as a Referee, the panel—
 - (a) must interview the candidate; and
 - (b) may require the candidate to participate, in the role of a Referee, in at least 3 simulated proceedings under the Act; and
 - (c) may hold a group discussion with the candidate and any other candidates on such topic or topics as the panel thinks fit; and
 - (d) may require the candidate to undergo other forms of assessment as the panel thinks fit.
- (3) During any assessment the members of the panel may ask any candidate any questions that may assist the panel to determine whether or not the candidate meets the criteria specified in rule 38.
- (4) At least 3 of the members of the panel shall be present during each part of the assessment, and each member of the panel shall independently assess each candidate in accordance with the criteria specified in rule 38.
- (5) On completing the assessment, the panel shall retire to consider whether or not to make a recommendation for appointment or reappointment in accordance with section 8(3) of the Act.

Rule 37(2): replaced, on 1 October 2012, by rule 9 of the Disputes Tribunals Amendment Rules 2012 (SR 2012/213).

38 Criteria for assessment of candidates

- (1) In assessing a candidate for appointment or reappointment as a Referee, an assessment panel appointed under section 8(1)(b) of the Act shall consider the candidate's personal attributes, knowledge, and experience.
- (2) In considering a candidate's personal attributes, the panel shall consider the following matters:
 - (a) the ability of the candidate—
 - (i) to listen:
 - (ii) to assess information and to make decisions:
 - (iii) to relate to, and communicate with, a variety of people:
 - (iv) to respond sensitively and appropriately to cultural differences:
 - (v) to express himself or herself clearly:
 - (vi) to engage in alternative ways of resolving disputes, and to assess when such alternatives are appropriate:
 - (b) the candidate's level of maturity and self-awareness:
 - (c) the candidate's use of commonsense and practical judgement:
 - (d) the candidate's fairmindedness and impartiality:

- (e) the attitude of the candidate towards, and his or her suitability for, training in the work of a Referee:
 - (f) any other personal attributes that the panel considers relevant.
- (3) In considering a candidate's knowledge and experience, the panel shall consider the candidate's knowledge of, or experience in,—
- (a) the work of a Referee:
 - (b) the law and the legal system generally:
 - (c) mediation, arbitration, and conflict management:
 - (d) the language and customs of any ethnic group:
 - (e) any profession, business, trade, or other occupation, whether engaged in for payment or otherwise:
 - (f) any skill or interest:
 - (g) any community organisation or voluntary organisation:
 - (h) any other matter the panel considers relevant.

Revocations

39 Revocations

The following rules are hereby revoked:

- (a) the Small Claims Tribunals Rules 1977 (SR 1977/137):
- (b) the Small Claims Tribunals Rules 1977, Amendment No 2 (SR 1986/359):
- (c) the Small Claims Tribunals Rules 1977, Amendment No 2 (SR 1988/35).

Schedule 1AA
Transitional, savings, and related provisions

r 2A

Schedule 1AA: inserted, on 14 September 2018, by rule 32 of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Part 1
Provision relating to Disputes Tribunals Amendment Rules 2017

1 Use of prescribed forms before amendment

Proceedings are not invalidated by the use of prescribed forms in force immediately before the commencement of the Disputes Tribunal Amendment Rules 2018.

Schedule 1

Forms

[Revoked]

Schedule 1: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 1

Disputes Tribunal: claim form

[Revoked]

r 4

Schedule 1 form 1: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 1A

Disputes Tribunal: Agreement to extend financial limit

[Revoked]

r 4A

Schedule 1 form 1A: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 2

[Revoked]

r 6(1)

Schedule 1 form 2: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 3

[Revoked]

r 6(2)

Schedule 1 form 3: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 4

Disputes Tribunal: Acknowledgement from applicant's insurer

[Revoked]

r 8

Schedule 1 form 4: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 5
Summons to witness

[Revoked]

r 14(1)

Schedule 1 form 5: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 6
Disputes Tribunal: Notice of objection to enforcement of order

[Revoked]

r 20

Schedule 1 form 6: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 7
Disputes Tribunal: Request to enforce work order

[Revoked]

r 21

Schedule 1 form 7: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 8
Disputes Tribunal: Request to enforce term of agreed settlement

[Revoked]

r 22

Schedule 1 form 8: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 9
Disputes Tribunal: Application for rehearing

[Revoked]

r 23

Schedule 1 form 9: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 10
Notice of appeal to District Court against decision of Disputes Tribunal

[Revoked]

r 24

Schedule 1 form 10: revoked, on 29 October 2019, by rule 16 of the Disputes Tribunal Amendment Rules 2019 (LI 2019/226).

Form 11
Application for appointment as Referee
[Revoked]

r 36(4)

Schedule 1 form 11: revoked, on 14 September 2018, by rule 33(17) of the Disputes Tribunal Amendment Rules 2018 (LI 2018/139).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 23 February 1989.

Notes

1 *General*

This is a consolidation of the Disputes Tribunal Rules 1989 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Disputes Tribunal Amendment Rules 2019 (LI 2019/226)

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51): section 340(3)

Disputes Tribunal Amendment Rules 2018 (LI 2018/139)

Disputes Tribunals Amendment Rules 2014 (LI 2014/177).

Disputes Tribunals (Fees) Amendment Rules 2013 (SR 2013/212)

Disputes Tribunals Amendment Rules 2013 (SR 2013/179)

Disputes Tribunals Amendment Rules 2012 (SR 2012/213)

Disputes Tribunals Amendment Rules 2011 (SR 2011/104)

State Sector Amendment Act 2003 (2003 No 41): sections 12(2), 14(1)

Disputes Tribunals Amendment Rules 1999 (SR 1999/245)

Disputes Tribunals Amendment Rules (No 4) 1998 (SR 1998/355)