



Disputes Tribunals Amendment Rules 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 6th day of August 2012

Present:

His Excellency the Governor-General in Council

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

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Rules

- 1 Title**

These rules are the Disputes Tribunals Amendment Rules 2012.
- 2 Commencement**

These rules come into force on 1 October 2012.
- 3 Principal rules**

These rules amend the Disputes Tribunals Rules 1989 (the **principal rules**).
- 4 Rule 4 amended (Commencement of proceedings)**

In rule 4, after “form 1”, insert “, or in an online form to the same effect and made available by the Secretary for Justice on an Internet site maintained by the Ministry of Justice”.
- 5 Rule 4A amended (Memorandum of agreement to extend financial limit must be in prescribed form)**

In rule 4A, after “form 1A”, insert “, or in an online form to the same effect and made available by the Secretary for Justice on an Internet site maintained by the Ministry of Justice”.
- 6 Rule 8 amended (Form of acknowledgement from applicant’s insurer)**

In rule 8, after “form 4”, insert “, or in an online form to the same effect and made available by the Secretary for Justice on an Internet site maintained by the Ministry of Justice”.
- 7 Rule 23 replaced (Application for rehearing)**

Replace rule 23 with:

“23 Application for rehearing

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

- “(a) be in form 9 or in an online form to the same effect and made available by the Secretary for Justice on an Internet site maintained by the Ministry of Justice; and
- “(b) specify the grounds on which the application is made.”

8 Rule 36 amended (Advertising for candidates)

In rule 36(1)(a), replace “published in at least 1 newspaper circulating” with “advertised”.

9 Rule 37 amended (Assessment of candidates)

Replace rule 37(2) with:

- “(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.”

10 Schedule, form 1 amended

- (1) In the Schedule, form 1, after the item headed “**What is this form for?**”, insert:

“Ways to complete this form

“This form may be completed by post or in person, or online at www.justice.govt.nz. Your insurer may complete this form online on your behalf if they have gained your express consent.”

- (2) In the Schedule, form 1, in the heading “**Completing and submitting this form**”, after “**form**” insert “**by post or in person**”.

- (3) In the Schedule, form 1, in the item headed “**Completing and submitting this form**”, paragraph 4, replace “www.justice.govt.nz/tribunals” with “www.justice.govt.nz”.
- (4) In the Schedule, form 1, in the item headed “**Part 5: Details of your dispute**”, replace “www.justice.govt.nz/tribunals” with “www.justice.govt.nz”.

11 Schedule, form 1A amended

- (1) In the Schedule, form 1A, in the item headed “**What is this form for?**”, after “date this form”, insert “(if submitting this form by post or in person), or if all parties agree and complete this form online”.
- (2) In Schedule 1, form 1A, after the item headed “**What is this form for?**”, insert:

“Ways to complete this form
“This form may be completed by post or in person, or online by all parties at www.justice.govt.nz. Your insurer may complete this form online on your behalf if they have gained your express consent.”
- (3) In the Schedule, form 1A, in the heading “**Completing and submitting this form**”, after “**form**” insert “**by post or in person**”.

12 Schedule, form 4 amended

- (1) In the Schedule, form 4, after the item headed “**What is this form for?**”, insert:

“Ways to complete this form
“This form may be completed by post or in person, or online at www.justice.govt.nz. Your insurer may complete this form online on your behalf if they have gained your express consent.”
- (2) In the Schedule, form 4, in the heading “**Completing and submitting this form**”, after “**form**” insert “**by post or in person**”.

13 Schedule, form 9 amended

- (1) In the Schedule, form 9, after the item headed “**What is this form for?**”, insert:

“Ways to complete this form

“This form may be completed by post or in person, or online at www.justice.govt.nz. Your insurer may complete this form online on your behalf if they have gained your express consent.”

- (2) In the Schedule, form 9, in the heading “**Completing and submitting this form**”, after “**form**” insert “**by post or in person**”.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 October 2012, amend the Disputes Tribunals Rules 1989 (the **principal rules**). They make provision for the completion online of forms prescribed for use by parties to a dispute. They also amend rules 36 and 37 of the principal rules, which relate to the procedure for the appointment of Disputes Tribunal Referees, to allow for more flexibility in the appointment process.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These rules are administered by the Ministry of Justice.
