



THE DISPUTES TRIBUNALS RULES 1989

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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RULES

1. Title and commencement—(1) These rules may be cited as the Disputes Tribunals Rules 1989.

(2) These rules shall come into force on the 1st day of March 1989.

2. Interpretation—(1) In these rules, unless the context otherwise requires,—

“Act” means the Disputes Tribunals Act 1988:

Expressions defined in the Act have the same meaning in these rules.

(2) In these rules, a reference to a numbered form is a reference to the form so numbered in the Schedule to these rules.

3. Application of rules—These rules apply to all proceedings under the Act.

Commencement of Proceedings

4. Commencement of proceedings—Every claim lodged with a Tribunal shall be in form 1.

5. Fees—(1) The following fee shall be payable to the Tribunal at the time of the lodging of a claim:

(a) \$10, if the total amount in respect of which an order of a Tribunal is sought under the claim is less than \$1,000:

(b) \$20, if the total amount in respect of which an order of a Tribunal is sought under the claim is \$1,000 or more.

(2) No fee shall be payable in respect of any claim lodged pursuant to rule 27 of these rules.

(3) The fees prescribed by this rule are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

6. Notice of hearing—(1) Form 2 shall be used for the purpose of giving notice of the time and place of hearing to the applicant pursuant to section 25 (1) (a) of the Act.

(2) Form 3 shall be used for the purpose of giving notice, pursuant to section 25 (1) (b) of the Act, of a claim and of the time and place of hearing to the respondent and to every person specified in section 25 (1) (b) (ii) of the Act.

7. Enlargement of dates of hearing—(1) Where, in any proceedings before a Tribunal, a date of hearing has been fixed pursuant 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) of this rule, the Registrar shall notify the parties to the proceedings of the new date of hearing.

8. Form of acknowledgement from applicant's insurer—Every acknowledgement from an applicant's insurer lodged under section 29 (1) of the Act shall be in form 4.

9. Approval of representative—(1) Any party to any proceedings who wishes to appear by a representative shall apply to the Tribunal for approval of that party's representative before the hearing, and the Tribunal may approve the proposed representative at any time before the commencement of the hearing.

(2) Nothing in this rule limits the power of a Tribunal to approve a representative on the application of a party or otherwise at any time after a hearing has commenced.

Service

10. Service of documents—(1) Subject to subclause (3) of this rule and to rule 15 (1) of these rules, any document that is to be served on any person in any proceedings before a 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) of this rule, 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 the 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.

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 a 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 Tribunal from which the document issued.

12. Notices—The provisions of rules 10 and 11 of these rules 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 10 days before the day of hearing.

Witnesses

14. Summons to witness—(1) Subject to subclause (2) of this rule, a Tribunal may at any time during any proceedings, by a summons in form 5, 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 shall not be issued under subclause (1) of this rule unless the Registrar believes on reasonable grounds that the attendance of the witness is necessary or expedient for the proper determination of the proceedings.

15. Service of summons—(1) Every summons issued under rule 14 of these rules 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) There shall be paid or tendered to the witness at the time of service of the summons, or at any other reasonable time before the time at which the witness's attendance is required, the sum that the Registrar estimates to be payable to the witness under rule 17 of these rules for allowances and travelling expenses (but not for fees).

(3) No witness is obliged to comply with a summons issued under rule 14 of these rules unless the sum specified in subclause (2) of this rule is paid or tendered to the witness in accordance with that subclause.

16. Obligation on witness to attend extends to adjourned proceedings—(1) The obligation on a witness summoned under rule 14 of these rules to attend any proceedings extends to any time and place to which the proceedings are adjourned, but only if rule 15 (2) of these rules 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 a 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 to the Witnesses and Interpreters Fees Regulations 1974*.

- (2) The fees, allowances, and travelling expenses referred to in subclause (1) of this rule are payable—
- (a) In every case where the person attends in compliance with a summons issued under rule 14 of these rules, 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.

18. Failure to give evidence—(1) Every person commits an offence against these rules and is liable on summary conviction to a fine not exceeding \$500 who—

- (a) Has been duly served in accordance with these rules with a summons issued under rule 14 of these rules; and
- (b) Has been paid or tendered the sum specified in rule 15 (2) of these rules; and
- (c) Fails without sufficient cause to comply with the directions of the summons or with the requirements of rule 16 of these rules in respect of the summons.

(2) Every person commits an offence against these rules and is liable on summary conviction to a fine not exceeding \$500 who—

- (a) Is present at any proceedings before a 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 of these rules.

Adjournments

19. Adjournments—A Tribunal may from time to time adjourn a hearing on such conditions as it thinks just.

Enforcement of Orders and Agreed Settlements

20. Notice of objection to enforcement of order—Where under section 45 (2) of the Act any application is made to a District Court for the issue of any process to enforce an order referred to in that subsection, every person wishing to give notice of objection under that section shall, within 21 days after being given notice under subsection (2) of that section, file in the Court to which the application to enforce the order has been made a notice of objection in form 6.

21. Requests for enforcement of work orders—Every request under section 46 (1) of the Act for the enforcement of a work order shall be made to the Registrar in form 7.

22. Requests for enforcement of agreed settlements—Every request under section 47 (2) of the Act for the enforcement of a term of an agreed settlement shall be made to the Registrar in form 8.

Rehearings and Appeals

23. Application for rehearing—(1) Every application pursuant to section 49 of the Act for the rehearing of a claim shall be in form 9.

(2) Every such application shall specify the grounds on which the application is made.

24. Notice of appeal—(1) Every notice of appeal filed pursuant to section 50 (3) of the Act shall be in form 10.

(2) Every notice of appeal 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.

Transfer of Proceedings

25. Transfer of proceedings to District Court—Where, pursuant to section 36 (1) or (2) of the Act, an order is made transferring any proceedings from a Tribunal to a District Court,—

- (a) Those proceedings shall be transferred to the District Court of which the Tribunal from which the proceedings are transferred is a division; and
- (b) The Registrar shall forthwith give notice of the order to the parties to the proceedings.

26. Transfer of proceedings from District Court or High Court to Tribunal—(1) Where, pursuant to section 37 (1) of the Act, an order is made transferring any proceedings from a District Court to a Tribunal, those proceedings shall be transferred—

- (a) To the Tribunal that is a division of the Court in which the order is made; or
 - (b) If the District Court Judge or Registrar who makes the order is satisfied that the proceedings can be more conveniently or fairly heard in some other Tribunal, to that other Tribunal.
- (2) Where, pursuant to section 37 (2) of the Act, an order is made transferring any proceedings from the High Court to a Tribunal,—
- (a) Those proceedings shall be transferred—
 - (i) To the Tribunal that is a division of the District Court that is nearest by the most practicable route to the place where the plaintiff in those proceedings resides; or
 - (ii) If the Court or Judge that makes the order is satisfied that the proceedings can be more conveniently or fairly heard in some other Tribunal, to that other Tribunal; and
 - (b) The Registrar of the Court from which the proceedings are transferred shall forward all papers relating to the proceedings to the Registrar of the District Court of which the Tribunal to which the proceedings are transferred is a division.
- (3) Where, pursuant to section 37 (1) or (2) of the Act, any proceedings are transferred to a Tribunal, the Registrar shall, as soon as is reasonably practicable, notify all parties to the proceedings of—
- (a) The making of the order transferring the proceedings; and
 - (b) The time and place of hearing.
- (4) The notice required by subclause (3) of this rule shall be given not less than 28 days before the day of hearing.

27. Plaintiff in proceedings transferred to Tribunal to lodge claim—(1) Where, pursuant to section 37 (1) or (2) of the Act, any proceedings are transferred to a Tribunal, the plaintiff in those proceedings shall, within 14 days after such date as is specified by the Registrar in the notice given to the plaintiff pursuant to rule 26 (3) of these rules, or within such further time as the Registrar may on application allow, lodge in the Tribunal, in relation to the proceedings, a claim in form 1.

(2) If a claim is not lodged within the time fixed or allowed by subclause (1) of this rule, the proceedings shall be stayed until the plaintiff lodges in the Tribunal, in relation to those proceedings, a claim in form 1.

(3) Where any proceedings are stayed pursuant to subclause (2) of this rule, the Registrar shall give notice of that fact to the parties to the proceedings.

(4) Where a claim is lodged in accordance with subclause (1) or subclause (2) of this rule, the Registrar shall, as soon as is reasonably practicable, and in no case less than 10 days before the day of hearing,—

- (a) Send a copy of the claim to the parties to the proceedings (other than the applicant); and
- (b) Where the claim is lodged after the time fixed or allowed by subclause (1) of this rule, notify all parties to the proceedings of the time and place of hearing.

General Provisions

28. Forms—Where, by these rules, any form is directed or authorised to be used, such variations may be made in the form as the circumstances of any particular case require.

29. Documents that must be sealed—Every document of any of the following classes shall, when issuing out of a Tribunal, be sealed with the seal of the District Court of which the Tribunal is a division:

- (a) Final orders;
- (b) Records made under section 22 (1) of the Act;
- (c) Documents requiring certification for use in proceedings before another Tribunal, or before a Court or tribunal.

30. Offices of Tribunals—(1) For every Tribunal there shall be an office for the transaction of business relating to proceedings in the Tribunal.

(2) Every office shall be situated at such place as the Minister directs, and shall be in the charge of the Registrar.

31. Office hours—(1) The office of every Tribunal shall be open at the same times and on the same days as the office of the District Court of which the Tribunal is a division.

(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.

32. Holidays of Tribunals—(1) The days for the time being appointed to be observed as holidays in the Public Service shall be holidays on which the office of every Tribunal shall be closed.

(2) The Minister may by general or special order direct that any office be closed on any day specified in the order.

33. Records—(1) The Registrar shall keep a record of all proceedings of the Tribunal.

(2) The record required by this rule shall be kept by entries in books belonging to the Tribunal, in accordance with directions given under the authority of the Minister.

34. Accounts—(1) The 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 the trust account, referred to in rule 23 of the District Courts Rules 1948, of the District Court of which the Tribunal is a division, and shall be kept in the same manner as the other money in that trust account.

35. Searches—(1) The following persons may (without fee) search, inspect, and take a copy of the records of, and the documents lodged in, a 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 the Registrar that the person has a genuine and proper interest in the proceedings.

(2) If a person referred to in subclause (1) (a) or (b) or (c) of this rule disputes the exercise by the Registrar of the power conferred on the Registrar by subclause (1) of this rule, the Registrar shall, on that person's request, submit the request to a District Court Judge, whose decision shall be final.

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 Secretary for Justice shall cause every notice under section 8 (1) (a) of the Act—

- (a) To be published in at least one newspaper circulating in the area served or to be served by 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) of this rule shall be in form 11, and shall be accompanied by a curriculum vitae of the applicant.

(5) If any person to whom an invitation is given under subclause (3) of this rule 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.

37. Assessment of candidates—(1) The assessment panel shall select from the applications received by it under rule 36 (3) of these rules 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 of these rules, 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 shall—

- (a) Interview the candidate; and
- (b) Require the candidate to participate, in the role of a Referee, in at least 3 simulated proceedings under the Act; and
- (c) Hold a group discussion with the candidate and any other candidates on such topic or topics 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 of these rules.

(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 of these rules.

(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.

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 (S.R. 1977/137):
 - (b) The Small Claims Tribunals Rules 1977, Amendment No. 2 (S.R. 1986/359):
 - (c) The Small Claims Tribunals Rules 1977, Amendment No. 2 (S.R. 1988/35).
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Disputes Tribunals Act 1988

Claim

To: The Registrar
Disputes Tribunal

at

Applicant – you, the person making the claim

name	
address	
home telephone number	other telephone number

Respondent – the person you are claiming against

name	
home address	
work address (if known)	
home telephone number	other telephone number

If you have received a payment from your insurance company for part or all of the amount claimed (or may be able to) please show the name and address of your insurance company.

company
address

Details of claim	State amount of claim \$ <input style="width: 50px;" type="text"/>
I claim that:	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	

Contact with Respondent
State what contact you have had with the Respondent (the person you are claiming against) about this claim:

.....
.....
.....

Relief Sought
State what it is that you wish the Tribunal to do for you:

.....
.....
.....

Applicant's signature Date

In the District Court
at
DT no

Agreement to Extend Jurisdiction

Note: This agreement need only be completed if the amount of the claim exceeds \$3,000 but does not exceed \$5,000.

We agree that the Disputes Tribunal shall have jurisdiction to hear and determine this claim for \$	
Applicant's signature
Date
Respondent's signature
Date

COURT USE ONLY		
Date of hearing	time	am/pm
Place of hearing		
Signature of (Deputy) Registrar	date	

SCHEDULE—continued
FORMS—continued

Form 2

Rule 6 (1)

Disputes Tribunals Act 1988

NOTICE OF HEARING TO APPLICANT
Front

In the District Court
at
DT no

Agreement to Extend Jurisdiction

Note: This agreement need only be completed if the amount of the claim exceeds \$3,000 but does not exceed \$5,000.

You have agreed that the Disputes Tribunal shall have jurisdiction to hear and determine this claim for \$

Applicant's signature

Date

Respondent's signature

Date

NOTICE OF DATE OF HEARING

Take notice that this claim will be heard by the Disputes Tribunal as follows:-

Date of hearing time am/pm

Place of hearing

Signature of (Deputy) Registrar date

SEE IMPORTANT NOTES OVERLEAF

Disputes Tribunals Act 1988

Notice of Hearing to Applicant

To: The Applicant

Applicant

name
address
home telephone number
other telephone number

Respondent

name
home address
work address (if known)
home telephone number
other telephone number

Applicant's insurer

company
address

Details of claim amount of claim \$

You claimed that:

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Contact with Respondent
You stated that you have had the following contact with the Respondent about this claim:

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Relief Sought
You stated that you wanted the Disputes Tribunal to do the following for you:

.....

.....

.....

Applicant's signature Date

SCHEDULE—*continued*FORMS—*continued*Form 2—*continued*NOTICE OF HEARING TO APPLICANT—*continued*

Back

Important information for you – the Applicant**Date of hearing:**

The Registrar will tell the Respondent about your claim. If the Respondent is able to be given notice of the claim at the address you have given, the hearing will go ahead at the time and date shown on the other side of this form. If not, you will be informed.

Settlement of Claim:

If the WHOLE amount of your claim is paid before the hearing, you need not attend, BUT you MUST tell this office immediately if the respondent pays you direct.

Attendance at Hearing:

When you go to the hearing, please wait in the area outside the Tribunal room, together with any witnesses you may bring with you. The Referee will call you when the hearing is ready to begin.

Bring to the hearing ALL documents that will help you put your case. These may include accounts, statements from witnesses, photographs, and copies of agreements. You should arrange for any witnesses who can support your case to be present at the hearing.

Help or Further Information:

If you would like any help or information about this claim, please contact the Disputes Tribunal office, at your nearest District Court, between the hours of 9.30 a.m. and 4.00 p.m., Mondays to Fridays inclusive. Court staff are there to help.

The Court telephone number may be found towards the front of the telephone book, under Government Departments – Justice Department.

SCHEDULE—continued
FORMS—continued

Form 3

Disputes Tribunals Act 1988

Rule 6 (2)

NOTICE OF HEARING AND PARTICULARS OF CLAIM TO RESPONDENT/OTHER PARTY
 Front

In the District Court
at
DT no

Agreement to Extend Jurisdiction

Note: This agreement need only be completed if the amount of the claim exceeds \$3,000 but does not exceed \$5,000.

It has been agreed that the Disputes Tribunal shall have jurisdiction to hear and determine this claim for \$

Applicant's signature

Date

Respondent's signature

Date

NOTICE OF DATE OF HEARING

Take notice that this claim will be heard by the Disputes Tribunal as follows:-

Date of hearing time am/pm

Place of hearing

Signature of (Deputy) Registrar date

SEE IMPORTANT NOTES OVERLEAF

Disputes Tribunals Act 1988

Notice of Hearing and Particulars of Claim to Respondent/Other Party

To: [The Respondent/Other Party]

Applicant – the person claiming against you

name	
address	
home telephone number	other telephone number

Respondent – you, the person claimed against

name	
home address	
work address (if known)	
home telephone number	other telephone number

Applicant's Insurer

company
address

Details of claim	The amount claimed is \$
The Applicant has claimed that:	
.....	
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.....	

Contact with Respondent
 The Applicant has stated that the Applicant has had the following contact with the Respondent about this claim:

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.....
.....

Relief Sought
 The Applicant has stated that the Applicant wishes the Tribunal to do the following:

.....
.....
.....

Applicant's signature Date

SCHEDULE—continued

FORMS—continued

Form 3—continued

NOTICE OF HEARING AND PARTICULARS OF CLAIM TO
RESPONDENT/OTHER PARTY—continued

Back

Information for Respondent – The Party Claimed Against*(the Court Registrar is to delete this panel if it does not apply)*

This notice results from a claim made against you in a Disputes Tribunal. Details of the time and place of hearing and of the claim are overleaf.

Information for Other Party*(the Court Registrar is to delete this panel if it does not apply)*

You have been sent this notice because of the connection you appear to have with the claim made by the Applicant against the Respondent. Your presence at the hearing appears necessary to enable the Tribunal to decide the claim and grant appropriate relief.

General Information for Respondent and Other Party**Settlement of Claim:**

You may pay to the Applicant or to the Court Office the whole amount claimed, at any time before the hearing. This will dispose of the claim and you will not need to attend the hearing.

If you agree to part of the claim (but not all of it), you can pay either to the Court or to the Applicant the amount which you think the Applicant is entitled to. If the Applicant accepts this amount in final settlement of the claim, the case is finished and you do not need to attend the hearing. But if not, you will have to attend the hearing on the date shown.

IF YOU DO NOTHING AND DO NOT ATTEND THE HEARING, AN ORDER CAN BE MADE AGAINST YOU FOR THE TOTAL AMOUNT OF THE CLAIM.

Insurance:

If you are or may be entitled to be indemnified by an insurance company in respect of the Applicant's claim, then you are required to notify the insurance company about this claim.

Please make sure the insurance company gets a copy of this claim as soon as possible.

IMPORTANT: YOU WILL HAVE TO SATISFY THE TRIBUNAL, AT THE HEARING, THAT YOU HAVE IN FACT ADVISED THE INSURANCE COMPANY ABOUT THIS CLAIM.

Attendance at Hearing:

When you go to the hearing, please wait in the area outside the Tribunal room, together with any witnesses you may bring with you. The Referee will call you when the hearing is ready to begin.

Bring to the hearing ALL documents which will help you put your case. These may include accounts, statements from witnesses, photographs, and copies of agreements. You should arrange for any witnesses who can support your case to be present at the hearing.

Help or Further Information:

If you would like any help or information about this claim, please contact the Disputes Tribunal office at your nearest District Court, between the hours of 9.30 a.m. and 4.00 p.m., Mondays to Fridays inclusive. Court staff are there to help.

The Court telephone number may be found towards the front of the telephone book, under Government Departments – Justice Department.

Me kei te rapa haeretia e koe nga kaiwhina mo enei ahutanga Disputes Tribunal me haere tika tonu koe ki nga whare ote tari ote ture e wahana nga koti.

Kapau leva 'oku ke fiema'u ha tokoni, kataki 'o fakafetu'utaki ki he Disputes Tribunal i he fakamaau'anga Fakavahe (District Court).

Me ka inangaro koe I tetai tauturu e aere koe e arfvei me kore e ui atu kite Disputes Tribunal ote ngai akavaanga.

A mana'omia se fesoasoani fa'amolemole fa'afeso'otai Disputes Tribunal ile fale fa'amasino.

SCHEDULE—continued
FORMS—continued

Form 4

Rule 8

Disputes Tribunals Act 1988

ACKNOWLEDGEMENT FROM APPLICANT'S INSURER

In the District Court
at
DT no

Applicant

name
address

Respondent

name
address

1 Waiver of Notice
I, (state name of Insurer)

do not require notice of these proceedings under section 25 of the Disputes Tribunals Act 1988.

2 Subrogation

In this claim — the Uninsured losses are	\$:
— the Insured losses are	\$:
total	\$:

I, (state name of Insurer)

* abandon, in relation to these proceedings, my rights of subrogation in respect of \$:
and wish to exercise my rights of subrogation in respect of
the balance of the Insured losses of \$:

* OR abandon, in relation to these proceedings, all my rights of subrogation.

Signature of Insurer

Date / /19

Signature of Applicant

Date / /19

* Delete the option that does not apply

SCHEDULE—continued
FORMS—continued

Rule 14 (1)

Form 5
Disputes Tribunals Act 1988
SUMMONS TO WITNESS

In the District Court
at
DT no

To: [Name of witness]

[Address]

.....

You are required to attend the Disputes Tribunal to give evidence as a witness in a dispute between:—

(name), (address), Applicant, and

(name), (address), Respondent.

The Tribunal hearing will be held at
on day the day of 19 at am/pm,
and, after that, at such times and places to which the proceedings may be adjourned.

You are required to attend the hearing at the above place and time, and to bring with you and produce at the hearing the following documents:
.....
.....
.....

(Deputy) Registrar date

SCHEDULE—continued
FORMS—continued

Form 6

Rule 20

Disputes Tribunals Act 1988

NOTICE OF OBJECTION TO ENFORCEMENT OF ORDER

In the District Court
at
DT no

To:— The Registrar
District Court

at

Applicant

name	
address	
home telephone number	other telephone number

Respondent

name	
home address	
work address (if known)	
home telephone number	other telephone number

Note:

The only ground on which you can object to enforcement is that you believe that the order of the Disputes Tribunal has been fully complied with and you therefore dispute the right of the person applying for enforcement to enforce it.

If you wish to object, complete this form and send it to the District Court at The objection will be referred to the Tribunal for decision and you will be notified of the date of the hearing.

Date of Tribunal Decision Place of hearing DT No

I (name), , of (address)

object to the enforcement of the order made by the Tribunal in these proceedings.

I believe the order was fully complied with on
(show date of compliance) 19

Signature of Objector date 19

SCHEDULE—continued

FORMS—continued

Rule 21

Form 7

Disputes Tribunals Act 1988

REQUEST TO ENFORCE WORK ORDER

In the District Court
at
DT no

To:— The Registrar
Disputes Tribunal

at

Applicant

name	
address	
home	other
telephone	telephone
number	number

Respondent

name	
home address	
work address (if known)	
home	other
telephone	telephone
number	number

Date of Tribunal Decision Place DT No

I, (name), request that the work order made by the Tribunal in this matter be enforced:-

(State term/s of the order you want enforced; the reasons why you consider the order has not been complied with; whether the other party has complied with the alternative money order, and any other relevant information)

.....

.....

.....

.....

.....

.....

Signature of Party making request date

SCHEDULE—continued
FORMS—continued

Form 8

Rule 22

Disputes Tribunals Act 1988

REQUEST TO ENFORCE TERM OF AGREED SETTLEMENT

In the District Court

at

DT no

To:- The Registrar
Disputes Tribunal

at

Applicant

name	
address	
home telephone number	other telephone number

Respondent

name	
home address	
work address (if known)	
home telephone number	other telephone number

Date of Tribunal Decision Place DT No

I, (*name*), request that a term of an agreed settlement approved by the Disputes Tribunal in this matter be enforced:-
(State term you want enforced; the reasons why you consider the term has not been complied with, and any other relevant information)

.....
.....
.....
.....
.....

Signature of Party making request date

SCHEDULE—continued
FORMS—continued

Rule 23

Form 9

Disputes Tribunals Act 1988

APPLICATION FOR REHEARING

In the District Court at DT no
--

Disputes Tribunals Act 1988

Application for Rehearing

To: The Registrar
 Disputes Tribunal

at

Applicant

name	
address	
home telephone number	other telephone number

Applicant's Insurer

company
address

Respondent

name	
home address	
work address (if known)	
home telephone number	other telephone number

Other Party

name	
address	
home telephone number	other telephone number

Application for Rehearing:

Note: This application must be filed within 28 days of the Disputes Tribunal's order (or approval of agreed settlement or variation of term of agreed settlement) or within such further time as the Tribunal may, on application, allow.

I, (name), wish to apply for a Rehearing of this claim, heard at on (date), for the following reasons:- Signature of Applicant for Rehearing Date
--

Disputes Tribunals Act 1988

Notice of Appeal

To: The Registrar
District Court

at

Applicant

name	
address	
home telephone number	other telephone number

Applicant's Insurer

company
address

Respondent

name	
home address	
work address (if known)	
home telephone number	other telephone number

Other Party

name	
address	
home telephone number	other telephone number

In the District Court
at
DT no

Notice of Appeal

Note: This Notice of Appeal must be filed within 28 days of the Disputes Tribunal's order (or approval of agreed settlement or variation of term of agreed settlement) or within such further time as a District Court Judge may, on application, allow.

Date of Tribunal Decision	Place	DT No
I, (name), wish to appeal against "the order"/"the approval of an agreed settlement"/"the variation of a term of an agreed settlement in these proceedings on the following grounds:-		
EITHER	* a) The proceedings were conducted by the Referee:-] in a manner that was unfair to myself and prejudicially affected the result of the proceedings.
OR	* b) An inquiry was carried out by an Investigator:-	
Give details of why you say there was unfairness and prejudice:		
.....		
.....		
.....		
.....		
.....		
Signature of Appellant		Date
Solicitor for Appellant		
* Delete if not applicable		

Disputes Tribunals Act 1988
 NOTICE OF APPEAL
 Form 10
 SCHEDULE—continued
 FORMS—continued

COURT USE ONLY	Date of hearing	time	am/pm
	Place of hearing		
	Signature of (Deputy) Registrar	date	

SCHEDULE—*continued*

FORMS—*continued*

Rule 36 (4)

Form 11

Disputes Tribunals Act 1988

APPLICATION FOR APPOINTMENT AS REFEREE

Disputes Tribunals Act 1988

Application for Appointment as Referee

(**Note:** Please complete this form and return it, together with your completed curriculum vitae, to the Registrar, District Court, , by 19)

I, (*name*), of (*address*),

apply for appointment as a Referee of a Disputes Tribunal.

1. Why do you want to be a Referee?

2. What, in your view, is the role of a Referee?

3. What experience and personal attributes can you bring to the position of Referee?

4. Any additional comments?

Signature of Applicant Date 19

MARIE SHROFF,
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 March 1989, regulate the procedure to be followed in respect of proceedings under the Disputes Tribunals Act 1988, which comes into force on that date.

These rules also set out the criteria and procedure for the assessment of candidates for appointment or reappointment as Referees under that Act.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 23 February 1989.
These rules are administered in the Department of Justice.