

An Information Guide to Completing the Disputes Tribunal Application Form and What Happens Next

Using this guide

This guide will provide you with information that will assist you to complete the application form as well as providing some of the important reasons why this information is needed.

There are a range of reasons why the information being requested on the application form is necessary.

By providing all the information it will ensure your application proceeds without delay and both parties are given equal opportunity to produce evidence in relation to the dispute.

As the Applicant the onus is on you to ensure you have completed the application form correctly with all of the required information. If your application is not fully or accurately completed it may be returned to you.

Please note: The Disputes Tribunal is not an avenue for the recovery of:

- Undisputed debt or
- Situations whereby a party is refusing to pay monies they acknowledge they owe.

Before completing the claim form please ensure you read carefully the application information page prior to submitting. This information will cover such things as:

- Filing fee information
- Requests to keep information confidential
- The importance of having the correct names on the application form

How to file a claim?

There are two options for filing a claim in the Disputes Tribunal:

1. You can submit and pay for filing your application online by clicking the apply online button at disputestribunal.govt.nz/forms-and-fees/ and filling out the web form, or
2. By downloading the blank form at disputestribunal.govt.nz/forms-and-fees/ completing the form then handing it in to your local court registry. Note: Payment for filing your application can be made via cash or eftpos.

Please note: You can also obtain a copy of the blank form from your local court registry.

Step 1: Who is making the claim?

It is critical you provide completed Applicant details otherwise your claim may be returned.

Ensuring the right parties and their details are captured correctly is an essential part of filing a Disputes Tribunal application.

You will be known as the Applicant. Are you:

- An Individual or individual trading as John Doe Lawnmowing.
- A registered company
- An Incorporated society
- A Partnership
- A Trust, or
- Other (Provide as much information as you can)

Contact person name:

- Always include a contact person name for an organisation in the event any questions arise that need clarifying about your application before it can be accepted and processed by the Ministry's Central Registry.

Addresses:

- Provide your physical address where you reside or where your business is located (Note: this will not be provided to the other party if confidentiality has been granted).
- Provide postal address only if it is different from your physical address
- We require at least one means of prompt contact. Include your contact phone number or email address (ideally both). This will assist with any communications required from the Ministry of Justice.

Interpreter Assistance:

- If you think you may require an interpreter to assist you in the hearing, ensure you name the language you require and dialect (if applicable).

Bank Account Details:

- This is optional but useful for easy and quick payment in the event a Referee makes an order in your favour.

Step 2: Claimant insurance and insurer details

- It is important that the Applicant advises whether this dispute is potentially covered by their insurer even if no insurance claim has been made.
- If so, it is a legal requirement that an Applicant include the name and address of their insurer. This may result in the insurer being joined as a party.

Step 3: Who is the claim against

- The Applicant is responsible for providing the correct full legal names and contact details for all parties.
- It is critical the both the Applicant and Respondents full legal names and contact details are accurately stated. If they are not accurately recorded the application may be returned.
- To obtain the full legal names of registered companies refer to the New Zealand companies website and search the companies register. [Companies-register.companiesoffice.govt.nz/](https://companies-register.companiesoffice.govt.nz/)
- Often a person is not operating as a registered company and should be recorded as an individual. Example John Doe t/a John Doe Lawnmowing.
- Having correct full legal Respondent names and contact details ensures any possible enforcement proceedings can be undertaken after the hearing as well as ensuring the Respondent has equal opportunity to attend and respond to the claim being made.
- Where possible please provide the email address and contact phone number for the Respondent. This will assist with any communications required between the Ministry of Justice and parties.
- Key additional points to remember when completing the claim form:
 - Do not name overseas based Respondents with overseas addresses.
 - The Applicant must provide a New Zealand address for a Respondent.
 - The Applicant must provide a New Zealand service address for a Respondent company.

Step 4: Anyone else you wish to claim against?

- Often there is more than one party to a dispute. To avoid unnecessary adjournments, it is important the Applicant identifies and includes all the parties they may have a claim against in relation to the dispute.
- It is also the Applicant's responsibility to provide correct full legal names and contact details.
- Every named party in the claim is entitled to attend the hearing and be provided with all information supporting the claim as filed by the Applicant.
- If you wish to file additional supporting information after the claim has been filed you must ensure you have provided a copy to each other party to the claim.
- If you are filing a paper application form with the local court registry court and running out of room to provide the names and details of all additional parties, please provide these on a separate piece of paper.

Step 5: Details of the dispute

- You will need to provide a dollar value for your claim. Even if you are not seeking the payment of money. This will determine the filing fee you will be required to pay when submitting your application and of any work to be done or property to be returned.
- Once you have submitted a claim amount you need to provide as much information possible to support your claim.
- This information will be provided to all parties in advance of the hearing.
- Any supporting documentation should also be attached. If this information is not attached the hearing may be adjourned to another date.

Step 6: Why is the Respondent(s) still disputing your claim?

- This is important information required by the Referee to understand why the claim is disputed.

Step 7: Sign and date this form

- Once you have completed Steps 1 through to 6 and are happy that you have provided enough information for the Tribunal then you just need to sign and date the form.

Note: If you are submitting your claim online you can print your name instead of providing a signature.

Step 8: Do a quick check

- Ensure you have completed all of the fields before submitting your application.
- Provided additional copies of documents for all Respondents when filing a physical application form.
- You have attached supporting documentation.
- The application is signed/name printed and dated.
- You have paid for filing your application, either online, or in person at the local registry counter.

Step 9: Send or Submit this form

- For online applications simply submit your application, attach your supporting documents and pay your filing fee.
- For downloaded paper application forms with filing fee please hand this in to your local court registry. Find your local court registry address at <https://www.justice.govt.nz/contact-us/find-us/>

Step 10: Request for Confidentiality

- Confidentiality with regard to contact details is an important consideration.
- Any decisions regarding confidentiality are considered by the Registrar who receives your application.
- If confidentiality is requested, it is important you state why you are making such a request and your safety concerns in relation to this.
- If you are requesting your personal details to be kept confidential, please remove any identifying personal information in this form and any accompanying documents (with the exception of your Step 1 details).

If you are wanting to keep your details confidential then you will need to tick one or more of the following options;

- I want to keep my physical address confidential
- I want to keep my email address confidential
- I want to keep my phone numbers confidential
- Where a request for confidentiality has been declined you are given the option of whether you wish to continue with your application. If you state "NO" your application will be CLOSED and returned to you with no further action taken.

What happens next?

Once your application has been submitted it will be checked to ensure:

- all the necessary fields are accurately completed.
- the correct filing fee has been paid.
- The type of claim described can be heard by the Disputes Tribunal.

If your application is deficient in one or more of these areas it may be returned to you with your filing fee explaining why this has occurred.

How long will it take for the Tribunal to consider your application?

Once accepted by the Central Registry of the Ministry of Justice your application will be set down for a hearing at the nearest place to where the applicant resides or carries on business.

A Notice of Hearing will be sent to all parties to the dispute that will include a date, time, and place of hearing.

As the Applicant it is your responsibility to ensure the other parties to the dispute are served in advance of the hearing with copies of the supporting information you intend to produce at the hearing. Failure to do this will mean that your hearing is likely to be adjourned to a later date to allow the respondent(s) time to consider the information.

The majority of claims are heard within 90 days of receipt of the application. The time taken may depend on the complexity of the dispute.

Hearings and who can attend?

Dispute Tribunal proceedings are held in private.

They are presided over by a Referee under warrant of the Governor-General.

There is no ability to select which Referee will preside over a Disputes Tribunal proceeding.

Parties are not able to be represented by lawyers at Disputes Tribunal hearings. With the Referees permission they may approve a support person who has never been a lawyer.

Hearings are recorded by the Tribunal however this audio is not available for release to parties unless an Appeal has been lodged and a District Court Judge has approved the release of a transcript.

The Tribunal's decision

Following the hearing, a decision will not usually be given at the hearing. In most cases a written decision will be sent to the parties' after the hearing.

Decisions of the Disputes Tribunal are enforceable as if they are decisions of the District Court. Questions regarding enforcement should be discussed directly with your local court registry office or you can refer back to your order document for more information.



In the event of non-compliance with the order made by the Disputes Tribunal Referee it is the parties' responsibility to take any necessary enforcement steps by applying directly to your local District Court.

Applying for a rehearing

Section 49 of the Disputes Tribunal Act 1988 states the Tribunal may order the rehearing of a claim following the application by a party and may grant the application on any terms it thinks fit.

A party can apply directly to their local court registry for a rehearing within 20 working days after the Tribunals' order.

A Rehearing application form is available on the Ministry of Justice website available.

Disagreeing with the outcome of the hearing does not mean you have grounds for a Rehearing.

Appealing the Tribunal's decision

Section 50 of the Disputes Tribunal Act 1988 states any party to a proceeding before the Tribunal may Appeal to the District Court against an order made by the Tribunal on the grounds that:

- The proceedings were conducted by the Referee or
- An inquiry was carried out by an Investigator

In a manner that was unfair to the appellant and prejudicially affected the result of the proceedings.

Please note: Appealing to the District Court is not an opportunity for parties to revisit findings of fact made by the Referee or to be used in situations where parties are unhappy with the outcome.

Important Note

This pamphlet is only a guide. The Tribunal determines its own procedures. In some case's a procedure may be adopted that is different from what is outlined here.

Tribunal contact details

Disputes Tribunal
DX SX 10042
Wellington
New Zealand

Ph: 0800 268 787

Website: disputestribunal.govt.nz/

