



# Disputes Tribunal

Nau mai, Haere mai!



MINISTRY OF  
**JUSTICE**  
*Taha o te Ture*

## Who are we?

The Disputes Tribunal is a quick and cost-effective way to settle disputes. If you have a legal issue that has been troubling you, let us see if we can help you. At the heart of our kaupapa is a desire to ensure that everyone has an opportunity to be heard, regardless of their means, ethnicity, or language.

The Disputes Tribunal is not like a formal court. A lawyer cannot represent you in the hearing and there are no judges.

The hearing is run by a referee, who will listen to both sides, identify the issues, and review the evidence. The referee will then help parties to reach a settlement. If this is not possible, the referee can make a decision for you. This order is legally binding, as it is an order of the District Court.

The referee is independent and impartial and is there to help you find a resolution that is fair and legally justified. There are 55 referees in 36 District Courts around the country, so help is available no matter where you live.

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## Watch our short online videos on Ministry website

[www.disputestribunal.govt.nz/about-2/](http://www.disputestribunal.govt.nz/about-2/)

## What can we help with?

The Tribunal can hear claims up to the value of \$30,000.00. Examples include:

### Contracts which have been breached

For example, disputes about:

- What was agreed, and whether it is binding
- Who the parties are to the contract
- How much is owed, or how long the work has taken
- Cancellation of a contract, including the return of deposits
- Recovery of interest and collection costs

### Buying goods or services

For example, disputes about:

- goods bought from businesses that don't work properly or that haven't lasted
- goods bought on TradeMe or Facebook that are not as advertised
- quotes and estimates
- the quality of services supplied, whether in business, or at home

### Damage to your property

For example, disputes about:

- car accidents
- property that's been borrowed and not returned
- Damage whilst goods are in transit

## Neighbour issues

For example, certain disputes about:

- sharing the cost of fences
  - tree roots damaging drains
  - costs of maintaining shared driveways (depending on the legal basis for the sharing)
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## What we can't help with

We are not able to deal with disputes about:

- residential tenancies (disputes between landlords and tenants)
  - body corporate issues in an apartment block (unit title development)
  - employment contracts
  - family law issues, such as relationship property and care of children
  - tort claims (e.g., negligence, nuisance, trespass, conversion) where there is no damage to property, but just an economic loss
  - entitlements under a will
  - rates, taxes, social welfare benefits or ACC payments
  - trade secrets or intellectual property (e.g., copyright issues, or who owns an idea or creative work)
  - the recovery of land, or title to land
  - decisions made by Government agencies or Councils about their fees or operations
  - certain debts, where there is no dispute about the sum owed
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## Where to go if we cannot help

- For residential tenancies, or body corporate disputes, go to Tenancy Services ([tenancy.govt.nz/disputes](https://www.tenancy.govt.nz/disputes))
- For employment matters, go to the Employment Relations Authority ([era.govt.nz](https://www.era.govt.nz))
- For Family Court matters, call 0800 2 AGREE (0800 224 733) during business hours
- For disputes about Government agencies or Councils go to the Ombudsman ([www.ombudsman.parliament.nz/](https://www.ombudsman.parliament.nz/))
- For undisputed debts, use the debt recovery processes of the District Court ([www.justice.govt.nz](https://www.justice.govt.nz))
- For civil claims not in jurisdiction, file a Notice of Claim in the District Court ([www.justice.govt.nz](https://www.justice.govt.nz))
- For claims over \$30,000.00, you will need to either reduce your claim to come to the Disputes Tribunal or take the whole claim to the District Court or High Court. Using the Disputes Tribunal will be far quicker, and cheaper, than starting a civil claim in either the District or High Court.

## The Motor Vehicle Disputes Tribunal (MVDT)

If you have a dispute with a motor vehicle dealer about a vehicle you have purchased, you can choose to go to the MVDT instead of the DT. This is a specialist Tribunal where the adjudicator has the use of a vehicle assessor to assist with understanding what is wrong with the vehicle. This Tribunal can also deal with disputes of higher value, but only if they are about vehicles purchased from a dealer.

For more information about the MVDT, go to:

[www.justice.govt.nz/tribunals/motor-vehicle-dealer-disputes/](http://www.justice.govt.nz/tribunals/motor-vehicle-dealer-disputes/)

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### How to make a claim

To make a claim, it is easiest to apply and pay for the claim online. Go to:

[disputestribunal.govt.nz/how-to-make-a-claim/](http://disputestribunal.govt.nz/how-to-make-a-claim/)

When you are on the webpage, click on the blue 'Apply online' button.

Have all the information ready before you start.

Alternatively, you can file a claim using the paper form. To do this, print out the Disputes Tribunal claim form, fill it in and send it to us. To get the form, pick one up at your local court, or go to

[disputestribunal.govt.nz/how-to-make-a-claim/](http://disputestribunal.govt.nz/how-to-make-a-claim/)

You will need to give us three copies of the form and any other documents. (You do not need to do this when you apply online.) You can post your claim form to:

**Ministry of Justice  
Central Registry  
SX10042  
Wellington**

Alternatively, you can hand your claim form to your local District Court.

You can find the address of your local court at the following web address:

[justice.govt.nz/contact-us/find-us/](http://justice.govt.nz/contact-us/find-us/)

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### How to pay when you apply using the paper form

If you are sending us your claim form by post or courier, you must pay by EFTPOS, credit card or cash at the local court. Do not send cash in the post.

If you are handing your claim form to your local court, you can pay by EFTPOS, credit card or cash at the court.

## Application fee

If the total amount of your claim is less than \$2000, the fee to apply is \$45.

If the total amount of your claim is between \$2000 and \$5000, the fee is \$90. If the total amount of your claim is \$5000 or more, the fee is \$180.

For more information on fees, go to

[disputestribunal.govt.nz/forms-and-fees/](https://disputestribunal.govt.nz/forms-and-fees/)

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## What you'll need to make a claim

**Your nearest court:** You need to know the address of the District Court closest to where you live. If you apply online, you'll be asked for this information. If you apply by delivering the form to the court, you'll need to go to this court. To find your nearest court, go to

[justice.govt.nz/contact-us/find-us/](https://justice.govt.nz/contact-us/find-us/)

Information you need to give us: You must ensure you have all the information below when you make your claim.

- your name, address and phone number
- the other party's name, address and phone number
- details of any other parties involved
- your insurance company's details, if your insurance might cover your claim
- details of the dispute and the amount you are claiming.

## Your contact details

Let us know straight away if your contact details change after you have sent us your claim.

### Keeping your contact details private

You can ask for your address or other contact details to be kept private from the other parties. You can do this in the 'Applicant's contact with respondent' section. Add your request and your reasons at the top of the section. The Registrar will make a decision as to whether this request is granted.

Sometimes the respondent may need to send you evidence or other documents about the dispute. If your address is to be confidential, let us know if there is another way the respondent can send you documents (such as by email or to a postal address). If not, documents will be sent to you by the court.

### Respondent's full contact details

If you do not have the respondent's correct details, it can stop your claim going ahead.

Contact details are also critical for enforcement of any order at the end of the process. As well as their name, address and phone number, it can help to have:

- their home and business address
- a PO Box number
- their email address
- details of any vehicle they own.

## Full details if the respondent is a company or other organisation

You must give the legal name of the organisation.

Check if the business is a limited liability company:

- These companies include 'Ltd' in the business name.
- The legal name of the company may be different from their trading name. Check any invoice you have to find their legal name.
- You can get their name (and their registered address) on the Companies Office website at [companies-register.companiesoffice.govt.nz/](https://companies-register.companiesoffice.govt.nz/)
- If the business is not a limited liability company, give the owner's name.
- If the organisation is an incorporated society or a charitable trust, you can find their details on the Incorporated Societies Register website at [societies.govt.nz/](https://societies.govt.nz/)
- If a trust is not a charity (for example, a family trust), you need to include the names of the trustees.

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## Other people or organisations involved

If there is another person or organization, who you want to claim against, add their details under the section for the 'second respondent'.

## Your insurance if your claim might be covered

If your insurance policy might cover the loss you want to claim for, contact your insurer. Your insurance company has the right to take part in the Tribunal hearing if you make a claim, or may make the claim for you, provided you agree.

You can choose not to put in an insurance claim if, for instance, you don't want to lose your no claims bonus or the loss suffered is less than your excess.

If you do not want to make an insurance claim, you can ask your insurance company to sign the waiver on the 'Acknowledgement from Applicant's Insurer' form.

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## Details of your claim

You need to give clear details of the dispute and what you want done to resolve it. In general, you should cover:

- what happened
- when
- where
- who was involved
- what the damage or loss was
- what you want done about it
- the amount you're claiming.

## Other documents

You can attach other documents with your form.

If you are applying online, each attachment needs to be under 5MB.

If you're applying by paper form, you need to give us three copies of the form and any other documents.

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## If a claim is made against you

If a claim is made against you, you'll get a notice of hearing telling you about the claim. This will tell you when and where the Tribunal will hear the claim. You can then:

- contact the person making the claim and try to settle it without going to the Tribunal
- go to the hearing and defend the claim
- if you think you have a claim against the other party, file a counterclaim in the tribunal
- apply to the Tribunal to have the hearing by phone conference if you live a long way from where the claim will be heard.

If you think the applicant (the other person) is at fault, and that they owe you money, you can make a counterclaim

You must make the counterclaim as soon as possible. This will allow both the claim and the counterclaim to be heard at the same hearing.

## How to make a counterclaim

You make a counterclaim the same way you make a claim. You'll need to tell us you're making a counterclaim and note the CIV number from the notice of hearing.

If you are using the paper form, write 'Counterclaim' and the CIV number at the top of the form. To make a counterclaim, you use the same form as for making a claim, the Disputes Tribunal claim form (as described earlier in this brochure).

Once we get your counterclaim, we will tell the other parties that it has been filed.

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## Do you have insurance that may cover the claim?

Your insurance company can take part in the hearing if it has paid you for the loss or damage, or if it might have to pay.

If a claim is made against you and you think you can claim insurance, you must contact your insurance company immediately.

## After you make a claim

Once the Registrar receives your claim, it will send all the parties involved a notice setting out the time, date and place of hearing.

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## The hearing

Disputes Tribunal hearings are informal. There is no judge or jury. The hearing is run by a Referee. It is usually in a smaller hearing room rather than a courtroom.

Although the referee will lead you through the hearing, it will help you to prepare to watch the video on what happens at a hearing (see the link on the first page of this brochure).

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## Preparing for a hearing

Whether you're the applicant bringing the claim or the respondent defending it, you should prepare for your hearing. You cannot take a lawyer to the hearing so it's up to you to make your case clearly.

- Write down the main things you want to say. You can read this out at the hearing
- Gather evidence such as letters, invoices, receipts, contracts, quotes, photos or police reports.
- Ask any witnesses who can support your case to come to the hearing.

- Send any documents to us before the hearing. You can post, courier, scan or hand them in at the court counter.
  - Whenever you send us documents, please include the CIV number from your notice of hearing and the hearing date if you know it. You also need to send a copy of the documents to the other parties.
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## If you can't attend on the date set

If you cannot come to the hearing on the date it is set for, you can ask for the hearing to be put off to a later date. You need a good reason, such as being ill or away with pre-planned travel.

You may have to give proof, such as a medical certificate or your flight itinerary. Contact us straight away. That will mean you will have time to prepare if the Registrar or Referee does not grant your request.

If you do not get a postponement, the hearing will go ahead whether you're there or not.



## **If you live a long way from where the hearing's held**

The notice of hearing will tell you where the hearing will be held. This will usually be in a Tribunal hearing room at the District Court where the claim was made. If you live a long way from the court, you can apply to take part by phone conference from a court closer to you. If the Referee does not live in the same town as the Court, both parties may be offered a first hearing by telephone. Read your notice of hearing closely to make sure you have noted whether the hearing will be conducted over the phone or you are required to attend in person.

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## **Decision in your favour**

Parties are usually given an opportunity to resolve matters by agreement. If this is not possible, the Referee will make a decision for you. Most commonly, this decision is sent out to you in writing after the hearing up to two or three weeks after the hearing. The decision is an order of the District Court, and is legally binding (it must be followed).

The Tribunal does not check that the decision is complied with. It is up to the parties to enforce the order if this is needed. There is information on the back of the order about how to contact the Ministry of Justice collections staff.

If you use the Ministry collections processes, you will need to know, and be able to provide, the respondent's latest contact details to enable any enforcement process to occur.

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## **Decision not in your favour**

If the decision is against you, it will set out what you must do and by when. The decision is an order of the District Court and is legally binding (it must be followed).

You and the other party will need to arrange how you will comply with the Disputes Tribunal Order. If you do not comply with the order, the other party may enforce it against you. This may result in having to attend a financial assessment, or being contacted by a bailiff, or if the order is lodged with a credit agency, receiving a bad credit rating. In some circumstances, enforcement fees and interest can be added to the sum due.

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## **Rehearing's and appeals**

If you consider that the outcome is unjust, and you can show that there was a problem with the procedure adopted, you may be able to get a rehearing or appeal the decision. There is information on the back of your order as to how to go about doing this as well as the Ministry of Justice website.

## **Managing a court-ordered debt**

Most Disputes Tribunal Orders are about the payment of money. One of the most important steps you can take when you owe a debt is to talk to the other party about your ability to pay.

If you cannot pay the debt in a lump sum (in one payment), or as set out by the referee in the Order, you may be able to arrange with the creditor or their agent to pay by instalments (smaller amounts over time). The creditor can refuse an arrangement like this, but it can be worthwhile checking to see what can be agreed.

**We look forward to helping you resolve your dispute.**

**Ka kite ano!**

## Glossary

### **applicant**

a person who makes an application

### **application**

a request by a party that the Tribunal make an order, direction or decision

### **claim**

to make a demand for money, for property, or for enforcement of a right provided by law

### **counterclaim**

an independent claim against the person making the original claim

### **creditor**

the person or organisation money is owed to in a judgment or court order

### **debtor**

the person or organisation who owes money in a judgment or court order

### **enforcement**

action authorised by the District Court to get the judgment debtor to comply with a judgment or court order

### **filing**

formally lodging an application or other document with the Tribunal.

This can be done in person, by mail or online

### **order**

a decision of a Tribunal that requires a person to do, or stop doing, something. Failure to comply with an order may have serious consequences for the person who disregards it

### **party**

a person who is an applicant or respondent in any proceedings

### **proceedings**

a case being considered by a court. It is started (commenced) by an application

### **referee**

a judicial officer of the Disputes Tribunal who holds office under section 7 of the Disputes Tribunal Act 1988.

### **respondent**

the party called to answer an application, or the opposing party to an appeal

### **teleconference**

a conference with participants in different locations linked by telecommunication devices

