



Disputes Tribunal

When you need help to settle
a dispute

What is the Disputes Tribunal?

The Disputes Tribunal is a quick and inexpensive way to settle disputes.

The Disputes Tribunal isn't like a formal court. A lawyer can't represent you in the hearing and there are no judges. Each hearing is run by a referee, who will encourage both sides to reach agreement. If they can't, the referee makes a decision. This decision is binding (you have to follow it).

The Tribunal is covered by the Disputes Tribunal Act 1988 and the Dispute Tribunal Rules 1989. In 1989, the Tribunal replaced the Small Claims Court.

Types of disputes the tribunal can help with

The Tribunal is:

- for small claims up to \$30,000
- quicker, cheaper and less formal than court
- legally binding (you must follow its decisions).

The Tribunal can help with disputes about:

Car accidents or other vehicle issues

For example, disputes about:

- damage to a car in an accident
- damage to a bike in an accident
- damage to a vehicle when someone borrowed it.

Your house or flat

For example, disputes about:

- fences
- tree roots damaging drains
- damage to property
- property that's been borrowed and not returned
- flatmates not doing what they agreed to.

Buying goods or services

For example, disputes about:

- goods that don't work properly
- whether a tradesperson has done work properly
- the amount of money charged for work done
- loss caused by misleading advertising
- disputed debts.

Business deals

For example, disputes about:

- contracts
- business agreements.

You can use the Tribunal even if you've signed an agreement saying that you won't.

Types of disputes the tribunal can't help with

We can't deal with disputes about:

- renting (disputes between landlords and tenants) or body corporate issues
- rates, taxes, social welfare benefits or ACC payments
- intellectual property (copyright and who owns an idea or creative work)
- employment
- wills
- land
- family law issues such as relationship property and care of children
- debts when the person owing the money agrees they owe the debt but still doesn't pay. In other words, you can't use the Tribunal as a debt collection agency.

These types of disputes are subject to a different tribunal or authority. For example:

- Tenancy Services
go to www.tenancy.govt.nz/disputes
- Weathertight Homes Tribunal
go to www.justice.govt.nz/tribunals/weathertight-homes
- Employment Relations Authority
go to www.era.govt.nz

If you have a civil dispute for between \$30,000 and \$200,000, you'll usually go to the District Court. For larger or more

complex disputes, you'll usually go to the High Court.

How to make a claim

Making a claim is also known as filing or lodging a claim. You usually need to make a claim within 6 years after the event that caused the dispute. If you can't make the claim within 6 years, you should talk with a lawyer.

If you can't afford a lawyer you may be able to get legal aid or free community legal help. For more information, go online. See the weblink below.

Apply online

It's quickest and easiest to apply online. See the weblink below.

When you're on the webpage, click on the blue 'Apply online' button. Because you can't save your form once you start, it's important that you have all the information ready.

Before you go online to apply, read the section in this booklet called 'What you'll need to make a claim'.

www.justice.govt.nz/courts/going-to-court/

www.disputestribunal.govt.nz/how-to-make-a-claim

Or 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, go to the weblink below.

You'll need to give us 3 copies of the form and any other documents. (You don't need to do this when you apply online.) Post your claim form to:

Ministry of Justice
CPU
SX10042
Wellington

Or hand your claim form to your local District Court. To find the address of your local court, go to the weblink below.

How to pay when you apply using the paper form

If you're sending us your claim form by post or courier, you must pay by cheque (made out to 'Ministry of Justice'). Don't send cash in the post.

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

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

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

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.

There's more information about fees including how much it costs for a rehearing or appeal, or to enforce an order, on our website. See the weblink below.

What you'll need to make a claim

Find out where your nearest court is

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 in person, you'll need to go to this court. To find your nearest court, see the weblink below.

Information you need to give us

It's up to you to make sure you have all the information below when you make your claim.

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

The Tribunal won't follow up if you don't provide this information on the form:

- your name, address and phone number
- the respondent's name, address and phone number (the respondent is the person or organisation you're complaining about)
- details of any other parties involved ('second respondent')
- your insurance company's details, if your insurance might cover your claim
- details of the dispute and the amount you are claiming.
- what you've done to try to settle the dispute ('Applicant's contact with respondent' – when you make a claim, you're called the applicant).

Your contact details

Let us know straight away if your contact details change after you've 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 respondent. You can do this in the 'Applicant's contact with respondent' section. Add your request and your reasons at the top of the section.

Sometimes the respondent may need to send you evidence or other documents about the dispute. If you want to keep your address private, let us know if

there's 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 don't have the respondent's correct details, it can stop your claim going ahead.

If you have the respondent's full contact details, it can also make it easier to enforce the Tribunal's decision if it's in your favour. 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 <https://companies-register.companiesoffice.govt.nz/>
- If the business isn't 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 Register of Societies website at www.societies.govt.nz/cms
- If a trust isn't a charity, (for example, a family trust) you need to include the names of the trustees.

Other people or organisations involved

If there's another person or organisation who you want to claim against, add their details under the section for the 'second respondent'. For example, you might claim against both a business and one of its staff.

Your insurance if your claim might be covered

If your insurance might cover the dispute 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.

Sometimes your insurance company may offer to make your claim for you.

In this case:

- you need to agree for them to do this
- you'll still go to the hearing as a witness.

They may also offer to pay your claim fee.

You can choose not to put in an insurance claim if, for instance, you don't want to lose your no claims bonus.

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

Details of your claim

You need to give clear details of the dispute and what you want done to settle 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're applying online, each attachment needs to be under 5MB.

If you're applying by paper form, you need to give us 3 copies of the form and any other documents.

What you've done to settle the dispute

In the section 'Applicant's contact with respondent', describe what you've done to try to resolve the dispute and what response you've had from the other party. You need to show that you've tried to sort out the dispute yourself before going to the Tribunal.

Our website has some examples of completed forms. See the weblink below.

Car and vehicle accident claim tips

On our website, you may like to read the story of a car accident dispute and see the example claim form. See the weblink below.

Contact details

If you think you'll be making a claim after an accident, contact the person involved and get any of their contact details that you don't already have:

- name
- phone number
- home and business address

- a PO Box number
- email address
- their vehicle details.

Other people or organisations involved

If the owner of the car wasn't driving, they're liable (you can make a claim against them) so they'll need to attend the hearing.

Insurance

If you have car insurance that might cover the claim, contact your insurance company.

Claim details for car accident

You might include:

- when and where the accident happened
- what caused the accident
- what issues you and the respondent disagree about
- how much you're claiming for
- road and weather conditions at the time
- witnesses who saw the accident
- details of the police report
- what you're claiming for (for example, the cost of repairing your car or your insurance excess).

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

What you've done to TRY TO settle the dispute

In the section of the form that says 'Applicant's contact with respondent', describe what you've done to try to resolve the dispute and what response you've had from the other party. You need to show you've tried to sort out the dispute yourself before going to the Tribunal.

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: making a counterclaim

If you think you have a claim against the other party, 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're 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. You can print out the form from our website. See the weblink below.

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

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

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.

Example claim form and hearing

If you want to see an example of a claim, counterclaim and hearing, go to www.disputestribunal.govt.nz/how-to-make-a-claim/examples-of-completed-claim-forms/

After you make a claim

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

The hearing

Disputes Tribunal hearings are informal. There's no judge or jury. The hearing is run by a referee. It's usually in a small hearing room rather than a court room. These rooms are set up like a meeting room with chairs around a table. You usually don't need to give evidence under oath.

You don't have to dress formally. You can wear clothes you feel comfortable in.

Although the referee will lead you through the hearing, you're more likely to get the result you want if you prepare well for the hearing and bring everything you need.

Preparing for a hearing

Whether you're the applicant bringing the claim or the respondent defending it, you should prepare for your hearing. You can't 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.
- You can give your case to the Tribunal in writing. This is called a written submission.
- Practise what you're going to say. This helps you make sure it's clear and logical.
- 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.

What you should take to the hearing

- Printed copies of all your evidence (you don't need to bring the originals).
- Pen and paper to take notes (you can ask the referee if you can bring a laptop or other device).
- Any legal references, such as advice from a lawyer or other adviser.

If you can't attend on the date set

If you can't come to the hearing on the date it's set for, you can ask for the hearing to be put off. You need a good reason, such as being ill or out of the country.

You may have to give proof such as a medical certificate or your flight itinerary. Contact us straight away. That will mean you'll have time to prepare if we don't agree to put off the hearing.

If you don't 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 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.

To get more information about what to expect at the hearing, go to the weblink below.

The decision

Decision in your favour

The referee will give a written decision that shows how the dispute must be settled. This is called an 'Order' and is legally binding (it must be followed).

The Tribunal won't check that the decision is followed. It's up to the parties to arrange this themselves.

Make sure you have the other party's contact details, like their:

- address (work and home)
- phone numbers
- email address
- details of any vehicles they own.

www.justice.govt.nz/courts/going-to-court/

It's up to you to get these details. The Tribunal won't trace the person for you. You'll need these details if you have to ask the court to force the person to follow the Order. Find out more about this at the weblink below.

Decision not in your favour

The referee will give a written decision that shows how the dispute must be settled.

If the decision is against you, it will set out what you must do and by when. This is called an 'Order' and is legally binding (you must follow it).

You and the other party will need to arrange how you'll follow the Order. They may contact you to remind you what you need to do and what may happen if you don't.

Rehearings and appeals

You may be able to get a rehearing or appeal the decision. Find out more at the weblink below.

If you don't follow an Order

If you don't follow the Order, the other party may:

- apply to the District Court to enforce the Order
- hire a debt collection agency to collect any debt
- get a lawyer to act on their behalf.

They won't be able to enforce the Order until after any deadline you were given in the decision has passed.

You may need to pay court fees, interest and other costs

If you don't pay money as you were ordered, the other party may enforce the debt through the District Court. There are fees for doing this. You'll need to pay these fees as well as the original debt.

You may also have to pay interest on the debt or other costs if the other party needs to enforce the Order.

There are fees to enforce the debt that will need to be paid when applying for enforcement. They fee cost can be added to the outstanding debt to be paid by the other party.

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 can't pay the debt in a lump sum (in one payment), or as set out 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. Find out more at the weblink below.

[www.disputestribunal.govt.nz/
going-to-a-hearing/](http://www.disputestribunal.govt.nz/going-to-a-hearing/)

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