

28 March 2023

Section (9)(2)(a)
[REDACTED]

Our ref: OIA 102955

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your further email of 28 February 2023 following the Ministry of Justice's (the Ministry's) Official Information Act 1982 response to you on 20 February 2023 (our ref: OIA 102193).

Firstly, I acknowledge your feedback regarding the information provided to you on 20 February 2023. The Ministry can confirm that there is nothing further to provide to you. As covered at the conclusion of this letter, you have the right to complain to the Ombudsman if you are not satisfied with the response.

Your further questions and my responses are set out below.

How many tribunal adjudicators appointed by the Tenancy Tribunal, overseen by the Ministry of Justice, have a required qualification? For those that do not, please advise what the special knowledge or experience deems them to fit S67(5)(b)?

The Ministry does not keep a record of the qualifications of appointed Tenancy Tribunal adjudicators. The Principal Tenancy Adjudicator is responsible for the recruitment process for Tenancy Tribunal Adjudicators. Appointees are either legally qualified or have sufficient experience in the opinion of the appointing Minister. I am therefore refusing this part of your request under section 18(g)(i) as the information sought is not held by the Ministry or any other agency subject to the Act.

Finally I would like to know why in a Tribunal hearing there appears to be no swearing on the bible or other as to the truth of contributors evidence. If this is a judicial process then surely that would be required.

I refer you to section 97 of the Residential Tenancies act 1986. Tenancy Tribunal adjudicators, as independent judicial officers, conduct hearings as they see fit, including whether to require evidence to be given under a promise. The information requested is publicly available, therefore I am refusing this part of your request under section 18(d) of the Act. You may access the information at www.legislation.govt.nz/act/public/1986/0120/latest/DLM95912.html

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/

If you are not satisfied with our response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz or by phone at 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'R Williams'.

Richard Williams

Group Manager (Acting), Courts and Tribunals, Regional Service Delivery