

7 October 2022

Section (9) (2) (a)

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Our ref: OIA 98311

Tēnā koe Section (9) (2) (a)

Official Information Act request: Disputes Tribunal policies and procedures

Thank you for your request of 11 August 2022, requesting, under the Official Information Act 1982 (the Act), information about policies and procedures relating to the Disputes Tribunal (the Tribunal). Your request was for the following:

I am now requesting information on Policies and Procedures to do with the Disputes Tribunal under the official information act.

What is the policy and procedure:

- 1. When a witness commits perjury while giving evidence at a tribunal hearing and evidence is provided to prove as such?*
- 2. As the tribunal hearings are recorded, is this evidence provided to the police as a criminal act so they can follow this up?*
- 3. What is the procedure around an Adjudicator who has personal or friendship ties with a party involved in the tribunal?*
- 4. Is it common practice for the tribunal to allow for a governing body official to commit perjury without consequence?*
- 5. If not what is the policy and procedure around reporting a governing body official who has committed perjury on behalf of the government agency they work for?*
- 6. As case managers receive the evidence regarding perjury, is it their responsibility to ensure that perjury is reported to the right authorities?*
- 7. Once the evidence is presented to the adjudicator that perjury has been committed is it their responsibility to ensure that perjury is reported to the right authorities?*
- 8. What consequence is set in place for those who work for the court and withhold information of perjury from the correct channels such as the police.*
- 9. What are the complaint procedures in place to report to the court staff who have been involved in a case who do not follow the guidelines for reporting perjury?*
- 10. If there is no policy around perjury at a Disputes Tribunal hearing, how can the judgement of an adjudicator be fair if they rule in favour of the party who commits perjury?*

While the Act allows New Zealanders to ask Ministers and government agencies for information, there is no requirement for agencies to create information, compile information they do not hold or provide or prove an opinion. Responding to these questions would either require the Ministry of Justice (the Ministry) to create new information or provide an opinion. I am therefore refusing your request under section 18(g)(i) as the Ministry does not hold the information requested. I can however provide the following general comments.

Consideration of cases

While the Ministry provides administrative support to the Tribunal, it is a judicial body that must operate independently from the Government, Ministers and their officials. It would therefore be inappropriate for the Ministry to comment on, or intervene in, the Tribunal's consideration of a case or any decisions made. This ensures that the judicial process remains free from any outside interference.

Allegations of perjury

Any allegations of perjury should be raised by way of complaint with the New Zealand Police.

Options available to challenge a Tribunal decision

If any party to a Disputes Tribunal proceeding feels they have been treated unfairly or otherwise, there are legislative remedies available under sections 49 and 50 of the Disputes Tribunal Act 1988.

Recording of hearings

Section 39 of the Disputes Tribunal Act requires hearings to be held in private and while hearings are recorded by the presiding Referee, these form part of the Tribunal record and are not distributed.

Conflict of interest

Where any judicial officer identifies that they may have a conflict of interest, they may recuse themselves from presiding over the proceedings.

You may want to seek legal advice on the matter you have raised. You may be able to access free legal information and advice from your local community law centre. There is more information at: communitylaw.org.nz

You have the right under section 28(3) of the Act to complain to the Ombudsman about the decision to extend the time for responding to your request. The Ombudsman may be contacted by emailing info@ombudsman.parliament.nz

Nāku noa, nā



Bruce Findlay

Acting Group Manager, Courts and Tribunals, Regional Service Delivery