

Position Profile

PRINCIPAL DISPUTES REFEREE

Key working relationships

- Chief District Court Judge
- Disputes Tribunal Referees
- Secretary for Justice
- Court staff and managers

Functions of the position

The functions of the Principal Disputes Referee are set out in section 6C of the Disputes Tribunal Act 1988. Those functions are:

- (a) To undertake appropriate measures to ensure that the integrity of the office of Referee is maintained and that Referees operate effectively and efficiently
- (b) To oversee and maintain the integrity of the selection process for Referees
- (c) To oversee the administrative performance of the Tribunals and of Referees
- (d) To give legal advice to Referees, as appropriate, to enhance the consistency of decision making
- (e) To advise the Chief District Court Judge on the assessment and fulfilment of the training needs of Referees
- (f) To advise the Chief District Court Judge on the rostering of Referees
- (g) To liaise, where appropriate, with interested persons on matters affecting the Referees or Tribunal proceedings
- (h) To liaise, where appropriate, with Referees
- (i) To carry out such other functions as are conferred on the Principal Disputes Referee by rules made under section 60 of the Disputes Tribunal Act 1988.

Key responsibilities

Resource and operations management

- Participate in the recruitment and selection process of Disputes Tribunal Referees
- Ensure ongoing support, supervision and monitoring of Referees' performance
- Ensure the availability of Referees for the effective and efficient operation of the Tribunals through the management of a roster and other such tools
- Monitor the performance of Referees
- Compile and distribute decisions of interest
- Provide information to Referees, Ministry of Justice and others as required on:
 - reserved decisions
 - adjournments
 - re-hearings
 - appeals
- Advise the Ministry of Justice on ways to improve operational efficiency.

Relationship management

- Establish and maintain effective working relationships with Ministry of Justice staff, in particular District Court and Operations and Service Delivery staff and managers.
- Manage the public relations for the Disputes Tribunal, including dealing with media queries, public queries and complaints and speaking at seminars.

Strategic Ability

- Anticipate future demand and location of demand through monitoring trends and planning strategically
- Set objectives and goals, short and long term, which take into account:
 - Legislative changes
 - Statistics on demand and performance
 - Geographic distribution of demands for services
 - Operational impact for the Ministry of Justice.

Professional Skills

- Ensure professional integrity of the office of Referee and the reputation of the Tribunal is maintained
- Sit as a Referee when required
- Promote alternative dispute resolution
- Interpret and advise on the Disputes Tribunal Act 1988, including any changes to legislation
- Demonstrate clarity of thought and reasoning in written and oral communication;
- Demonstrate an awareness of and sensitivity to differing social perspectives and cultural beliefs
- Demonstrate an awareness of the Treaty of Waitangi and an ability to relate to Māori needs and customs.

Criteria for Appointment

The criteria listed below will be used to determine the suitability of candidates for the position of Principal Disputes Referee. They are consistent with sections 6A and 6C of the Disputes Tribunal Act 1988 and Rule 35C of the Disputes Tribunal Rules. The criteria are:

- **Relevant qualifications and experience**
- **Personal honesty and integrity**
- **Leadership**
- **Management expertise**
- **Impartiality and good judgement**
- **Effective communication skills**
- **Connections to the community and an awareness of its diversity**
- **An awareness of Tikanga Māori**

1. Relevant qualifications and experience

The Principal Disputes Referee is statutorily required to have a legal qualification (or a qualification that the Minister of Justice considers is equivalent).

However, it is further considered that for any person to successfully fulfil the tasks required of a Principal Disputes Referee he or she need to:

- be knowledgeable and/or experienced in alternative dispute resolution techniques and/or conflict management
- be knowledgeable about the work of the Tribunal
- have a concern for enhancing access to justice to all New Zealanders.

2. Personal honesty and integrity

Personal honesty and integrity is essential for all judicial and quasi-judicial appointments. Applicants will be asked to declare any convictions, if they have ever been adjudicated as bankrupt, or any matter that may materially affect their credibility in office.

Any declared convictions will be inquired into and an assessment made based on their nature and relevance.

3. Leadership

The Principal Disputes Referee needs to be forward thinking, be able to determine and prioritise the strategies necessary for an effective and efficient tribunal and be capable of ensuring that the integrity of the office of Referee and the reputation of the Tribunal is maintained.

The successful candidate will have:

- the ability to establish and maintain positive working relationships with the Chief District Court Judge, fellow Referees and executive agencies (most particularly with the staff of the Ministry of Justice)
- the ability to establish links between the Disputes Referees at the local courts and the communities they serve
- the ability to provide advice to government on issues affecting the Tribunal; and
- the ability to liaise with any member of the public on any matter affecting Referees and the Tribunal.

4. Organising Skills

The Principal Disputes Referee is responsible for overseeing the appointment process, advising the Chief District Court Judge on the rostering of Referees, assessing and meeting the training needs of Referees as delegated by the Chief District Court Judge, providing the Referees with legal advice when appropriate in order to enhance the consistency of Tribunal decisions, and dealing with performance issues. The successful applicant will therefore need to possess well developed organisational and interpersonal skills.

5. Impartiality, open mindedness and good judgement

The Principal Disputes Referee, when sitting as a Referee, is responsible for making fair, competent and impartial decisions.

The successful applicant will need to:

- be open minded
- avoid showing fear or favouritism for any party involved in a matter before the Tribunal;
- be sufficiently confident to avoid any influence on decisions through flattery or criticism
- avoid being improperly influenced by the demands of any particular group or organisation or the desire for personal popularity
- be free from overt and strongly held social or religious beliefs, or extensive business interests that might cause, intentionally or unintentionally, bias in the decision-making process
- recognise any conflict of interest that may arise because of previous or present business and personal relationships
- quickly bring together a mass of information, assess the facts, and make consistent decisions
- make practical, common-sense and fair judgments
- assess and engage in alternative ways of resolving disputes when such alternatives are appropriate.

6. Effective communication skills

Good communication skills are essential.

The successful applicant will need to:

- be a receptive listener
- speak in a way that is easily understood by the relevant audience;
- be able to write clearly
- treat all persons with respect.

7. Community awareness

The Principal Disputes Referee needs to be socially and culturally aware and have some understanding of the social and economic causes and circumstances of civil disputes that come to the Tribunal. This may be demonstrated through:

- involvement in the community, involvement in community groups, experience in the voluntary sector, and/or chosen career/s
- awareness of the rights of others not to be discriminated against because of cultural background, ethnic origin, religious beliefs or gender
- general ability to deal with cultural differences in a sensitive and competent manner
- knowledge and experience of the language and customs of any ethnic group.

8. Awareness of Tikanga Māori

The successful applicant will need to:

- be aware of, and interested in, the implications of the Treaty of Waitangi and its place in New Zealand's constitution
- relate to Māori needs and customs.