

Application to the Dispute Tribunal

The Dispute Tribunal settles disputes without going to court.

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 cannot help with:

- employment
- renting (disputes between landlords and tenants) or body corporate issue
- rates, taxes, social welfare benefits or ACC payments
- intellectual property (copy right and who owns an idea or creative work)
- family law issues – relationship property, wills, care of children
- debt collection

To make a claim:

Applications for claim can be completed by applying online or filling in a paper claim form which can be downloaded from the website <https://www.disputestribunal.govt.nz/how-to-make-a-claim/>

Fees

If the total amount sought under the claim is less than \$2,000, the fee is \$45. For a claim between \$2,000 – \$5,000, the fee is \$90. For a claim between \$5,000 - \$30,000 is \$180.

The fee to enforce an order of the Disputes Tribunal will now need to be paid at the time the application when enforcement of the order is sought.

What to prepare and expect at a hearing:

- If you made the claim, you are the applicant
- If you are defending the claim, you are the respondent
- Bring yourself and any witness or people and supporting documents for your case
- The hearing is run by the referee and they lead the hearing to reach an agreement between everyone. If the agreement is approved by the referee, it's binding (you must follow the agreement), if you cannot agree, then the referee makes a decision. Sometimes the referee may require more information, if so, the rest of the hearing will be put off. You will need to be back at another time.

Decision in your favour:

- The Tribunal will not check if everyone has followed through on the agreement after the hearing. You must ensure you have the address (work and home), phone number, email address and details of any vehicles they own. These details allow the court to force the person to follow the order if they do not.
- If the party does not follow, you can apply to the district court for a court order to enforce the agreement or hire a lawyer or hire a debt collection agency to collect any payment that you are owed.

Decision not in your favour:

- If the decision is against you it will set out what you must do and by when
- If you believe the referee ran the hearing (or a Tribunal investigator carried out an inquiry) in a way that was unfair and which had an effect on the result you can appeal the decision to the District court. This **must** be done within 20 working days from the date of the Tribunal order

小额仲裁法庭/纠纷争议法庭

该法庭一般都是试图让双方能先多沟通，化解误会。如果都不让步那最后调解员就宣判该案的结果。一般不是当庭宣判，但是能估计出个大概结果。判决信一般会在 1-2 周内寄到。

该庭管理以下纠纷争议：（不一定是经济上的）

- 涉及的金额在\$30,000 以下的民事案件。

该庭不管理以下争议纠纷案件：

- 关于雇佣关系
- 房东和租客纠纷
- 追债（纠纷争议法庭是帮助分清责任方和数额的，如果责任清晰（比如有欠债这种，属于追债范围），是不受理的。）
- 知识产权

如何进行诉讼/流程：

1. 填写诉讼书。提示：在告对方前，找出对方的联络方式，如电话号码，地址。在起诉书中详细写出事情的经过，为什么你认为对方需要负责，你需要对方的赔偿额度，等等信息。起诉书可以在以下链接下载或者网上直接填写提交：
<https://www.disputestribunal.govt.nz/how-to-make-a-claim/>
2. 递交起诉书。起诉书填写完整后可以寄到法庭也可以自己亲自去法庭递交。如果邮寄，且忘记附带给司法部的费用支票。建议亲自去法庭递交，因为你自己去更容易帮你排期，而法庭也会帮你通知对方。而开庭的地点一般都会在原告递交起诉书的法庭。下面连接有新西兰所有法庭的地点：
<http://www.justice.govt.nz/tribunals/disputes-tribunal/contact-us>
3. 准备诉讼和出庭：
 - i. 安排翻译 - 如果觉得自己的英文不是特别好，可以在开庭前和法庭联系安排翻译，司法部会安排翻译当天去法庭帮助翻译，而且翻译是免费的。
 - ii. 证据准备 - 所有书面证据和证人。i.e 以交通事故的赔偿作为一个例子，应该准备好事发当时的照片，警方的调查书，如果有目击证人，应该和证人联系，确定对方会出庭，如果不出庭，也可以选择通过电话里做出口述。
 - iii. 陈述书 - 当事人或被告人运用文字或书面的形式，将有关案件事实的情况加以表达出来
 - iv. 远程出庭。如果你是被告的话，而出庭当天你不在这个国家，你可以要求法庭延期。但是延期并不是无止境的。如果你无法安排时间回来，又不想被缺席审判的话，你可以建议通过国内电话出庭，为自己做出辩护。
4. 调解员会帮助双方达成协议，双方会签署一份协议书，按照协议解决纠纷，而如果协议完成的话案件也就结束了。如果双方没有达成协议，调解员会发布该案的审判结果。该结果是有法律效应的

费用：

- 如过申请赔付的额度在\$2,000 或以下，费用是\$45；\$2,000 - \$5,000 是 \$90；\$5,000 - \$30,000 是\$180。
- 法庭正式判决书下达之前，所有法庭的费用必须先付清

对结果不满意：

- 如果判决的任何一方对判决不满意，可以有两种选择：第一种选择为重审（rehearing），必须在判决 28 天之内递交，而且重审会由同一个裁判官决定是否进行。而重申申请需要以下几个重要因素才可以成功，例如缺席审判是因为一方没有被通知到才进行的，或者是对方并没有按照协议完成所需要的事情。
- 另一种方式是将案件上诉到地区法庭，或者裁判官忽视了重大证据做出完全不合理的判决，例如交通事故中你根本不是当事人/肇事者，而有证人可以证明但裁判官却忘记听证人的证词了，或者说裁判官根本就没有考虑到相关法律的要求。