

22 June 2021

Mary Phillips  
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Tēnā koe Ms Phillips

### **Enquiry regarding your Official Information Act 1982 response**

Thank you for your email of 24 May 2021 to Hon Kris Faafoi, Minister of Justice, in response to the letter sent to you by the then Group Manager, Courts and Tribunals, Regional Service Delivery, Bruce Findlay of the same date. Your request was transferred to the Ministry of Justice (the Ministry) for response as it is more closely connected with the functions of the Ministry.

You have asked:

*'...if your employee is not able to find a document that clarifys my inquiry how would the referee in the Disputes Tribunal be able to rely on that decision?  
Either it is valid or it isnt. If it isnt valid then do something to put it right.'*

In response I can advise that the Disputes Tribunal (the Tribunal) is a judicial body that operates independently from the Government, Ministers and their officials. Referees, as members of a Tribunal, are independent judicial officers, who determine how a hearing will be conducted, what evidence is accepted, and the decisions and orders made. For this reason, the Ministry is unable to intervene in or comment on your case as to do so would compromise the Tribunal's independence.

Further, the information you have asked for relates to the Tribunal's judicial functions and such information falls outside the scope of the Official Information Act 1982 under section 2(6)(b).

I am therefore refusing your request under section 18(g)(i) of the OIA as the Ministry does not hold the information you have requested, nor are there grounds for believing that the information is held by or connected more closely with the functions of another department, Minister of the Crown or organisation.

As mentioned in the previous response I suggest you seek independent legal advice to explore the options open to you at this point. A lawyer can help you understand your legal rights and responsibilities and explain how the law applies to your particular case. If you do not have a lawyer, you can get free legal information and advice from your nearest community law centre. More information is available at: [communitylaw.org.nz](http://communitylaw.org.nz)

If you require any clarification of the information contained in this response please contact Alison Horwood, Media Manager, Media and External Relations, by calling (04) 918 8836; or emailing [media@justice.govt.nz](mailto:media@justice.govt.nz)

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

I trust that this information assists.

Nāku noa, nā

pp 

Jacquelyn Shannon

**Group Manager, Courts and Tribunals, Regional Service Delivery**

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