

15 JUN 2021

John Finnegan
fyi-request-15534-76e1c66f@requests.fyi.org.nz

Dear Mr Finnegan

Our ref: OIA 88228

Official Information Act request: Appealing tribunal decisions

Thank you for your email of 23 May 2021 requesting, under the Official Information Act 1982 (the OIA), information regarding appealing tribunal decisions. Specifically, you requested:

Has there been any changes in this law?

What is and isn't appealable from tribunals?

If the law has changed when and how was it changed?

Can court staff refuse to accept an appeal on the basis that there is no law to allow it?

Do court staff have the power to refuse an application for appeal?

The OIA enables people to request official information from agencies, including the Ministry of Justice. However, the OIA only applies to information that is already held by an agency. There is no obligation on an agency to create information in order to respond to a request.

The information you are seeking is in the nature of a detailed explanation about how appeals work in relation to all tribunals generally and would also require the Ministry to form an opinion about how particular aspects of the legal rules regulating different tribunals apply. This information would need to be created in order to respond to your request and accordingly is not information that is held by the Ministry. Therefore, I am refusing your request under section 18(g) of the Act as the information requested is not held by the Ministry and I have no grounds for believing it is held by another agency or Minister.

However, I am able to provide you with some information that may assist you. You can find information on a number of tribunals, including information booklets on our website here: www.justice.govt.nz/tribunals/. You can also find Information on appeal processes on this section of our website.


In response to your second request, each individual tribunal has its own legislation which will specify what can be heard or appealed. For example, the Disputes Tribunal Act 1988 contains provisions in Part 4 that set out the processes for appeals. This legislation can be found here: www.legislation.govt.nz/act/public/1988/0110/latest/DLM133282.html.

In response to your third request, any changes to the law for what can be heard or appealed in a tribunal will be made in the establishing Act of the tribunal in question. If you would like to find out when the Act establishing an individual tribunal was amended, you can find this information here: www.legislation.govt.nz/.

In response to your fourth and fifth requests, the question of whether an appeal will be accepted for filing, and if so, whether it will ultimately be successful, depends on the particular legislation and procedural rules that apply to each tribunal. It also depends on the substantive law in that area.

If you are not satisfied with my 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.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized, cursive 'S' followed by a long, sweeping horizontal line that curves slightly upwards at the end.

Sam Kunowski
General Manager, Courts and Justice Services Policy