

## TABLE OF ALL BODIES THAT MAY BE CONSIDERED TRIBUNALS<sup>1</sup>

26 June 2007

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
<b>Tribunals that review or hear appeals from Administrative Decisions</b>								
Land Valuation Tribunals	Land Valuation Proceedings Act 1948 ss 19-28, 33-39	MoJ	Decides objections and claims relating to valuations. Decides claims for compensation under Public Works Act 1981. Has the powers and jurisdiction of the Compensation Court under that Act. Governor-General may by Order in Council confer jurisdiction to hear and determine any specified matter or class of matters relating to the determination of the value of any land or any interest in land or any claim for compensation in respect of damages to land.	Involves making findings of fact after hearing evidence and the application of rules to those facts. A specialist multi-disciplinary body, independent of the executive, applies rules to particular cases to get a consistent approach.	Tribunals consist of a District Court Judge appointed as chairperson and two members who are Valuers. Members are appointed by the Governor-General in Council. The nature of the issues requires specialist land valuation expertise. Members appointed for period not exceeding 6 years. Chair's tenure is at pleasure of the Governor-General.	It is deemed to be a Commission of Inquiry under the Commission of Inquiry Act 1908. Subject to the limitations in the Act, regulations and rules, the tribunal governs its own process. Has power to determine issue as seems just and equitable. Hearings to be in public. Power to summons witnesses. There are detailed rules of process in Land Valuation Tribunal Rules 1977. Rules to be construed to	Right of appeal by way of rehearing. Appeals are heard by the High Court sittings with two additional non-judicial members. The Court on appeal may confirm, discharge, or vary the order of the Tribunal, or direct that the matter be referred to the Tribunal for further consideration. The Court may make such order as it considers just and equitable in the circumstances of	Yes – the tribunal determines questions affecting people's rights. It is a specialist jurisdiction and is independent of the executive.

<sup>1</sup> These are the bodies that exercise functions identified in paragraph 2.5 of the Law Commission's paper; *Tribunals in New Zealand an Issues Paper* (NZLC IP6, Wellington, 2007).

<sup>2</sup>For the purposes of this project, we have taken the defining characteristics of tribunals to be that they exercise an adjudicative function and are independent. That is, their key features are that:

- they determine questions affecting people's rights,
- by considering facts and evidence and applying standards (generally rules or policies) to the facts,
- they exercise a defined specialist jurisdiction, and
- they are independent from the executive. That is, their members are not departmental officers.

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						allow for just, speedy and inexpensive process.  May state a case for the High Court on question of law.	the case. High Court may extend time for appeal.  Legislation silent on further appeals so s66 of the Judicature Act applies and provides a further appeal to the CA with leave.	
Residence Review Board	Immigration Act 1987 S 18B-F, Schedule 3A	DoL <sup>3</sup>	Hear and determine appeals against the refusal to grant a residence visa or residence permit. Note that where refusal is the Minister's there is no right of Appeal.	The Board exercises a limited right of appeal to an independent appeal tribunal from an initial decision taken by an immigration officer. Important individual rights and interests that are affected by the decision. Require independent decision-maker. Review application of rules to specific cases.	The Board consists of members appointed for a 4 year term by the Governor-General on advice of Minister of Immigration.  Specialist expertise may be a factor in selection.	Appeals are determined by the Board on the papers. The Board determines own process. Obligations on applicant to provide all evidence and submissions to Board. Modified evidence, and disclosure rules which differ from Courts. Board can undertake inquisitorial role. Natural Justice obligations apply.	Appeal to the High Court on a question of law. To be brought within 28 days of being notified of decision, or within such further time as the High Court allows. Appeals to be dealt with under High Court rules.  With the leave of the High Court, or if the High Court refuses, leave of the Court of Appeal, a party may appeal to the Court of Appeal on a point of law. Section 66 of the Judicature Act applies. Court of Appeal decision is final.	Yes – determines questions affecting rights by considering facts and evidence.

<sup>3</sup> Note it is proposed to move this tribunal to the Ministry of Justice.

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Deportation Review Tribunal	Immigration Act 1987 s22, 23, 103, 104, 105, 105A, Schedule 2.	MoJ	Hears and determines appeals on deportation or the revocation of a residence permit.	A limited right of appeal to an independent appeal tribunal from an initial decision taken by an official. Important individual rights and interests that are affected by the decision. Require independent decision-maker.	Chaired by experienced lawyer. Two other members. All appointed by Governor General on recommendation of Minister of Justice to stress the independent character of tribunal.	Tribunal deemed a Commission of Inquiry under Commission of Inquiry Act 1908. It may act inquisitorially and regulate its own process.  Modified evidence, and disclosure rules which differ from Courts. Natural Justice obligations.	Appeal to the High Court on a question of law. Notice of appeal to be lodged within 28 days of decision.  The decision of the High Court is stated as being final.	Yes – as above.
Removal Review Authority	Immigration Act 1987 s47-51, Schedule 3B	DoL <sup>4</sup>	Hear and determine appeals brought against the requirement to leave NZ.	A limited right of appeal to an independent appeal tribunal from an initial decision taken by an official. Important individual rights and interests that are affected by the decision. Require independent decision-maker.	Experienced lawyers constitute the Authority. Appointed by the Governor General on recommendation of Minister of Immigration.	Appeals determined on the papers. Obligations on parties to provide all evidence and submissions to Authority. Modified evidence, and disclosure rules which differ from Courts. Natural Justice obligations apply.	Appeal to the High Court on a question of law. To be brought within 28 days of being notified of decision, or within such further time as the High Court allows. Appeals to be dealt with under High Court rules.  With the leave of the High Court, or if the High Court refuses, leave of the Court of Appeal, a party may appeal to the Court of Appeal on a point of law.	Yes – as above.

<sup>4</sup> Note it is proposed to move this tribunal to the Ministry of Justice.

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							Section 66 of the Judicature Act applies. Court of Appeal decision is final.	
Refugee Status Appeals Authority	Immigration Act 1987 s129N, 129O, 129Q, 129R, 129S	DoL <sup>5</sup>	Hear appeals from decisions of refugee status officers not to recognise a claimant as a refugee. Determines applications made by refugee officers for a variation to a person's refugee status.	A limited right of appeal to an independent appeal tribunal from an initial decision taken by an official. Important individual rights and interests that are affected by the decision. Require independent decision-maker.	Experienced lawyers or equivalents constitute the Authority. Appointed by the Governor General on recommendation of Minister of Immigration. There is 1 ex officio UN representative as well. Special expertise required for some issues.	Obligations on applicant to provide all evidence and submissions to Authority. Modified evidence, and disclosure rules which differ from Courts. Authority has the powers of a Commission of Inquiry under Commission of Inquiry Act 1908. May act inquisitorially and regulate its procedure.	Decisions are final and there are no rights of Appeal.	Yes – as above.
Accident Compensation Appeal Authority (residual appeals)	Accident Compensation Act 1982 (repealed) continued by Part 11 Injury Prevention, Rehabilitation, and Compensation Act 2001 to complete residual appeals s103-110 & Part 11 of 2001 Act	MoJ	Decides appeals from any decision of a Review Officer on application for a review under s101 of the Act. Appeal by way of full rehearing.	Sits as a judicial authority to determine any appeal about certain decisions of a review officer or the ACC. Hears claims for cover for personal injuries suffered before 1 July 1992, that were lodged before 1/10/92 and not determined by 1 July 1999. It is therefore dealing with residual appeals only.	Residual appeals only	Residual appeals only	General right of Appeal to District Court.	Yes – but it only hears residual appeals so should not be included.

<sup>5</sup> As above.

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Accident Compensation Appeals Registry (District Court)	Accident Rehabilitation & Compensation Insurance Act 1992 (repealed) continued by Part 11 Injury Prevention, Rehabilitation, and Compensation Act 2001 to complete residual appeals. ss 91-9 and Part 11 of 2001 Act. Accident Insurance Act 1998 Continued by Part 10 Injury Prevention, Rehabilitation, and Compensation Act 2001 to complete residual appeals. s152-167 and Part 10 of the 2001 Act.	MoJ	Appeal to the District Court against any decision under s 90 of Act. Appeal by way of full rehearing.	District Court – hearing residual appeals only	District Court – hearing residual appeals only	District Court – hearing residual appeals only	Appeal on matter of law or public important to High Court.	No – It is the DC. In any event should not be included as only residual appeals
Legal Aid Review Panel	Legal Services Act 2000 s54, 55, 55A, 56, 57, 58, 59, 60, 61, 62, 62A, 63, 64, 64A,	Legal Services Agency (CE – Crown Agent)	Determines appeals from decisions of Legal Services Agency on legal aid.	Reviewing the application of detailed rules on eligibility for legal aid, and the exercise of discretions in particular individual cases. The decisions of LSA are reviewed by an independent body.	Appointments by AG to ensure independence and for a fixed term. The nature of the issues requires specialist expertise.	Review conducted on papers in speedy fashion. Rules of evidence relaxed. Informal and inquisitorial process. Can confirm modify or reverse decision. Required to give a statement of reasons, but no opportunity to be heard.	Appeals from Panel decisions can be made to the High Court on questions of law. With leave a party may appeal on a question of law to the Court of Appeal.	Yes determines application of detailed rules on eligibility and applies to individual cases. Independent and specialist.

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State Housing Appeals Authority	Housing Restructuring and Tenancy Matters Act 1992 s62 and 63 and the Housing Restructuring (Appeals) Regulations 2000	DBH	Decides appeals on eligibility for and housing needs of prospective state housing tenants and appeals on the calculation of income-related rent.	Adjudicative body determining appeals.	Principal member an experienced lawyer appointed by the Governor General on recommendation of Minister of Justice and Minister of Housing. Other members are tenancy mediators appointed by the Minister of Housing. Fixed term.  Panel allows for specialist expertise.	Hearings to be conducted with as little formality as is consistent with a fair and efficient process and a just and quick determination of the appeal.  Can consider any evidence. Determine own process.  Lawyers may not represent appellants unless chairperson of tribunal determines the issues warrant this, or there is disparity of arms.	General right of appeal to District Court. Appeals to be determined in accordance with the District Court Rules. Section 76 of the District Court Act applies and gives a general right of Appeal to the HC and a further right of apply to the CA with leave.	Yes – a classic merits review tribunal
District Benefit Review Committees	Social Security Act 1964 s10A	MSD	Merit review by Committee of the decision made by any person in the exercise of any power, function, or discretion conferred on that person against which the applicant has a right of appeal under 12J (i.e. decisions which can be appealed to the SSAA).	Review by a Committee established by Minister.  Involves the finding of facts and application of rules but is effectively part of internal process within regulator.	1 person appointed by Minister to represent the Community interest and 2 officers of the department appointed by the Chief Executive of the Department.  Not independent from the department	Review the original decision and confirm, vary, or revoke it. Required to give reasons to the applicant and advise them of their right of appeal.	Right of Appeal to the Social Services Appeal Authority. There is a full rehearing. See below for the rights of appeal from the SSAA decision.	Possible – Although it involves making finding of facts and the application of rules to facts, it is not independent of the executive and is effectively an internal review.

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Social Security Appeal Authority	Social Security Act 1964 s12A – 12C, 12E – 12R, 53  War Pensions Act 1954 S16A	MoJ	Hear appeals on any decision or determination on a welfare benefit debt recovery or other related matter, that has been confirmed or varied by a benefits review committee under s10A, or was otherwise made under the Act.  Hear and determine certain specified appeals under the War Pensions Act.	Function is to sit as a judicial authority for the determination of appeals. Has the same powers, duties, functions, and discretions that the original decision maker had.  See above	3 members appointed by Governor General on recommendation of Minister, after consultation with Minister of Justice. Appointed for a 3 year term, terminable for cause.  See above	Subject to matters contained in regulations, it may determine its own procedure. Discretion to determine what evidence it receives. Deemed a Commission of Inquiry under Commission of Inquiry Act 1908. Appeals are by way of a full rehearing  See above	Any party to proceedings may appeal to the High Court by way of case stated for the opinion of the Court on a question of law only. With leave a party may appeal against the determination of the High Court to the Court of Appeal.  See above	Yes – is a classic tribunal
Special Appeal Authorities	Social Security Act 1964 s12D, S12B, 12C, 12E – 12R, 53A	MoJ	Special Authorities have the same functions as the Social Services Appeal Authority.	See above	See above	See above	See above	See above
Student Allowance Appeal Authority	Education Act 1989 s305 and 306	MoJ	Decides appeals on student allowances after they have been internally reviewed. Includes decisions made by Minister.	The authority considers the appeal in light of all relevant circumstances. It can confirm the original decision or substitute any decision that could have been made. It also has the power to require the department to pay costs.	1 person appointed by the Minister of Education for a term of 3 years, terminable for cause. Not clear whether specialist knowledge required.	Modified rules of evidence provided in regulations. Can consider or request any evidence and consider any document or report. May confirm decisions of the Chief Executive, or may substitute any other decision. All decisions must include written	Decisions are final and there are no rights of appeal provided.	Yes – the authority determines questions affecting rights by considering facts and evidence and applying rules to the facts. It may be a specialist jurisdiction.

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						reasons. Each party must be given copies of information provided by other party		
[War Pensions] District Claim Panels	War Pensions Act 1954 s15, 15A, 15B, 15D.	Veterans' Affairs New Zealand (NZDF)	Considers and determines claims for war pensions (pursuant to a delegation from the Secretary for War Pensions). Decisions must be unanimous.	Apply the provisions of the Act to the claim and determine it.	Appointed by Secretary for War Pensions. 2 member panels consisting of employee of Defence Force and an RSA nominee. Exercising delegated powers of the Secretary.	Panel may allow claimant to have an advocate participate. May require the claimant to undergo a medical. May require claimant to attend and give evidence. Decisions must be unanimous.	May apply to national review officer for the decision to be reviewed. See below for the rights of appeal from a determination by a National Review Officer.	Yes – the Panel makes finding of facts and the application of rules, although it is not independent of the executive. The panel acts pursuant to a delegation from the Secretary for War Pensions. It is currently an internal mechanism.
[War Pensions] National Review Officers	War Pensions Act 1954 s13, 15C, 15D, 15E.	Veterans' Affairs New Zealand (NZDF)	Considers and determines claims where the district claims panel cannot make unanimous decision. Review decisions of District Claims Panels. (Acting pursuant to a delegation from the Secretary for War Pensions.)	Apply the provisions of the Act to determine claims or review determinations made by a Panels. Review on request the decisions of Panels or determine claims where Panel did not reach unanimous view.	Employees of Defence Forces. Exercising delegated powers of the Secretary.	May require claimant to attend and give evidence.	Right of appeal to the Appeals Board. See below for the rights of appeal from a decision of the Appeal Board.	Yes – the review officers make findings of facts and application of rules. It is not independent of the executive. It is effectively an internal review.



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War Pensions Appeal Boards	War Pensions Act 1954 s8, 9, 10, 11, 12, 13, 16, 18, 85A	Veterans' Affairs New Zealand (NZDF)	Hears appeals from decisions of review officers on war pensions. The Appeal Board hears appeals on certain decisions specified in s 16. Appeals on other decisions specified in s 16A go instead to the Social Security Appeal Authority.	Determine appeals, which can not be heard until all available reviews have been completed.	Boards consist of up to 4 members appointed for 3 year term by Minister. 2 members of each required to be doctors. 1 member appointed on nomination of RSA to represent armed forces. Specialist knowledge is needed to make determinations.	Is deemed to be a CoI appointed under the CoI Act 1908.  Modified rules of evidence (4B Commissions of Inquiry Act). Powers of investigation (4C Commissions of Inquiry Act) allow an active inquisitorial role in contrast to that of a Court.	No further right of appeal provided.	Yes - the boards determine questions affecting rights by considering facts and evidence and applying rules to the facts. It is a specialist jurisdiction and is independent of the executive.
[Health Act] Boards of Appeal	Health Act 1956 ss 55 and 124	MoH	To hear and determine any appeal from decision of a Medical officer of Health or the Local Authority on the establishment or development of premises for any offensive trade under the Act.	Notice of appeal is given in writing to the Minister, who is required to constitute a Board of Appeal to hear the appeal.	Every board is to consist of a DC Judge who is the chairperson and 2 assessors. One assessor is appointed on recommendation of the Director-General of Health or the local authority (depending whose decision is being appealed) and the other on the recommendation of the appellant. Appointments are made by the Minister of Health.	The Board of Appeal may allow or dismiss any appeal wholly or in part, and may make such modifications in any requisition, determination, decision, or condition appealed against as it thinks fit, and may make or impose any new determination, decision, or condition in substitution for or in addition to the one appealed against. The Board is, within the scope of its jurisdiction, deemed to be a Commission under the Commissions of	The decision of not less than 2 members of the Board of Appeal (including the Chairman) shall be the decision of that Board, and that decision shall be final. There are no rights of appeal.	Yes - the board determine questions affecting rights by considering facts and evidence and applying rules to the facts. The assessors are representative. The board's appeal function is essentially one that which the District Court exercises in other jurisdictions.

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						<p>Inquiry Act 1908, and, subject to the provisions of the Health Act, all the provisions of that Act shall apply accordingly. The Chairman of the Board of Appeal can exercise the powers of the Board in respect of summoning witnesses, and may do any other act preliminary or incidental to the hearing or consideration of any matter by the Board. The Board may regulate its own procedure.</p>		
Medicines Review Committee (MRC)	Medicines Act 1981	MoH	<p>Determine appeals from decisions of the licensing authority and appeals against decisions of the Director-General for Health in respect of exemptions for clinical trials or determinations that medical devices are unsafe.</p> <p>Inquire into objections raised by applicant when Minister considering a recommendation from a specialist committee to decline an application for consent or approval to new or changed medicine.</p>	<p>Determining appeals involves making findings of fact after hearing evidence and the application of rules to those facts. Inquiries into objections and making recommendations can also.</p>	<p>The Committee consists of 6 members appointed by the Minister of Health, 1 of whom is appointed as the chairperson.. Members to have experience in medicine, pharmacy, pharmaceutical manufacturing industry, and chemistry.</p>	<p>The Committee is not bound to follow any formal procedure, but must observe the rules of natural justice, and consider all submissions made by or on behalf of the objector or appellant. The Committee may award costs. Every report by the Committee to the Minister on an objection must include a recommendation as</p>	<p>A right of appeal to the High Court exists in respect of decisions of the Committee on appeals from licensing authority decisions and from decisions of the Director-General for Health in respect of exemptions for clinical trials or determinations that medical devices are unsafe. Right of appeal limited to grounds that</p>	<p>Yes – although the Committee does not seem to have some of the powers that are normally associated with determining facts and evidence and applying rules to the facts.</p>

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			The MRC reports its findings to the Minister.			to the decision the Minister should make on the matter.	relevant requirements of the Act or regulations have not been complied with or the decision is unreasonable. With leave may appeal to the CA.	
Customs Appeal Authorities	Customs and Excise Act 1996	MoJ	Decide appeals under the Act or any other Act against the assessments, decisions, rulings, determinations and directions of the Chief Executive of the Customs Service (the Comptroller of Customs).	Sit as judicial authorities to hear and decide appeals against decisions of the Chief Executive.	Each Authority consists of one member, being a DC judge or barrister and solicitor of 7 years' practice. Appointed by Governor-General on joint recommendation of Minister of Customs and Minister of Justice.	Proceedings commenced by lodging of an application in the prescribed form, together with the prescribed fee. Authorities have power to determine their own procedures.. Authorities hold a public hearing, unless it thinks fit to hold private hearing. Parties entitled to appear and be heard in person or through a representative. May decide without an oral hearing if both parties consent. Authorities conduct appeal by way of de novo hearing. Authorities have the powers of DC, in its civil jurisdiction, in relation to citing parties and maintaining order. May receive any	Right of appeal to HC on question of law or fact. Further appeal to CA on question of law only. Authorities may at any time state a case for the opinion of the HC on a point of law.	Yes – is a classic tribunal

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						evidence, whether or not admissible in court, take evidence on oath, permit witnesses to give evidence by written statement verified by oath. Powers to summons witnesses, inspect and examine any papers, documents, records or things, require production of documents or information. Decisions must be in writing with reasons, copies given to appellant and Chief Executive.		
Taxation Review Authority	Taxation Review Authorities Act 1994 ss 6 - 29	MoJ	Decides objections to tax assessments and other decisions of the Commissioner of Inland Revenue.	Acts as a judicial authority. Involves making a determination after a hearing.	Authorities consist of one member, who must be a District Court judge or barrister and solicitor of 7 years' practice. Appointed by Governor-General on advice of Minister of Justice for term not exceeding 7 years.  No specialist knowledge requirement stated.	Deemed to be a Commission of Inquiry under the Commission of Inquiry Act 1908.  Authorities have the power to determine their own procedure. Closed hearing with right to appear personally or be legally represented. Modified rules of evidence. Decision in writing, obligation to provide reasons and finding of fact on request.	Appeal to HC allowed on question of law, or where the case involves tax of more than \$2 000 or a loss of more than \$4 000 there is a general right of appeal to the HC. May appeal a question of law to the Court of Appeal.	Yes – reviews administrative decisions, by considering facts and applying law to facts. Questions affect individual financial interests, Authority exercises defined specialist jurisdiction and is independent.

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Maritime Appeal Authority	Maritime Transport Act 1994 ss 52, 53, 82 and Schedule 2	Maritime New Zealand (CE – Crown Agent) MoT administers legislation.	Determine appeals on the suspension of seafarers from employment. Is it better to categorise this as a dispute between individuals?	Required to take into account the risk to maritime safety of suspended person being employed as a seafarer.	Appointed by Minister after consultation with Minister of Justice. Authority consists of a barrister and solicitor of no less than 7 years' practice. Minister shall also appoint Deputy. Appointments are for renewable terms of 3 years.	Applicant entitled to appear before Authority and be represented. May receive any evidence, whether or not admissible in court. Evidence Act 1908 otherwise applies. Deemed to be a Commission of Inquiry, provisions of Commissions of Inquiry Act apply except ss 2 and 4A. Authority may determine own procedure, but must observe rules of natural justice. Decisions must be in writing.	No rights of Appeal - Decisions of Authority are final.	Yes - Authority determines questions affecting rights – in this case, a person's employment. It applies standards (risk) to the facts and evidence, and appears to be independent.
[Fisheries] Catch History Review Committee	Fisheries Act 1996 s 51 and Part 15	MFish	Hears and decides appeals on the allocation of provisional catch history by the Chief Executive of the Ministry of Fisheries. The allocation of provisional catch history largely determines quota under the Act.)	Involves making findings of fact based on the evidence presented and submissions and the application of the rules in the Act to those facts	When making a decision, the Committee must itself to the evidence and submissions received and apply its own expertise and knowledge. Members are appointed by the Minister of Fisheries, after consultation with industry, for a term not exceeding of 5 years, terminable for cause. Members must be legally qualified and have held a practice certificate for 7 years.	The Committee may regulate its own procedure in such manner as it thinks fit. Hearings are normally in public, although provision exists to protect confidential information. Every person that appeals is entitled to appear and be heard and produce evidence and cross-examine witnesses. Modified rules of evidence apply and	There are no rights of appeal. Every decision of the Committee is final but may be judicially reviewed.	Yes – the Committee determines questions affecting people's rights by considering facts and evidence and applying standards in legislation as well as its own expertise to the facts. It has a specialist jurisdiction.  Although independent secretariat support

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					One member is appointed chairperson. Minister must appoint people considered representative of the classes of people with an interest in the matter, and members must not be employees of the Ministry.	the Committee may receive in evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matter before it. Decisions must be in writing and state the reasons for the decision.		is provided to the Committee by the Ministry of Fisheries and appointments are made by the Minister of Fisheries.
Film and Literature Board of Review	Films, Videos and Publications Classification Act 1993	DIA	Reviews decisions on the classification of any publication.	Administrative and secretarial support provided by Department of Internal Affairs.	Board consists of 9 members, appointed by Governor-General on recommendation of the Minister, acting with the Minister of Justice and Minister of Women's Affairs. President of Board must be barrister and solicitor of at least 7 years' practice. In making recommendations, Minister must consider need to ensure that the Board includes persons with knowledge of matters likely to come before it.	Applications for review of decisions of the Classification Office lodged with Secretary for Internal Affairs, then forwarded to Board. Every review must be conducted by the President and at least 4 other members. Board shall determine its own procedure. No right to appear and be heard. Applicant for review and other affected persons may make written submissions, Board may decide to hold an oral hearing. In conducting review, Board may undertake	Board may state a case for the HC on a question of law. Right of appeal to HC against determination of the Board on question of law. Further right of appeal from decision of HC to CA.	Yes – reviews first-instance decisions of Classification Office by applying law to facts. Exercises defined specialist jurisdiction. Appointment processes are directed at independence but there may be issue due to provision of administrative support by Department.

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						consultation, invite written submissions, obtain information and make inquiries. After examining publication, Board makes a decision on its classification. Must notify applicant and Classification Office of decision in writing, giving reasons.		
<b>First Instance Determinations of Disputes</b>								
Disputes Tribunal	Disputes Tribunals Act 1988 and Disputes Tribunals Rules 1989	MoJ	Each tribunal is a division of the District Court. Tribunal to assess whether it can assist the parties to negotiate an agreed settlement. If not, tribunals to hear and determine dispute. Has jurisdiction for claims up to \$7,500 (or \$12,000 with agreement of the parties).	The resolution and determination of small claims founded on contract, quasi contract and torts. Determine disputes according to the substantial merits and justice of the case and have regard for the law but shall not be bound to give effect to strict legal requirements or obligations.	Governor-General appoints PDR on advice of Minister of Justice for a term of 5 years. Other referees appointed by Governor-General for a period of 3 years also but after a specified selection process of invitation. Appointees must be persons capable, by reason of their personal attributes, knowledge, and experience, of performing the functions of a Referee.	Proceedings are judicial proceedings. Provisions for contempt of court apply. Orders made are deemed to be orders of the District Court. May appoint investigator to inquire into and report on matters of fact. All proceedings are private. Evidence need not be on oath. All evidence received either via parties or through own inquiries must	An applicant can seek a rehearing in certain situations. May appeal to the District Court against a tribunal order if the proceedings or investigation was conducted in a manner unfair to the appellant and prejudicially affected the result.	Yes- but it has been constituted as a division of the District Court, so although it does determine questions affecting people's rights by considering facts and evidence, it does so as part of the Court System.

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						be disclosed to parties, who have opportunity to comment. Tribunal may act on available evidence. Subject to restrictions in Act and rules, tribunal may adopt procedures best suited to the ends of justice. May give decision in writing or orally but must give reasons.		
Tenancy Tribunal	Residential Tenancies Act 1986 Part 3	MoJ	Decides disputes arising between landlords and tenants under the Act. Jurisdiction to make order for the recovery of residential premises to which the Act applies, for the eviction of persons from premises, for delivery of chattels, payment of money or a work order. No jurisdiction to make any order for payment or for work to be performed of a value of more than \$12,000. May vary or set aside harsh or unconscionable tenancy agreements.	Adjudicates on disputes between landlords and tenants.	One person, being a person who has held a required qualification for five years, appointed as Principal Tenancy Adjudicator, and as many other Tenancy Adjudicators as are necessary to ensure the efficient and expeditious functioning of the tribunal. Adjudicators appointed by Governor-General on recommendation of Minister of Justice and Minister of Housing. Required qualification is practicing certificate as a barrister and solicitor of HC of NZ, or overseas equivalent from another common law country. Adjudicators appointed for 3 year terms, may be reappointed.	Adjudicator holds a hearing. Parties entitled to attend and be heard, call evidence, and cross-examine witnesses. No party entitled to be represented unless other party consents, amount in dispute exceeds \$3,000, or Tribunal may allow it if considered appropriate. Proceedings to be held in public, except on application of a party. Tribunal has power to regulate its own procedure as it thinks fit. Power to summons witnesses. Tribunal does not have power to administer oaths but	Tribunal may state a case for the opinion of HC on a question of law or the Tribunal's jurisdiction. There is a general right of appeal to the District Court against all decisions of tribunal except interim orders and disputes with a value of <\$1,000. There is a further right of appeal to the HC on a question of law. Tribunal has power to order a rehearing of the case. Where no jurisdiction power to transfer to the District Court.	Yes – it is a Tribunal.



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						<p>may require witness to make statement promising to tell the truth. May permit witnesses to give evidence by written statement. May receive any evidence, whether or not admissible in court.</p> <p>Decision to be in writing giving reasons, and must inform parties of appeal rights, if any. Orders of the Tribunal are final and binding on all parties to the proceedings.</p>		
Motor Vehicle Disputes Tribunals	Motor Vehicle Sales Act 2003	MoJ	<p>Has jurisdiction, on the application of any party, to inquire into and determine any application or claim arising under the Sale of Goods Act 1908, Fair Trading Act 1986 and Consumer Guarantees Act 1993, if the claim relates to the sale of a motor vehicle.</p> <p>Only has jurisdiction if 1 of the parties, but not both, is a motor vehicle trader, and the amount of the claim does not exceed \$50,000.</p>	<p>Power to make any order a Court or Disputes Tribunal can make under these Acts.</p>	<p>Established by notice in the Gazette by the Minister.</p> <p>Each tribunal consists of 1 adjudicator who must be a barrister and solicitor of no less than 5 years' practice and an assessor appointed by the adjudicator for the purposes of each hearing from a panel maintained by the Minister.</p> <p>Adjudicator appointed by Governor-General on the joint recommendation of the Minister and the Minister of Justice. In considering suitability of person for inclusion in</p>	<p>Procedure to be as the adjudicator thinks fit.</p> <p>On receipt of an application, adjudicator must immediately give notice to respondent and require respondent to discuss application with applicant.</p> <p>Written report on outcome of discussions required to be given to the tribunal.</p> <p>Hearings must be conducted in private and with as little formality as the Act</p>	<p>Appeal right to District Court. No further rights of appeal. DC decision is final.</p>	<p>Yes – it determines questions affecting people's rights by considering facts and evidence. It has a specialist jurisdiction and is independent.</p>

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					Panel, Minister must consider their personal attributes, qualifications and skills.	and proper consideration of the case allow. Tribunal may accept any relevant evidence, whether admissible in a court of law or not. Parties entitled to appear and be heard. No party entitled to be represented unless Tribunal considers it appropriate in the circumstances and approves the representative. Adjudicator must not approve a representative who is or has been a barrister and solicitor, or who has been regularly engaged in advocacy work before other tribunals. Adjudicator alone determines the application – assessor’s role is to act as an extra member at the hearing and to assist in the determination. Decisions must be in writing and give reasons. Must file decision in the District Court in order to be enforceable.		

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Employment Relations Authority	Employment Relations Act 2000 ss 156-	DoL	Exclusive jurisdiction to make determinations about employment relationship problems generally, such as, for example, disputes about the interpretation of an employment agreement. Courts do not have jurisdiction over matters within the exclusive jurisdiction of the Authority.	Investigative body which resolves employment relationship problems by establishing the facts and making a determination according to the substantial merits of the case.	1 member appointed as Chief of the Employment Relations Authority, and at least 2 other members. For purposes of matters within jurisdiction, Authority consists of 1 member. Members appointed by Governor-General on recommendation of the Minister. 4 year terms, terminable for cause. May be reappointed.	Authority is required comply with natural justice and act in a manner that is reasonable having regard to its investigative role. Authority has power to call for evidence from any person, require any person to attend to give evidence, interview any person, fully examine any witness in the course of a hearing, decide that meeting should be held in public, and determine its own procedure. May take into account evidence and information it thinks fit, whether admissible in court or not. May hold meetings in the absence of parties, but if so must provided them with any relevant material discussed and give an opportunity to comment. Authority required to deliver “speedy, informal and practical justice” (s174).	<p>Authority may refer question of law to the Employment Court for its opinion, or case may be removed to the Court.</p> <p>Dissatisfied party may appeal from determination of Authority to the Court. Hearing either de novo or on specified error(s) of law or fact. May appeal on questions of law to CA. Section 66 of the Judicature Act applies.</p>	Yes – it is a tribunal although as it forms part of an employment dispute resolution scheme with the Employment Court, there are sound policy reasons for excluding it from the project.

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Human Rights Review Tribunal	Human Rights Act 1993 ss 93-126 Health and Disability Commissioner Act 1994 Privacy Act 1993	MoJ	Decides complaints of discrimination and infringements of human rights. Also deals with certain cases under the Privacy Act 1993 (breaches of Privacy Principles) and the Health and Disability Commissioner Act 1994 (breaches of Code of Health and Disability Services Consumers' Rights).	Has wide powers encompassing many powers courts have. May make formal declarations, interim orders, restraining orders to prevent repetition of offending conduct, make various other orders, award compensatory damages under all acts and punitive damages under Health and Disability Commissioner Act. Since 2001, has had power to declare any act of branches of government, or person exercising a public function, inconsistent with s 19 Bill of Rights Act.	Consists of Chair and 2 other members appointed by Chair. Chair appointed by Governor-General on recommendation of Minister of Justice, and holds office for 5 years. 2 other members appointed for each hearing from a panel maintained by the Minister, consisting of no more than 20 people. At least 3 must be barristers and solicitors of 5 years' practice. Specialist expertise required – knowledge of human rights law, public administration, economics, employment, social issues, cultural issues and needs of different population groups in New Zealand.	Proceedings may be initiated by the Human Rights Commissioner, Race Relations Conciliator or any person. Tribunal sits in public unless it is considered desirable to sit in private. Obligation to act in accordance with natural justice, equity and good conscience, and act fairly and reasonably. Obligation to decide on the substantial merits of a case, without regard to technicalities. May call evidence and information, summons and examine witnesses. Power to commit for contempt. Evidence Act 1908 applies to tribunal as if it were a court, subject to some modifications of the rules of evidence. Parties and persons with interest in proceedings entitled to appear and be represented by counsel or agent. Decision to be in writing with	May at any time remove proceedings to HC where there is an important question of law. General right of appeal to HC. HC to sit with 2 additional members appointed by a Judge from a panel maintained by the Minister under the Act. Further appeal to CA with leave on questions of law.	Yes – basically substitutes for judicial determination of disputes under the relevant legislation. Tribunal is independent and exercises defined, specialist jurisdiction.

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						reasons. Decision must be notified to A-G, Human Rights Commission and the parties.		
Retirement Villages Disputes Panels	Retirement Villages Act 2003 Part 4	Retirement Commissioner (ACE) DBH administers legislation	Decides disputes relating to the rights of residents of retirement villages	Panel has powers to amend occupation right agreements, make orders for compliance with agreements, payment or refund of amount in dispute, order return of property or compensation.	Retirement Commissioner maintains a list of people approved for appointment to a disputes panel. Approval may be general, limited to a particular disputes panel, and subject to terms and conditions Commissioner thinks fit. Where dispute notice has been given, the operator of the retirement village appoints a panel to hear the dispute. Must appoint at least 1 independent person, in consultation with parties. In certain types of case, must be 3 person panel including 1 judge or barrister and solicitor.	Panel must hold a hearing, parties entitled to appear and be heard. Panel may conduct hearing in any manner it thinks fit. May admit any relevant evidence from any person, whether or not evidence would be admissible in court and whether or not person is present. Panel may allow representation and questioning of the other party as it considers appropriate. Must make written record of material findings of fact and reasons for decision. Decisions are binding on parties. Orders have effect as if they were decisions of the District Court or High Court	Right of appeal to District Court if District Court had jurisdiction to hear the dispute as a court of first instance, or to High Court in all other cases. Appeals by way of rehearing.  Further rights of appeal are excluded. Decision on appeal is final.	Yes – it determines questions affecting people’s rights by considering facts and evidence. It has a specialist jurisdiction. Although there are restrictions on operator’s right to appoint panel for a dispute they do have a degree of leverage that may impact on perceptions of independence.

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Weathertight Homes Tribunals	Weathertight Homes Resolution Services Act 2006	MoJ	Assesses and resolves claims in relation to dwelling houses that are leaky buildings.	Tribunal has power to determine the liability of any party towards the claimant, and determine appropriate remedies. Tribunal may make any order that a court of competent jurisdiction could make. Orders enforced as if they were orders of the District Court.	Members appointed by Governor-General on recommendation of Minister of Justice. One member appointed as Chair. In any given case, 1 member is appointed to act as the tribunal.	Claimant with eligible claim must apply for adjudication and serve copies of application on the other party and the Department. Must state nature of claim and the relief sought. Prescribed fee of \$400. Must hold a preliminary conference. Proceedings usually to be held in public. Parties may be represented. Tribunal must manage proceedings in such a way as to best ensure that they are speedy, cost-effective and flexible, encourage parties to work together, and avoid unnecessary or irrelevant evidence and cross-examination. Tribunal may manage proceedings in any way it thinks fit, including performing investigative role. Power to summons witnesses, take evidence on oath, inspect dwellings, require parties to do anything necessary	Tribunal may refer a question of law to the HC for its opinion. Right to appeal on question of law or fact, to DC or HC depending on amount at issue. Determination on appeal is final. No further rights of appeal	Yes – is a classic tribunal

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						for the resolution of the claim. Duty to comply with natural justice. Tribunal not required to allow cross-examination but may do so. Lower-value claims dealt with on the papers unless tribunal satisfied that it is appropriate to hold a hearing. Decisions must be in writing with reasons, and must be publicly notified.		
Copyright Tribunal	Copyright Act 1994 Part 10	MoJ	Decides disputes regarding proposed or existing copyright licensing schemes. Decides applications for licences in connection with licensing schemes. Determines disputes over proposed and existing copyright licences. Determines equitable remuneration between copyright owners and licensees. Determines applications for consent to copy in absence of performer, or where consent is unreasonably withheld.	Involves making findings of fact based on the evidence presented and submissions and the application of the rules in the Act to those facts.	Chair must be barrister and solicitor of no less than 7 years' practice, appointed by Governor-General on recommendation of the Minister, after consultation with Minister of Justice. 2 other members appointed by Governor-General on recommendation of the Minister, after consultation with Minister of Justice. Appointments for a term not exceeding 5 years.	Sits in public unless tribunal considers sitting should be private. Parties may appear personally or through a barrister and solicitor or agent. Tribunal may appoint counsel to assist the tribunal. Decision by majority, must be in writing and give reasons. Tribunal determines its own procedure. May receive any evidence, whether or not admissible in court. May take evidence on oath, or permit written statements verified by oath. Power to summons	Appeals to High Court on question of law. As Act is silent, section 67 of the Judicature Act provides a further right of appeal to the CA with leave.	Yes

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						witnesses. May order costs in appropriate cases. Tribunal may at any time state a case for the High Court on any question of law.		
Broadcasting Standards Authority	Broadcasting Act 1989 Part 2 and 3	ICE Reports to Minister of Broadcasting	Determines complaints against a broadcaster for breaches of programme standards under the Act or the Films, Videos and Publications Classification Act 1993. Also review and approve Codes of Broadcasting Practice and conduct research into the broadcasting environment.	May direct broadcasters to broadcast statements, refrain from broadcasting programmes or advertising, or pay compensation.  Authority required to act independently in carrying out its functions.	Authority is a Crown Entity for the purposes of Crown Entities Act 2004.  Authority consists of 4 members. Chair must be barrister and solicitor of 7 year's practice. One member represents broadcasting industry, one represents public interest. Members appointed after consultation with the Minister.	Complaints made to broadcaster and resolved by broadcaster. Complainant dissatisfied with action taken may refer complaint to the Authority. Authority may determine complaint without a hearing, but in that case must give reasonable opportunity to broadcaster and complainant to make submissions, and consider all relevant submissions. Required to ensure as little formality and technicality as permitted by the requirements of the Act, proper consideration of the case, and natural justice. Provisions of the Commissions of Inquiry Act 1908 apply as if Authority were a	Appeal right to HC against whole or part of any decision. On appeal, court may exercise any of the powers that could have been exercised by the Authority. Decision of HC is final.	Possible – applies programme standards or the Films, Videos and Publications Classification Act to particular situations. Decisions could be said to affect individual interests as broadcasters can be subjected to orders or penalties. Authority is independent and exercises defined, specialist jurisdiction.



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						Commission of Inquiry. Must give notice of decision in writing to complainant and broadcaster. Must also publicly notify decision.		
Soil Conservation and Rivers Control Tribunals	Soil Conservation and Rivers Control Act 1941 s33A-J	MFE	Any matter referred to the Minister for consideration, hearing or decision under the Act, may be referred by the Minister to a Tribunal appointed by the Minister to consider, hear or decide the matter. Any decision of such a tribunal has the same effect as a decision of the matter by the Minister.	The Tribunal has the same powers as are conferred on Commission of Inquiry by s4 and 4B to 9 of the Commission of Inquiry Act 1908. Involves making determination after undertaking an inquiry and hearing evidence.	The Tribunal is appointed by the Minister to exercise the Minister's role under the Act so is not independent or separate from the executive. Terms of appointment not determined. Special expertise is likely to be relevant.	Modified rules of evidence. Powers of investigation allows active inquisitorial role in contrast to that of a Court. May summons witnesses, and an offence is committed if they fail to appear when summoned.	Appeals from tribunal decisions to the High Court on questions of law only. Further right of appeal to CA with leave. Section 144 of the Summary proceedings Act 1957 is applied.	No - It meets some of the tests so could be included as a tribunal. It makes a determination after undertaking an inquiry and hearing evidence. Appears to be a mechanism for Minister to establish a more formal process to determine a matter that needs independence from the executive. It exercises delegated Ministerial powers. As of 14 June 2002 the body had never been brought into existence.
Birdlings Flat Land Titles Commissioner	Private Act - Birdlings Flat Land Titles Act 1993	MoJ	Makes written orders to effect the division of land at Birdlings Flat into separate titles.	Power to draw up and effect a scheme plan of subdivision, resolve disputes as to boundaries and determine liability for costs as between parties to disputes, supervise sale of surplus land, decide the final form of	Commissioner must be barrister or solicitor, or other suitable person with specialist knowledge of resource management legislation. Appointed by the Minister of Justice.	After consultation with the co-owners, the Commissioner must draw up and submit a scheme plan of subdivision. He/she must resolve any dispute as to boundaries and determine liability	Right of appeal to District Court against decisions of Commissioner. Decision of District Court to be final.	No – determines division of land after adjudication on any disputes. This is a one off appointment and unclear whether still required. Ministry of Justice to clarify as they

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				the subdivision plan, make orders vesting certificates of title in owners.		for payment of the costs and expenses incurred in resolving such disputes between the co-owners involved. Supervise the sale of surplus Birdlings Flat land and determine the procedure for the sharing of expenses involved in the sale of surplus Birdlings Flat land and the division of the proceeds of sale. Make written orders which, when registered under the Land Transfer Act 1952, will vest separate certificates of title in separate co-owners and in the purchasers of surplus sections, and make such orders for the other purposes specified in this Act.		administer the Act.
Banking Ombudsman	No legislation - Established under the Banking Ombudsman Terms of Reference by the NZ Bankers' Association	N/A	The BO makes non-binding recommendations on disputes over banking issues. If these are accepted by the complainant but not the bank, the BO can issue an award which is binding on the Bank. Has jurisdiction for amounts to consider complaints of a financial	The BO provides an independent consideration and assessment of a complaint. Some complaints are resolved at an early stage when a settlement acceptable to both sides is reached. If after a full	Appointed by the Banking Ombudsman Commission (BOC). The BOC comprises a chair, two representatives of participating banks (appointed by the Council of the NZ Bankers' Association), one person nominated by the Minister of	Most complaints dealt with on the papers. The BO can require bank to provide information relating to complaint. The BO may promote settlement or withdrawal of complaint by	Any complainant who is dissatisfied with the OB recommendation is free not to accept it. They are free to go to court or the Disputes Tribunal or any other complaint resolution body.	No – it is a voluntary dispute resolution scheme with the function of maintaining professional standards within the industry.

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			loss up to \$200,000.	investigation a complaint is found to be justified, the BO has the power to make an Award of compensation to cover direct financial loss or damage up to \$200,000 and to compensate for inconvenience up to \$6,000. Final Awards are binding on participating banks.	Consumer Affairs and the Executive Director of the Consumers Institute (or another person who, in the opinion of the BOC, is representative of bank customers. The Banking Ombudsman is impartial and decides each complaint on its own merits. The Banking Ombudsman is independent of the banks and of government.	agreement between the parties. If no agreement BO may make recommendations for settlement or withdrawal. Parties must be given notice and an opportunity to make further representations. Recommendations in writing are then given. If recommendations are accepted by complainant but not bank then BO can issue an award which is binding on the bank.		
Insurance and Savings Ombudsman (ISO)	No legislation - Insurance & Savings Ombudsman Terms of Reference and Rules of the Insurance & Savings Commission (ISC)	N/A	Investigates and resolves complaints made against participating insurance and savings companies over services provided. Services cover health insurance, life insurance, superannuation, investment and fund management. Advice on process for referring a complaint to ISO. Maximum for claims \$1,000 a week for disability insurance, otherwise \$150,000.	A private scheme to provide a fair, independent and impartial investigation and resolution of complaints by service users.	Appointed for a 2 year term by the ISC in accordance with its Rules. Appointees must be independent of participating service providers. No clear whether industry knowledge is a requirement.	The ISO may determine own process but is required to generally adopt an inquisitorial approach in considering complaints. The ISO must provide the details of a complaint to the participating provider and consider any written response they provide. A hearing will not usually be held, but have a right to make	Decisions cannot be reviewed or appealed but any complainant who is dissatisfied with the ISOs recommendation is free not to accept it. They are then free to take their claim to the court or the Disputes Tribunal or any other complaint resolution body.	No – it is a voluntary dispute resolution scheme with the function of maintaining professional standards within the industry.

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						submissions. The ISO may consider any information and make such enquiries as he/she thinks fit. The ISO makes recommendations, which if accepted by both parties are acted upon. If accepted by the complainant but not the provider, a binding award may be made.		
Office of Electricity & Gas Complaints Commissioner	Electricity & Gas Complaints Scheme Terms of Reference	N/A	Decides complaints on retail or line companies that belong to the scheme. Monetary limits on jurisdiction are: \$10,000 for complaints prior to 18 April 2005; \$20,000 for complaints after that date.	The office of the Electricity and Gas Complaints Commissioner provides an independent resolution service for complaints consumers have about member electricity retail and line companies, once the complaint has reached a deadlock. As from 1 April 2005, the commissioner also handles complaints about member gas companies.	Appointed by the Electricity and Gas Complaints Commission	Required to observe and apply any applicable law, rule of law or judicial authority. Subject to rules and TOR may determine own procedure. May require participating company to furnish information and must ensure both parties have access to information provided by other party subject to legal restrictions. Must seek to promote a settlement, if no agreement can be reached may make a recommendation. A recommendation that is accepted by the complainant can become an enforceable award against the company.	Awards cannot be reviewed or appealed but any complainant who is dissatisfied with the Commissioner's recommendation is free not to accept it. They are then free to take their claim to the courts.	No - it is a voluntary dispute resolution process established to maintain standards within industry.

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[Racing] Judicial Committees	Racing Act 2003 s 39 and Schedule 3	DIA administers legislation.	To hear, adjudicate on, and determine any matter that is brought before it under the racing rules of a code. To exercise the powers and functions and impose penalties as required by the racing rules of a code.	Involves making findings of fact based on the evidence presented and submissions and the application of the racing rules to those facts	The Judicial Control Authority established under the Act selects and appoints a panel of people from which members of any particular judicial committee can be appointed. Panels are appointed on an annual basis. The Authority must appoint people with knowledge, experience, and expertise relevant to the functions and powers of judicial committees. The Authority appoints members of judicial committees from the panel to exercise and carry out the powers and functions of a committee, whether in relation to matters that arise on a particular day of racing or in relation to other matters. The chairperson of the Authority or, if the chairperson is not available, any other member of the Authority may appoint or replace a member of a judicial committee. Any judicial committee holds office for the period reasonably required to exercise the functions and powers it has been appointed to exercise.	There are some restrictions on the appearance of counsel for race day hearings. Witnesses and counsel appearing before a judicial committee have the same privileges and immunities that they would have in proceedings in a District Court.	Any person entitled, by or under the relevant racing rules, to appeal may appeal to an appeals tribunal. Every appeal properly brought under the relevant racing rules must be heard and determined by an appeals tribunal in accordance with those rules. No further rights of appeal lie from the decision of the Appeals tribunal.	Possible – Committees do not have some of the powers that are normally associated with determining facts and evidence and applying rules to the facts.

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[Racing] Appeals Tribunals	Racing Act 2003 s 40 and Schedule 3	DIA administers legislation.	To hear and determine appeals brought under the relevant racing rules.	Involves making findings of fact based on the evidence presented and submissions and the application of the racing rules to those facts	The Judicial Control Authority established under the Act selects and appoints a panel of people from which members of any particular appeal tribunal can be appointed. Panels are appointed on an annual basis. The Authority must appoint people with knowledge, experience, and expertise relevant to the functions and powers of appeal tribunals. The Authority appoints members of appeal panels from the panel to exercise and carry out the powers and functions of a appeal tribunals. The chairperson of the Authority or, if the chairperson is not available, any other member of the Authority may appoint or replace a member of an appeal tribunal. Any appeal tribunal holds office for the period reasonably required to exercise the functions and powers it has been appointed to exercise.	In any appeal, the tribunal may award costs to or against any party to the appeal. Every tribunal has the power to require (by way of summons signed by the chairperson or other member of the appeals tribunal) any person subject to the relevant racing rules to appear before it to answer any question put to that person, and to produce to it any papers, documents, records, or things referred to in the summons. Witnesses and counsel appearing before a tribunal have the same privileges and immunities that they would have in proceedings in a District Court.	No rights of appeal provided.	Probably but tribunals do not have some of the powers that are normally associated with determining facts and evidence and applying rules to the facts.
New Zealand Press Council	No legislation – established by Constitution of the NZ Press Council The Press Council	N/A	Considers complaints directed at editorial content against newspapers and other publications. The Council	Complaints are determined by applying a set of principles such as “Publications	The Council comprises an independent chair, five members representing the public, two representing the	Complaints are only accepted after the complainant has exhausted internal complaint	There is no appeal from a Council adjudication. However, the Council will re-	No – it is a voluntary dispute resolution body with the function of maintaining

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	<p>was established in 1972 by newspaper publishers and by the then Journalists' Union. It is funded entirely by the industry.</p>		<p>may also consider complaints about the conduct of persons and organisations towards the press. It also promotes freedom of speech and freedom of the press in New Zealand and seeks to maintain the New Zealand press in accordance with the highest professional standards.</p>	<p>(newspapers and magazines) should be guided at all times by accuracy, fairness and balance, and should not deliberately mislead or misinform readers by commission, or omission". The Council's decisions are based on ethical considerations and the Council does not recover debts or seek monetary recompense for complainants. Its sanction is to require an offending publication to publish the essence of the decision upholding a complaint (in full or part), giving it fair prominence.</p> <p>If a legally actionable issue may be involved, the complainant will be required to provide a written undertaking that, having referred the matter to the Press Council, they will not take or continue proceedings against the publication or journalist concerned. This is to avoid the possibility of the Press Council adjudication being used as a "trial run" for litigation.</p>	<p>Newspaper Publishers' Association, one representing magazine publishers, and two journalists, appointed by the journalists' union, the NZ Amalgamated Engineering Printing &amp; Manufacturing Union (EPMU). Accordingly the Press Council has a majority of public members.</p>	<p>processes. The publisher in question is given an opportunity to respond and comment on the substance of a complaint and the complainant then given a chance to respond. Hearings are not open to the public. Complainants who apply to be heard in person are usually given that opportunity. If the Council upholds a complaint (in full or in part), the newspaper or magazine concerned must publish the essence of the adjudication, giving it fair prominence. If a complaint is not upheld, the publication concerned may publish a shortened version of the adjudication.</p>	<p>examine a decision if a party can show that a decision was based on a material error of fact, or new material had become available that had not been placed before the Council.</p>	<p>professional standards of the NZ press.</p>

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Advertising Standards Complaints Board	No legislation – It is established by the Constitution of the Advertising Standards Authority.	N/A	As a self-regulatory body the Advertising Standards Complaints Board (formerly known as the Advertising Standards Council) was established to administer the Codes of Practice in New Zealand. Its three main functions are: to adjudicate on complaints received about advertisements which may be in breach of the Codes of Practice; to advise the ASA on interpretation of the Codes and possible improvements to the Codes; and to report to the ASA on any aspect of advertising which is causing concern.	Determines complaints.	The Board consists of 9 members. 4 public representatives with no connection to media or advertising groups, 1 of whom is the chairperson with a right to exercise a casting vote, plus 4 persons nominated by the ASA, representative of media, advertising agencies, and advertisers. Appointments are for 5 years.	The Board determines complaints by adjudication, either with the attendance of parties or without the attendance of parties. It determines its own method for determining complaints and the procedures it uses for the conduct of particular adjudications, arbitrations or mediations subject to the Rules.	Limited - Any interested party to a complaint which has been dealt with without a hearing may seek to appeal. The chair of the Board determines whether to place the matter before the Appeal Board. The chairperson's decision can be appealed to the chairperson of the Appeal Board. The main grounds for appeals are new evidence, the rules of natural justice were not followed or the decision was against the weight of evidence.	No – it is a voluntary dispute resolution process established to maintain advertising standards.
Advertising Standards Complaints Appeal Board	No legislation – It is established by the Constitution of the Advertising Standards Authority.	N/A	The Advertising Standards Complaints Appeal Board has the function of adjudicating on appeals from Decisions of the Advertising Complaints Board.	Determines appeals from decisions of the Complaints Board arising from the adjudication of complaints without the attendance of the parties.	The Appeal Board shall consist of three (3) persons plus alternate members. There are two public representatives on the Appeal Board and one industry representative. Appointments are for up to 3 years.	Conduct appeals in accordance with rules set out in the constitution. The decision of the Complaints Board, full details of the complaint, the advertisement, any comments and opinions which were before the complaints board and any further comments and	No further right of appeal.	No – it is a voluntary dispute resolution process established to maintain advertising standards.



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						opinions received from the parties or placed before the Appeal Board.		
<b>Tribunals that license particular activities</b>								
Patents, Trade Marks & Design Commissioner	Patents Act 1953, Trade Marks Act 2002, Designs Act 1953	Intellectual Property Office (MED)	Receives applications for and, where appropriate, authorises the registration of patents, trade marks and designs. Also registers licenses in respect of trade marks. The Commissioner must also ensure that a register of trade marks registered in New Zealand is kept in New Zealand.	Commissioner examines applications, and must accept an application that complies with the Act, subject to any requirements the Commissioner thinks fit. Persons may oppose accepted applications	The Commissioner under each Act is a public servant appointed under State Sector Act 1988. Assistant Commissioners are also appointed. It would be possible to appoint different Commissioners under each Act, but at present one for all three Acts.	Must give applicant an opportunity to be heard before exercising any discretion which may adversely affect applicant. Evidence may be given by affidavit or statutory declaration, may take oral evidence, allow cross-examination on affidavits or declarations. Power to administer oaths to witnesses. In any legal proceedings in which the relief sought includes alteration or rectification of the register, or alteration,	Right of appeal to HC – on appeal court may exercise all discretionary powers of Commissioner. Decision of HC final on most matters. Right of appeal to CA against decisions under certain specified sections of Patents Act.	No - Probably not a tribunal – basically makes administrative decision whether to authorise registration or not. No dispute and not independent of executive.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						<p>revocation, or invalidity of a registered trade mark, the Commissioner— has the right to appear and be heard; and must appear if directed by the Court.</p>		
(NZ) Horticulture Export Authority	New Zealand Horticulture Export Authority Act 1987	Self-regulating and funded by industry. Reports to the Minister of Agriculture	The primary function of the Authority is to promote the effective export marketing of horticultural products. In addition it has a number of additional functions. Under Part 3 it is to receive applications and grants export licenses for prescribed products. The Authority can also cancel, revoke or suspend a licence in certain circumstances or grant exemptions from licensing requirements.	In the exercise of its functions and powers the Authority is required to give effect to Government policy. The function involves the exercise of a broad discretion when applying general policy to particular cases. For example when considering an application for a licence the Authority must be satisfied (on the basis of evidence put before it by the applicant) that the applicant has adequate experience and competence in international marketing and in handling export product; and is of sound financial standing and of sound business repute; and is likely to be competent in handling, exporting,	The Authority is a body corporate. The 5 members are appointed by the Minister, but 3 of them are nominated by specified organizations. The Minister can only appoint members who have knowledge and experience in marketing. Appointments are for up to 3 years and one member is appointed as the chairperson.	<p>Only the applicant and any person representing the applicant is entitled to appear and be heard on their application. The Authority may seek and receive any information that it thinks fit, and may consider information obtained from any source. If the Authority proposes to take into account any information that may be prejudicial to the applicant's case, the Authority must first disclose that information to the applicant and give the applicant a reasonable opportunity to rebut or comment on it.</p> <p>The Authority must give written notice to an applicant of its</p>	There is a right of appeal to an arbitrator. For the purposes of hearing any appeal the Minister appoints as an independent arbitrator a barrister or solicitor of the High Court of at least 7 years standing who shall be nominated by the President of the New Zealand Law Society. Decisions of the arbitrator may be appealed on a question of law to the HC.	No – The Authority must give effect to government policy and is not independent. It does determine applications which affect rights by considering evidence and applying the eligibility rules in the Act. There is a high level of policy content to determine in application of rules.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
				and marketing the product for which the licence is sought; and understands the current export marketing strategy for the product, and is willing and able to carry on its business in a way that does not prejudice that strategy.		decision and also give reasons.		
District Licensing Agency (DLA)	Sale of Liquor Act 1989	Local Authorities	<p>Receive applications for and, where application is not opposed and criteria are satisfied grant off-licences, on-licenses and club licences, and manager certificates and renewals of above.</p> <p>Receive applications for and, where criteria are satisfied grant special licences and temporary authorities.</p>	The Agency is required to grant, renew or cancel a licence on unopposed applications where set statutory criteria are met. When determining applications for special licences and temporary authorities it determines issues based on facts and evidence and applies rules.	The decision maker is the Local Authority. It may delegate the function to a Committee. The CE of the Authority is the secretary of the Agency. The Committee may further sub-delegate the function of dealing with applications to which there have been no objections to the Secretary or to a sub-committee.	If no objection to an application is filed the Agency) the District Licensing Agency may either grant the application on the papers or convene a public hearing to consider the application. Where an objection is filed the Agency is normally required to hold a public hearing. The Agency may receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectually with any matter before it, whether or not the statement, document, or matter would be admissible in a Court of law.	Any party to proceedings before a District Licensing Agency who is dissatisfied with the decision may appeal to the Liquor Licensing Authority against the decision. Rights of appeal against a LLA decision are outlined below.	<p>Possible - Its powers are tribunal-like, but these are not routinely used for unopposed applications.</p> <p>Although this is a tribunal it has quite a distinct and well established decision making process involving local authorities, so should remain outside the scope of the project.</p>

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						<p>Subject to the above, the Evidence Act 1908 applies to the Agency and to the members of the Agency, and to all proceedings before the Agency, in the same manner as if the Agency were a Court within the meaning of that Act. The Agency is, within the scope of its jurisdiction, deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908. The power to issue summonses requiring the attendance of witnesses before the Agency or the production of documents, or to do any other act preliminary or incidental to the hearing of any matter by the Agency may be exercised by the secretary. In addition to its powers under the Commissions of Inquiry Act 1908, the Agency may at any time if it thinks fit rehear any matter that has been</p>		

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						determined by it. Decisions of the Agency, and the reasons for the decision, must be recorded in writing.		
Liquor Licensing Authority (LLA)	Sale of Liquor Act 1989	MoJ	Determine opposed applications for off-licences, on-licenses and club licences, and manager certificates and renewals as referred by DLAs. Consider and determine opposed applications for variations, renewals and suspensions of licences. Consider and determine appeals from decisions of DLAs.	The Agency is required to grant, renew or cancel a licence on opposed applications where set statutory criteria are met. This involves making findings of fact after hearing evidence and the application of rules to those facts. It is a specialist first instance and appellate tribunal.	The authority consists of 3 or 4 persons appointed by the Governor-General on the recommendation of the Minister of Justice. 1 member is to be a District Court Judge who is to be appointed chairperson of the Authority. The term of appointment is normally 5 years.	As above, except that powers exercised by Secretary above are exercised by the Chairperson. The LLA must convene a public hearing for determining opposed applications. Has power to state a state to the High Court on question of law.	Where the Licensing Authority refuses any application for the grant or renewal of any licence or any manager's certificate on the ground of the suitability of the applicant; or cancels or suspends any licence or manager's certificate on the ground of the suitability of the licensee or manager, the applicant or licensee or manager may appeal to the High Court. Such appeals shall be dealt with by way of rehearing.  In other cases there is a right of appeal on a question of law to the High Court.	Yes – determines questions affecting rights by considering facts and evidence and applying rules to the facts.

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							With leave decisions of the HC can be appealed on a question of law to the CA.	
Environmental Risk Management Authority (ERMA)	Hazardous Substances and New Organisms Act 1996	ACE	Assigns hazard classifications and controls. Receives applications for and, when appropriate, provides approvals to import, manufacture, use, release or dispose of hazardous substances and new organisms.	A mix of functions. ERMA is a quasi-judicial, decision-making body. In this role it makes decisions on applications under Part V of the Act, by evaluating risks, costs and benefits, placing conditions on approvals; and making decisions on transitional licences and other approvals.  It is also the governing board of ERMA New Zealand	Is a Crown entity (ACE) for the purposes of s 7 of the Crown Entities Act 2004 Consists of between 6 and 8 members, appointed for a period up to 5 years by the Minister for the Environment	An Order in Council (SR 1998/217) established the methodology to be used by the Environmental Risk Management Authority in making decisions under Part 5 of the Hazardous Substances and New Organisms Act 1996. The methodology is an administrative decision-making one rather than an adjudicative one.	An appeal lies to the District Court on certain matters and on others there is a right of appeal on a question of law to the High Court.	No - as most of its functions are not tribunal-like. Its decision making process is administrative with a high level of evaluative and policy content.
Abortion Supervisory Committee	Contraception, Sterilisation and Abortion Act 1977	MoJ	Receives applications for and, where appropriate, grants licenses for institutions to perform abortions. Appoint counseling services and receive reports on abortions carried out in New Zealand.	The Committee is required to grant, renew or cancel a licence where set statutory criteria are met. It also has policy functions such as reviewing the operation of abortion law, prescribing standards of facilities	Committee consists of 3 members, appointed for 3 year terms, 2 of whom must be medical practitioners. Appointed by the Governor General on the advice of the House of Representatives.	Hearing on the papers, written statement of reasons for a refusal must be given upon request.	Appeal to HC on question of law from decisions to refuse an application for a licence or renewal, or a decision to cancel a licence.	No - not a tribunal – basically makes administrative decision whether to grant a licence or not. Other functions are policy-based or relating to operational issues <sup>6</sup> .

<sup>6</sup> 2002 LC report recommended it not be included in framework

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
				for licensed institutions, collecting and analysing data on performance of abortions in New Zealand.				
Gambling Commission	Gambling Act 2003	DIA	Consider and determine applications for casino operator licences, renewals of casino venue licences, and any applications from Secretary to suspend a casino licence. Consider and decide whether to approve any mortgage, charge, or encumbrance of a casino licence operator, or the proposed transferee or alienee of a casino licence resulting from the enforcement of a mortgage, charge, or encumbrance. Consider and decide whether to grant applications for the approval of a casino venue agreement and amendments to them. Determine appeals against minimum standards imposed in casino licences and appeals against decisions on licensed promoter licences and class 3 and 4 operator licences. Consider complaints about the way	Some functions involve making findings of fact after hearing evidence and the application of rules to those facts.	The Commission consists of 5 gambling commissioners appointed for a term of up to 3 years by the Governor-General on the recommendation of the Minister of Internal Affairs. One is appointed as the Chief Commissioner. The Chief Commissioner must be a barrister or solicitor with at least 7 years experience and the other commissioner must have suitable experience. Appointments can be terminated for cause.	Within the scope of its jurisdiction, and subject to this Gambling Act, the Commission (including any division) must be treated as if it were a Commission of Inquiry under the Commissions of Inquiry Act 1908. The Commission may appoint experts to assist it to exercise its functions or powers, or to make inquiries, conduct research, facilitate consultation, or provide reports on matters before the Commission. The Commission may sit in divisions to hear matters. Administrative services necessary for the Gambling Commission to perform its functions must be arranged by the	A person affected by a decision of the Gambling Commission in performing any of the functions may appeal that decision to the High Court, which can reconsider afresh the matter on appeal. With leave may appeal to the CA on a point of law.	Yes – some functions involve determining questions affecting rights by considering facts and evidence and applying rules to the facts.

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			the Secretary has addressed complaints against class 4 gambling venues.			Secretary for Internal Affairs who must ensure that staff allocated to perform administrative services for the Commission are separated, physically and operationally, from other staff responsible for policy, licensing, and compliance concerning gambling. The Gambling Commission may regulate its procedure as it thinks fit.		
Office of Film and Literature Classification	Films, Videos and Publications Classification Act 1993	ICE MoJ administers the Act, DIA funds the Office and Censor is accountable to Minister of Internal Affairs	Decides on the classification of any publication	Statutory duty to act independently in performing functions.	Crown Entity for the purposes of Crown Entities Act 2004.  Office consists of Chief Censor and Deputy Chief Censor. Appointed by GG on recommendation of the Minister, together with Minister of Justice and Minister of Women's Affairs. In making recommendation, Minister must have regard to person's personal attributes and knowledge or experience of matters likely to come before the Office.	Office examines publication and determines appropriate classification. Rights for the Secretary of Internal Affairs, submitter of a publication, notified persons and affected persons to make written submissions. Classification Office may show publication to persons who may be able to assist, invite any persons it thinks fit to make	May apply for reconsideration by the Office of a determination.	Probably not – it applies legal standards to particular publications in order to determine classification. The Office is independent, and its decisions can affect individual interest in livelihood. It operates in a defined, specialist area. It assesses and grades publications. There may however be reasons for excluding it from



Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						written submissions, and may make such inquiries as it thinks fit. No requirement to hold a hearing, no person has the right to appear or be heard by the Office. Must give written notice of decision to submitter of publication, giving reasons.		the project because it is a distinct statutory scheme for classifying publications.
<b>Tribunals that regulate occupational groups</b>								
Building Practitioners Board	Building Act 2004	DBH	Approve rules relating to licensed building practitioners. Receive, investigate, and hear complaints about, and to inquire into the conduct of, and discipline, licensed building practitioners. Determine appeals against any decision of the Registrar to decline to issue a license or suspend or cancel a building practitioner licence.	Power to cancel or suspend licences, order payment of fines etc.	Must have no less than 6 and no more than 8 members, appointed by Governor-General on recommendation of the Minister, based on knowledge, experience and expertise. One member must be barrister and solicitor of 5 years' standing. One member may be appointed as Chair by Minister. Duty to act independently in performing functions.	Board may regulate its own procedure. May receive any evidence, whether or not admissible in court, take evidence on oath, summons witnesses.	Right of appeal to DC against decisions of the Board. Appeal by way of rehearing. Appeal to HC on question of law from decision of DC, otherwise decision is final.	Yes - functions in relation to determining complaints and determining appeals are tribunal functions. They involve application of standards to facts. Board is independent and exercises defined specialist jurisdiction.

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Cadastral Surveyors Licensing Board	Cadastral Survey Act 2002 ss 10-14, 34-46 and Schedule 1	LINZ	Receives applications, issues and renews licenses and maintains register of cadastral surveyors. Investigates complaints and takes disciplinary action.	Person is entitled to be licensed as a cadastral surveyor if they satisfy the Board they meet the standards for licensing. Must license applicants if satisfied they are entitled to a licence.	Board consists of Surveyor-General and 5 other members appointed by the Minister. Must include 2 persons nominated by bodies representing cadastral surveyors, 2 persons who are or have been cadastral surveyors but are not nominated by bodies representing cadastral surveyors, and 1 person who is not a surveyor and does not represent the profession.	In relation to licensing - must observe rules of natural justice, give applicant notice of any matters which might result in their application being declined, and give reasonable opportunity to make submissions on such matters. In relation to disciplinary action – Board holds a private hearing. Must observe rules of natural justice and may receive any evidence, whether or not admissible in court. Surveyor entitled to appear and be heard, either personally or by representative. Decision must be in writing, state reasons for decision and state right to appeal. For purposes of disciplinary hearings, Board has powers of a Commission of Inquiry.	Right of appeal to DC. Decision of DC on appeal is final.	Yes – the function of hearing and determining complaints and disciplinary matters is a tribunal function. In relation to licensing function, not much judgment involved in decisions. In relation to disciplinary functions, the Board does exercise an adjudicative role. Furthermore, decisions affect individual interest in maintaining livelihood.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
[Chartered Professional Engineers] Registration Authority <sup>7</sup>	Chartered Professional Engineers of New Zealand Act 2002	Institute of Professional Engineers of New Zealand Inc	Makes decisions relating to the registration of chartered professional engineers, the register, the complaints and disciplinary process for chartered professional engineers, and related matters.	In relation to registration function, must register a person if satisfied they meet minimum standards for registration contained in the rules. May discipline engineers only on set grounds (see s 21). May order removal, suspension of registration, payment of fines.	Authority is the Institute of Professional Engineers of New Zealand Incorporated.	Required to observe rules of natural justice and give written notice of, and reasons for, decisions. May regulate own procedure. In relation to disciplinary matters, power to receive evidence on oath, permit evidence by written statement verified by oath or statutory declaration. May summons witnesses with authorisation of DC.	Right of appeal to Council against decision of Authority. Further appeal to DC against decision of Council. Appeals by way of rehearing.	Yes – the function of hearing and determining complaints and disciplinary matters is a tribunal function In relation to licensing function, not much judgment involved in decisions. Disciplinary functions involve more judgment, need to apply rules to facts. Board exercises specialist jurisdiction. May be an issue of independence.
Chartered Professional Engineers Council	Chartered Professional Engineers of New Zealand Act 2002	Body Corporate (DBH administers the Act)	Review and, if the proposed rules meet the applicable requirements, approve proposed rules containing CPEng standards.  Determine appeals from decisions of Registration Authority.		Appointed by Governor-General on recommendation of Minister. Minister must recommend 3 persons nominated by Institution of Professional Engineers of New Zealand Inc, 1 person nominated by the Association of Consulting Engineers of New Zealand, 1 person nominated by Minister who is considered to be representative of consumers, and 1 to 3 other persons nominated by the Minister.	May regulate own procedure	Right of appeal to DC, further appeal to HC on question of law, by way of case stated.	Yes - In relation to rule-making, this is not an adjudicative function. However, determining appeals from decisions of Registration Authority is a tribunal function.

<sup>7</sup> Institute of Professional Engineers of New Zealand Incorporated

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Electrical Workers Registration Board	Electricity Act 1992	DBH	Receives applications for and where appropriate authorises the registration and licensing of electrical workers. Investigates complaints and exercises disciplinary powers.	Persons entitled to be registered if Board is satisfied they meet requirements. Some discretion e.g. may refuse to register if person has committed offence which, in the opinion of the Board, reflects adversely on fitness to undertake work.	Board consists of 5 persons who are or are entitled to be registered under Part 9 of the Act, and 2 persons who are not so entitled. Appointed by Minister.	In relation to licensing functions - sittings usually to be held in public. Board shall not decline applications for practicing licences without first giving applicant notice of information on which Board relies to decline application, and opportunity for comment and to be heard. In relation to disciplinary functions – where Committee reports complaint should be considered by Board, must hold a hearing to decide whether to exercise disciplinary powers. Must notify person concerned and give opportunity to appear and be heard, either personally or by representative. Board may receive any evidence. Decisions must be in writing, giving reasons and statement of rights of appeal. Has powers of a Commission of Inquiry under Commissions of	Right of appeal to DC. Further appeal by way of case stated to HC on question of law.	Yes – the function of hearing and determining complaints and disciplinary matters is a tribunal function. Registration functions involve judgment in applying standards to facts. Disciplinary functions also adjudicative. Board exercises defined specialist jurisdiction, determines questions affecting individual interests, and is independent.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						Inquiry Act 1908. whether or not admissible in court. May regulate own procedure. Must observe rules of natural justice.		
Complaints Assessment Committees	Electricity Act 1992		Investigates complaints referred by the Board about the conduct of persons registered under the Act.	Determines whether complaint should be considered by the Board and reports its findings to the Board. In report to Board, Committee may recommend interim suspension or disqualification.	Committees consist of no fewer than 4 persons appointed by the Secretary. Appointed from list maintained by Secretary.	Complaints about conduct of electrical workers referred to Complaints Assessment Committees. Committee investigates complaint and determines whether or not it should be referred to the Electrical Workers Registration Board. Before making determination, must notify particulars to person complained of and give opportunity to appear or make written submission. May regulate own procedure. Must observe rules of natural justice.		Probably not - Recommendatory only, the decision-making process is adjudicative in nature. Not really independent, as appointed by Secretary, who is defined as the Chief Executive of the responsible Ministry. A mechanism to undertake investigation.
Engineering Associates Registration Board	Engineering Associates Act 1961	DBH	Receives applications for and where appropriate, authorises the registration of engineering associates. Investigates complaints and exercising disciplinary powers.	Exercises discretion in deciding whether to register persons under the Act – must show a “reasonable standard of general competency...or...a	Board consists of Chair, one member of each association registered under the Act, and 2 other members. Members appointed by Minister.	In relation to licensing functions - Board may regulate own procedure. May, if it thinks fit, require persons to verify by statutory	Right of appeal to Engineering Associates Appeal Tribunal (see below). Appeal Tribunal decision is final no further	Yes - disciplinary functions involve application of standards to facts, and affect individual interests. Board exercises

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				highly specialised knowledge in a particular branch of engineering..."		declaration any statements made in the application. In relation to disciplinary functions – Upon referral of complaint, Board shall hold inquiry. Must be notice to person concerned, and opportunity to appear and be heard, either personally or by representative. Board may summons witnesses and take evidence on oath.	rights of appeal.	defined specialist jurisdiction and is independent.
Engineering Associates Investigation Committee	Engineering Associates Act 1961	DBH	Receives complaints against persons registered under the Act and decides whether complaints should be referred to the Registration Board to exercise its disciplinary powers.		3 members appointed by Minister on the joint nomination of the Councils of the Associations.	Committee may regulate own procedure.		Probably not - Does not determine complaints – undertakes preliminary investigation and refers to Board for action. However, this function does require application of standards to facts.
Engineering Associates Appeal Tribunal	Engineering Associates Act 1961	DBH	Decides appeals on the registration and the discipline of engineering associates.		Tribunal consists of District Court judge and 2 assessors, 1 appointed by the Registration Board and 1 by the appellant.	Upon receipt of appeal, Registrar informs Minister, who constitutes an Appeal Tribunal. Tribunal deemed to be a Commission of Inquiry under	Decision of Appeal Tribunal is final and conclusive. No rights of appeal.	Yes – determines appeals by applying law to facts. Independent tribunal with judicial leadership, with specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						Commissions of Inquiry Act 1908.		
[Health Practitioner] Registration Authorities <sup>8</sup>	Health Practitioners Competence Assurance Act 2003	MoH	Receives applications for and, where appropriate, authorises the registration of health practitioners and their scopes of practice. Reviews competence and mental and/or physical fitness to practice.		Minister may appoint up to 14 members for each authority – must not have less than 5 members. Membership of authorities must include a majority of health practitioners, and 2 or 3 laypersons, depending on size of Authority.	Authorities may regulate own procedure. May receive any evidence, whether or not admissible in court. Must observe rules of natural justice. When reviewing competence of a practitioner, must give notice, relevant information relevant to competence held by the Authority and opportunity to make submissions and be heard, personally or by representative.	Right of appeal to DC against decisions of Authorities in relation to registration. Appeals by way of rehearing. Further appeal to HC on question of law.	No - licensing and registration function not a tribunal one, although decision-making has adjudicative aspects – e.g. reviewing competence after hearing. Registration also involves discretionary elements. Authorities are independent, decide questions affecting individual interests, and have specialist jurisdiction.
[Health Practitioners] Professional Conduct Committees	Health Practitioners Competence Assurance Act 2003	MoH	Considers complaints against health practitioners, and makes recommendations to Registration Authorities or determinations that charges should be laid in the Tribunal.		Appointed by Authorities from time to time. Committees consist of 2 health practitioners who are registered with the authority, and 1 layperson.	Complaints may be referred to Committees by Registration Authorities. Committees may regulate own procedure, subject		Probably not - Does not determine complaints – undertakes preliminary investigation and refers to Board for action. However,

<sup>8</sup> The Registration Authorities are Dental Council, Midwifery Council, Pharmacy Council, Osteopathic Council, Chiropractic Board, Dietitians Board, Medical Radiation Technologists Board, Medical Council of New Zealand, Medical Laboratory Science Board, Nursing Council of New Zealand, Occupational Therapy Board, Optometrists and Dispensing Opticians Board, Podiatrists Board, Psychologists Board.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						to rules of natural justice. Power to appoint legal advisers and investigators to assist. May receive any evidence, whether or not admissible in court. Must give the health practitioner reasonable opportunity to present evidence on the matters dealt with and to be heard, either personally or by representative. Power to require production of documents etc. Must give written notice of decision, with reasons, to relevant Registration Authority, health practitioner and complainant, if any.		this function does require application of standards to facts.
Health Practitioners Disciplinary Tribunal	Health Practitioners Competence Assurance Act 2003	MoH	Hears and determines charges (serious complaints) against health practitioners.	Tribunal may discipline health practitioner on certain grounds set out in s 100. Tribunal must exercise judgment in finding that a ground has been made out – e.g. that act or omission of practitioner amounted to negligence or	Tribunal consists of Chair and 1 or more Deputy Chairs, who must be barristers and solicitors of no less than 7 years' practice, appointed by the Minister, and the members of the Panel maintained by the Minister. Panel consists of practitioners of each	As soon as reasonably possible after the laying of a charge, Chair must convene a hearing of the Tribunal. Must be notice to practitioner, opportunity to appear and be heard, either personally or by	Right of appeal to HC against decisions of the Tribunal. Appeals by way of rehearing. Further appeal to CA on question of law.	Yes – exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.



Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
				malpractice, in the opinion of the Tribunal. Some grounds require less judgment – e.g. finding that practitioner has practiced without a practicing certificate. May order cancellation or suspension of licence, or payment of fines.	profession who hold current practicing certificates, and laypersons. Panel must contain sufficient members to enable the Tribunal to be constituted. For purposes of each hearing, tribunal consists of Chair or Deputy, 3 professional peers of the health practitioner, and 1 layperson.	representative. Hearings to be held in public unless tribunal orders otherwise, subject to special protections for certain witnesses. Tribunal may regulate its own procedure. Must publish any rules of procedure it makes, and must observe rules of natural justice. May receive any evidence, whether or not admissible in court, take evidence on oath, permit evidence by written statement verified by oath. Evidence Act 1908 otherwise applies. Tribunal has powers of investigation, including requiring production of documents and summoning witnesses. Power to punish for contempt of tribunal. Orders of Tribunal must be in writing and contain statement of reasons.		

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
District Law Practitioners Disciplinary Tribunal	Law Practitioners Act 1982 <sup>9</sup>	District Law Societies	Investigates complaints against practitioners and either refers to the NZ Disciplinary Tribunal or makes an order against the practitioner.	Tribunals investigate charges made against practitioners. If case is of sufficient gravity, must refer to NZ Disciplinary Tribunal. In all other cases, if satisfied practitioner has been guilty of misconduct, may make orders e.g. censuring person or ordering payment of fines.	Tribunals consist of 5 to 8 practitioners appointed by District Council, and 2 lay members appointed by Governor-General on recommendation of Minister of Justice, after consultation with District Council.	Except as otherwise provided, Tribunals may determine own procedure. Must give practitioner reasonable opportunity to be heard, personally or represented by Counsel. May require any person to attend and give evidence, and produce documents. May take evidence on oath. Orders must be signed by Chair and contain statement of Tribunal's findings.	Practitioner to whom complaint relates, or the District Council or complaints committee who laid the charge, may appeal to NZ Law Practitioners Disciplinary Tribunal. Appeals by way of rehearing. (See below for rights of appeal from NZ Law Practitioners Disciplinary Tribunal.	Yes - Exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.
New Zealand Law Practitioners Disciplinary Tribunal	Law Practitioners Act 1982 <sup>10</sup>	NZLS	Decides complaints made against a practitioner or his/her employee referred by the District Disciplinary Tribunals. Decides appeals from decisions of the District Disciplinary Tribunals.	If satisfied practitioner has been guilty of misconduct, may strike name of roll, suspend practice, censure, or order payment of fines.	Tribunal consists of 5 to 12 members of the NZ Law Society, determined by the Council on recommendation of the Tribunal, and 3 lay members appointed by Governor General on recommendation of Minister of Justice, after consultation with Council.	Except as otherwise provided, Tribunal may determine its own procedure. Hearings usually to be in public. Must give practitioner reasonable opportunity to be heard, personally or represented by Counsel. May require any person to attend and give evidence, and produce documents. May take evidence	Practitioner to whom decision relates, or Council or District Disciplinary Tribunal which brought the proceedings, may appeal to the High Court. Appeals by way of rehearing. Act silent on further appeals so section 67 of the Judicature Act applies. Further right of appeal to	Yes - Exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

<sup>9</sup> This Act is to be repealed on a date to be appointed by the Governor-General by Order in Council (s 349 of 2006 No 1 – Lawyers and Conveyancers Act 2006).

<sup>10</sup> This Act is to be repealed on a date to be appointed by the Governor-General by Order in Council (s 349 of 2006 No 1 – Lawyers and Conveyancers Act 2006).

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						on oath. Orders must be signed by Chair and contain statement of Tribunal's findings.	CA with leave of court.	
Lawyers & Conveyancing Practitioners Standards Committees	Lawyers and Conveyancers Act 2006	NZLS and Society of Conveyancers	Inquire into and investigate complaints about practitioners and firms, promote resolution of complaints by way of conciliation, mediation or negotiation, investigate misconduct or unsatisfactory conduct by practitioners, make final determinations in relation to complaints, lay and prosecute charges before the Disciplinary Tribunal.	May make determination that the complaint be considered by the Disciplinary Tribunal, that there has been unsatisfactory conduct, or that no further action be taken.	Established by New Zealand Law Society and New Zealand Society of Conveyancers, by practice rules. Members appointed by the relevant society. Each Standards Committee must consist of at least 3 persons, at least one of whom must be a lay member.	On receipt of complaint, may decide to take no action or to inquire into complaint. If decide to take no action, must give written notice of decision, with statement of right to review of decision. If decide to inquire, must give notice to practitioner concerned and invite written explanation. May require person to appear and provide information. Committee must observe rules of natural justice, otherwise may regulate its own procedure. May appoint investigators to report on complaints. Committee may require production of documents and records. May receive any evidence, whether or not admissible in		Probably not - exercises judgment in applying standards to facts. Determines questions affecting individual interests, and exercises defined specialist jurisdiction. May be issue of independence – appears to be more of a committee of the Law Society than an independent body. A mechanism established to inquire into and investigate complaints.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						court, take evidence on oath, permit evidence by written statement verified by oath. Evidence Act 1908 otherwise applies. Must give written notice of determination to persons entitled to apply for a review, stating reasons.		
Legal Complaints Review Officer	Lawyers and Conveyancers Act 2006	MoJ	Reviews determinations made by Standards Review Committees in relation to complaints, promotes negotiation, mediation and conciliation of complaints, advises NZLS, NZ Society of Conveyancers and Minister on issues arising during reviews.	May direct Standards Committee to reconsider decision, confirm, modify or reverse a decision of a Standards Committee, and exercise any of the powers Committee could have exercised in original proceedings.	Officer is not a lawyer or conveyancer. Appointed by Minister in consultation with NZLS and NZ Society of Conveyancers, considering personal attributes, knowledge of matters dealt with and dispute resolution.	Obligation to conduct review upon receipt of application for review. Must conduct review with as little formality and technicality, and as much expedition, as permitted by the Act, proper consideration of the case, and the requirements of natural justice. Reviews must be conducted in private. If it appears to Officer that review can be adequately conducted without the presence of parties or witnesses, and parties consent, may conduct review on this basis. Officer may regulate own		Probably not – Mixed functions, however at least some functions involve determining questions affecting individual interests by applying standards to facts. Officer is independent and exercises defined specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						<p>procedure. May make such investigations and receive such evidence as thinks fit, whether or not evidence would be admissible in court. All evidence and information received must be disclosed to parties, and opportunity for comment given. May not make any comment that is adverse to any party unless given opportunity to be heard. Must report outcome of each review to the relevant Standards Committee, the applicant, every person entitled to apply for review, and NZLS or NZ Society of Conveyancers.</p>		
New Zealand Lawyers and Conveyancers Disciplinary Tribunal	Lawyers and Conveyancers Act 2006	NZLS and Society of Conveyancers	Hears and determines charges against practitioners, appeals against decisions of NZLS or NZ Society of Conveyancers to decline to issue practicing certificates, applications for restoration of name to roll and for consent to employment of person who has been struck off or	May make order that person be struck off or suspended, or in the case of conveyancers that registration be cancelled, if in the opinion of the Tribunal the practitioner is not a fit and proper person to practice. May order	Tribunal consists of Chair and Deputy Chair, 7-15 lay members, 7-15 lawyers and 3-5 conveyancing practitioners. Tribunal may sit in divisions. Chair and Deputy Chair must not be practitioners, but must have had at least 7 years' legal experience. Chairs	Must observe rules of natural justice. Practitioner entitled to appear and be heard, personally or by representative. Charges laid by Standards Committee or Complaints Review Officer are prosecuted by them.	Right of appeal to HC against decisions of tribunal. Appeals by way of rehearing. Further appeal, with leave, to CA on question of law. Decision of CA is final.	Yes - exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
			suspended.	that employment with a firm be terminated, payment of fines.	and lay members appointed by Governor-General on recommendation of the Minister, practitioner members appointed by Council of NZLS or NZ Society of Conveyancers. For purposes of any proceedings, tribunal consists of Chair and an even number of other members, not less than 4, half of whom are lay members.	Hearings usually to be held in public. May receive any evidence, whether or not admissible in court. May take evidence on oath, permit evidence by written statement verified by oath. Evidence Act 1908 otherwise applies. May determine own procedure. Power to punish for contempt of tribunal. Power to summons witnesses with authorisation of DC.		
The Licensing Authority of Secondhand Dealers and Pawnbrokers	Secondhand Dealers and Pawnbrokers Act 2004 Part 4	MoJ	Receives applications for and, where appropriate issues licenses and certificates for secondhand dealers and pawnbrokers. Considers applications for renewals of licences and certificates and suspend and cancels where appropriate. Maintains a register of all licences.	Authority must issue licence if applicant holds, or is eligible to hold, a certificate, and applies in the correct form. Must also cancel licence in specified circumstances. Person disqualified from holding certificate in specified circumstances, Authority may waive disqualification if satisfied that there are special reasons why person should not be disqualified. Also determines whether to uphold police objections, and hears	Authority appointed by Minister of Justice, with concurrence of responsible Minister. May also appoint Deputy Licensing Authorities.	If application for licence or certificate is declined, must notify applicant in writing and give reasons. Cancellation must also be notified in writing with reasons. Where police object to an applicant, applicant may request a hearing of the Authority. Commissions of Inquiry Act 1908 applies to this hearing. Applicant entitled to appear and be heard, personally or by	Right of appeal to DC, except in the case of a decision relating to waiver of disqualification, where there is no appeal. DC's decision on appeal is final.	Yes - Determines questions involving important interests – can affect livelihood. Many questions do not involve significant judgment, however decisions on police objections and complaints do require exercise of judgment in applying standards to facts. Authority is independent and has defined area of jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
				police complaints about licence holders.		representative. Commissioner of Police entitled to be represented by any police or counsel. These provisions also apply to police complaints about licence holders.		
Registrar of Motor Vehicle Traders	Motor Vehicle Sales Act 2003	Companies Office (MED)	Receives applications for and, where appropriate issues a certificate of registration for motor vehicle traders. Cancels registrations in case of fraud, non-payment of fees, and disqualification from registration.	Must accept application if satisfied that applicant is not disqualified, and application is made in the proper form. Must remove name from register in specified circumstances.	Appointed by Chief Executive of Ministry, under State Sector Act 1988.	If application is refused, must notify applicant in writing with reasons. Procedure for cancellation – Must give written notice of intention to cancel registration with reasons for cancellation, invite written representations from trader. Must take representations into account in deciding whether to cancel. If decide to cancel, must give written notice stating grounds for decision.	Right of appeal to DC against Registrar's decision to refuse or to cancel registration. DC may confirm or reverse decision of Registrar. DC decision is final.	Yes - Involves application of standards to facts, and individual interests are at stake. However decisions are generally mechanical and little judgment or discretion is involved. Also may be question as to independence.
Music Teachers Registration Board	Music Teachers Act 1981	Institute of Registered Music Teachers of New Zealand (?)	Receives applications and authorises registration of music teachers, determines categories of registration, removes names from register where registered in error or guilty of misconduct.	Board must be satisfied that applicants are of good character and are competent to teach.	Board consists of 6 persons, 1 appointed by the Minister and 5 appointed by the Council of the Institute of Registered Music Teachers of New Zealand. Members appointed by Council must be members of the	Board may regulate its own procedure. In relation to cancellation of registration, if Board believes person is guilty of misconduct or has committed an offence which	Right of appeal to DC against decision to register, not register or cancel registration. Decision of DC on appeal is final.	Yes - Determines questions involving individual interests. Decisions involve exercise of judgment in applying standards to facts. May be issue of independence.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
					Council. Board elects Chair from members.	makes them unfit for registration, must give person reasonable opportunity to appear before the Board and be heard before cancelling registration.		
Plumbers, Gasfitters and Drainlayers Board	Plumbers, Gasfitters and Drainlayers Act 2006 <sup>11</sup>	Body Corporate, reports annually to Minister of Health	Prescribes standards for registration of plumbers, gasfitters and drainlayers. Receives applications for and, where appropriate, authorises the registration, hears complaints about, and disciplines, registered persons, reviews competence of registered persons, institutes prosecutions for breaches of the Act, makes recommendations to Minister relating to regulations controlling sanitary plumbing or drainlaying under the Health Act.	Board has all powers reasonably necessary to enable it to carry out its functions. Must register person who satisfies Board they meet standards, are a fit and proper person and are not precluded from being registered.	Board consists of 2 persons registered or entitled to be registered as plumbers, 2 persons registered or entitled to be registered as gasfitters, 2 persons registered or entitled to be registered as drainlayers, and 4 other persons, no more than 1 of whom may be a registered person, 1 of whom has experience in relevant tertiary or vocational education, and 2 of whom represent consumers. Members appointed by Minister.	In considering applications, must have regard to reasons for any previous cancellation of person's licence, rules of natural justice and give applicant notice of any matter that might result in the application being declined and reasonable opportunity to make submissions on the matter. If refuse to register, must give written notice to applicant and state right to appeal. In conducting competence review, Board may determine procedure, but must inform person of	Right of appeal to DC against decisions of the Board. DC may confirm, reverse or modify decision. Appeal to HC on question of law only, otherwise decision on appeal is final.	Yes - Wide range of functions. Many involve exercise of judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

<sup>11</sup> Replaced Plumbers Gasfitters and Drainlayers Act 1976. Received royal assent 4/12/06 – parts of Act come into force on date to be appointed by GG by Order in Council – see s 2.



Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						<p>particulars and give reasonable opportunity to make written submissions and be heard, personally or by representative.</p> <p>In relation to cancellation, may not act without first informing person of why it may take action, and giving reasonable opportunity to make written submissions and be heard.</p> <p>In relation to complaints, Board must hold hearing if investigator reports that complaint should be considered by the Board. Must notify person and give opportunity to be heard. Must observe rules of natural justice.</p> <p>Meetings usually to be held in public.</p> <p>Board may appoint legal adviser to assist it. May receive any evidence, whether or not admissible in court. Has powers of a Commission of Inquiry.</p> <p>Decisions must be in writing and contain statement of reasons and appeal rights.</p>		

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
Police Disciplinary Tribunal	Police Act 1958 s 12 and Police Regulations 1992	Police	Determines any charges of misconduct or neglect of duty by police officers.		One or more persons appointed by Police Commissioner. Required qualifications/expertise not clear.	Shall take reasonable steps to ensure person concerned is given notice of the reasons for the inquiry and opportunity to make submissions and be heard on the allegations. Charge must be served on police officer in writing. Parties may examine and cross-examine witnesses Same powers as a Commission of Inquiry in relation to summons of witnesses and receiving evidence. Press and public may not be admitted to hearing without Tribunal's permission. Subject to the regulations, Tribunal procedure shall be that of DC in its summary criminal jurisdiction. Must be written notice of findings to the member charged.	Commissioner may approve rehearing of the charge. No other rights of appeal provided.	Probably – adjudicative process involving exercise of judgment in applying standards to facts. Tribunal determines questions affecting individual interests, and exercises defined specialist jurisdiction. May be issue of independence due to appointment by Police Commissioner

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
Registrar of Private Investigators & Security Guards	Private Investigators & Security Guards Act 1974 Part 5	MoJ	Receives applications for and, where appropriate authorises the registration of PIs and Security Guards. Investigates complaints and exercising disciplinary powers.		Registrar is a barrister and solicitor of no less than 5 years' standing, appointed by Minister of Justice.	Registrar has powers of CoI. May receive any evidence, whether or not admissible in court. In relation to licensing function – must serve copies of application on police and consider objections to applicant. Must hold a hearing on application where there are objections, applicant and any objectors entitled to appear and be heard, call evidence, examine and cross-examine witnesses, and may be represented by counsel. Must grant licence where satisfied that the applicant is a proper person to hold a licence, and that the requirements of the Act have been complied with. In relation to disciplinary functions – must hold a hearing, complainant, licensee and Commissioner of Police entitled to appear and be heard, call evidence, examine and cross-examine witnesses,	Appeals to DC against decisions of the Registrar, by way of originating application. Decision is final.	Yes- In relation to licensing – requires judgment to determine opposed applications, also discretionary aspects of decision-making. Exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						and may be represented. Must notify decision in writing.		
Real Estate Agents Licensing Board	Real Estate Agents Act 1976 <sup>12</sup>	Real Estate Institute of New Zealand	Receives applications for and, where appropriate, grants licenses, permits and certificates to real estate agents and exercises the disciplinary powers under the Act. Decides appeals from decisions of the disciplinary committee.	Involves some degree of discretionary decision-making, especially in relation to disciplinary functions, e.g. determining whether agent has been guilty of serious misconduct.	Board consists of Chair, who must be a barrister and solicitor, 2 persons recommended by Council of the Real Estate Institute of New Zealand, and 2 others, of whom only one may be a real estate agent. Members appointed by Minister of Justice.	Board may regulate its own procedure. Must give real estate agent concerned a reasonable opportunity to be heard before exercising any of its powers. Meetings usually to be held in public. Every person making an application to Board is entitled to appear and be heard, and may be represented. Board may dispense with hearing where there are no objections to application. Right to call evidence and examine witnesses. Board may receive any evidence, whether or not admissible in court. May require witnesses to attend and give evidence, require production	Right of appeal to HC against refusal to issue licence, cancellation or suspension. Further appeal to CA by way of case stated, on question of law only.	Yes- Many functions involve exercise of judgment in applying standards to facts. Board is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

<sup>12</sup> Note that a full overhaul of this Act, including its disciplinary procedures, was announced in March 2007. A bill is expected in 2007. See Hon Clayton Cosgrove “Real Estate Law to get full overhaul” (29 March 2007) New Zealand Government <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=28828> (last accessed 20 April 2007).

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						of evidence, take evidence on oath. Where application is refused, applicant entitled to written statement of reasons upon request. In relation to disciplinary functions – shall hold inquiry into complaints received, must notify real estate agent concerned. Complainant and agent entitled to appear and be heard at inquiry.		
[Real Estate Agents] Regional Disciplinary Committees	Real Estate Agents Act 1976	REINZ (?)	Considers complaints against real estate agents.	Power to censure real estate agents, order payment of fines, but must apply to Board for cancellation or suspension of licence.	Committees chaired by barrister and solicitor, three members appointed by Council of Real Estate Institute from members, one lay member appointed by Minister.	Must give to real estate agent concerned a reasonable opportunity to be heard. May require witnesses to attend and give evidence, require production of evidence, take evidence on oath.	Right of appeal to Board. No rights of appeal from Board.	Yes - exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction. Has power to impose some penalties, although must apply to Board to discipline in some cases.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
Registered Architects Board	Registered Architects Act 2005	DBH	Makes rules relating to registered architects, receives applications for, and where appropriate, authorises the registration of registered architects. Investigates complaints and exercises disciplinary powers.	Person entitled to registration if Board is satisfied they meet minimum standards and are not disqualified. Board must assess whether applicant meets minimum standards. Board may exercise disciplinary functions where satisfied person has been negligent or incompetent etc. May suspend or cancel registration, censure, impose fines.	Board composed of 6 to 8 members, appointed by Governor-General on recommendation of the Minister. Maximum of 4 persons nominated by NZ Institute of Architects, and a maximum of 4 others.	Board may regulate own procedure. In relation to disciplinary functions – must observe rules of natural justice and give written notice of, and reasons for, decisions. May take evidence on oath and permit witnesses to give evidence by written statement verified by oath or statutory declaration. May summons witnesses with authorisation of DC.	Right of appeal to DC against decisions on registration and disciplinary matters. Notice of decision must inform person of appeal rights. Appeals by way of rehearing. Court may refer matter back to Board for reconsideration. Further appeal to HC on question of law, otherwise decision of DC is final.	Yes- In relation to registration – not much judgment involved but must apply standards to facts in assessment of whether minimum standards met. In relation to discipline - exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.
Social Workers Registration Board	Social Workers Registration Act 2003 (Part 6 and Schedule 1)	CE (Crown Agent) MSD administers the legislation	Receives and considers applications for registration as a social worker. Establishes criteria for registration of social workers, reviews competence of social workers, sets code of conduct, sets policies and procedures for complaints and discipline, maintains registration database.	Fair amount of judgment involved – e.g. must decide whether person is a fit and proper person to practice social work, whether they have sufficient experience.	Crown entity for the purposes of Crown Entities Act 2004. Board consists of 6 registered social workers and 4 others. Appointed by Minister after consultation with social work profession. Board to represent interests of social workers, consumers and different ethnic and cultural groups.	Board must observe rules of natural justice. May receive any evidence, whether or not admissible in court. May appoint legal adviser. Where Board is considering imposing conditions or refusing to issue practicing certificate, must give applicant opportunity to make written submissions and to be heard. If Board refuses to register, or grants registration subject	Right of appeal to DC against decision of the Board which has an adverse effect on the social worker concerned. Must be informed of right to appeal. Further appeal to HC on question of law only.	Probably not - exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						to conditions, provisional or temporary, must state reasons for decision. In relation to reviewing competence of social worker – must give written notice stating reasons for review and opportunity to make written submissions and be heard.		
[Social Workers] Complaints Assessment Committees	Social Workers Registration Act 2003		Assesses complaints against social workers and decides whether they should be referred to the Board for review, submitted for conciliation, submitted to Tribunal or no steps taken.		Committees consist of 2 registered social workers and 1 person who is not a social worker, appointed by Chair of Tribunal, in consultation with Board.	May regulate own procedure, subject to the Act and rules of natural justice. May appoint legal adviser. In making determination, committee may make or arrange for any investigations it deems necessary. Must give social worker concerned a reasonable opportunity to make written statement or explanation, and may allow social worker to appear before it.		Probably not - Does not determine complaints – undertakes preliminary investigation and refers to conciliation or to Board for action. However, this function does require application of standards to facts.
Social Workers Complaints and Disciplinary Tribunal	Social Workers Registration Act 2003 (Part 6 and Schedule 2)	Social Workers Registration Board (?) MSD administers the	Administers complaints process established by the Act, exercises disciplinary powers over registered social workers	Tribunal may make order cancelling or suspending registration, censure social worker or order	Appointed by Social Workers Registration Board. Consists of Chair and 1 or more deputy Chairs, at least 1	Tribunal holds a hearing, and must observe rules of natural justice. Must give notice of	Right of appeal to DC. Must be informed of right to appeal. Further appeal to HC on	Yes – must apply law to facts and impose penalty based on this. Decisions affect

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		legislation	conferred by the Act, and any other functions conferred by the Act (s115).	payment of fines.	barrister and solicitor of no less than 7 years' practice, 5 other members and at least one lay member appointed by the Minister. Members of Board not eligible to be members of Tribunal.	charge to social worker concerned, who is entitled to appear and be heard. Hearings usually to be public. Special protections for certain classes of witnesses. May receive any evidence, whether or not admissible in court. May take evidence on oath and allow evidence by written statement. Evidence Act 1908 otherwise applies. Subject to Act, may regulate own procedure. Must publish any procedural rules it makes. Tribunal is given powers of investigation – may inspect and examine records etc. require production of documents, summons witnesses. Power to punish for contempt. May appoint legal and medical advisers. Orders of tribunal must be in writing and contain statement of reasons, notified to complainant and social worker.	question of law only.	individual interests, exercises defined specialist jurisdiction. May be issue of independence due to appointment by Social Workers Registration Board.



Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
Trans-Tasman Occupations Tribunal	Trans-Tasman Mutual Recognition Act 1997	MoJ	Decides appeals on the transfer of occupational registration and the entitlement to practice in the equivalent occupation in Australia/NZ. Makes declarations as to equivalent occupations.	May make orders that a person who is registered in a particular occupation is entitled to registration in Australia/NZ. Must have regard to decisions of the equivalent Australian tribunal.	In any review, tribunal consists of Chair and 2 others appointed by the Chair from a panel. Chair must be a barrister and solicitor of no less than 7 years' practice, or a District Court judge. Appointed by Governor-General on recommendation of Minister of Justice. Panel is maintained by Minister of Justice and consists of up to 15 members, appointed with regard to their personal attributes and knowledge of matters likely to come before the tribunal.	Parties to a review are the applicant and the local registration authority in the relevant occupation. Tribunal may arrange conference of the parties. If it appears to tribunal that matter may be adequately determined in the absence of the parties, and the parties consent, tribunal may determine the review on the papers. Tribunal may determine own procedure. Must conduct review with as little formality and technicality, and as much expedition, as permitted by the Act, proper consideration of the case and the requirements of natural justice. May receive any evidence, whether or not admissible in court, take evidence on oath and permit witness to give evidence by written statement. Evidence Act 1908	Right of appeal to HC from unsuccessful applications, also appeal on question of law from any decision. Tribunal may also at any time state a case for the HC on a question of law. Act is silent. Section 67 of the Judicature Act provides a further right of appeal to the CA with leave.	Yes – decides appeals by applying standards to facts. Decisions impact on individual ability to practice in a field, Tribunal is independent and exercises defined specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						otherwise applies. Power to summons witnesses, punish for contempt, order payment of costs. Parties may appear personally or be represented. Counsel to assist Tribunal may be appointed. Decision must be in writing and give reasons.		
Teachers Council	Education Act 1989 Parts 10 & 10A – Introduced when Education Standards Act 2001 came into force.	ACE	Receives applications for and, where appropriate, authorises the registration of teachers, makes rules relating to registration and discipline, and exercises the appropriate disciplinary powers under the Act.	Must register applicant if satisfied they are of good character, fit to be a teacher, and satisfactorily trained. Must cancel registration if person no longer satisfies requirements or is subject to order of Disciplinary Tribunal. May investigate a teacher's competence and impose conditions on practicing certificate or order cancellation of registration.	Crown entity for purposes of s 7 Crown Entities Act 2004. Council comprises 11 members – 4 appointed by Minister, 4 elected members who are teachers – 1 from early childhood, 1 from primary, 1 from secondary sectors and 1 principal – 3 members appointed by Minister, 1 nominated by NZ Educational Institute, 1 nominated by NZ Post Primary Teachers Association, 1 nominated by NZ School Trustees Association	Before cancelling registration, must take reasonable steps to give teacher notice of proposed cancellation and give opportunity to make written submissions and be heard, personally or by representative.	Right of appeal to DC against decisions of the Council. DC can confirm, reverse or modify decision, or make any decision Council could have made. Further appeal to CA on question of law, with leave of HC or CA.	Probably not - In relation to registration – judgment involved in determining application of standards such as good character. Disciplinary powers also involve application of standards to facts. Tribunal exercises specialist jurisdiction and is independent.
[Teachers] Complaints Assessment Committee	Education Act 1989 Part 10A – Introduced when Education Standards Act 2001 came into	Teachers Council	Investigates complaints of misconduct and reports of convictions of teachers and exercises the appropriate disciplinary	Committee may dismiss complaint, refer to competency review, refer to impairment process,	Must include at least one member of the Teachers Council. 7 members, 4 who are members of the Council and 3 appointed	Must observe rules of natural justice.		Probably not - there may be an issue whether it is a tribunal in its own right or an adjunct

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
	force.		power under the Act.	censure, impose conditions on or suspend practicing certificate. Must refer matters involving serious misconduct to the Disciplinary Tribunal.	by the Council after consultation with interested groups.			to Disciplinary Tribunals. Exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.
[Teachers] Complaints Disciplinary Tribunals	Education Act 1989 Part 10A – Introduced when Education Standards Act 2001 came into force.	Teachers Council	Decides complaints on the conduct of teachers.	Tribunal may censure teacher, impose conditions on or suspend practicing certificate, impose fine, or cancel registration.	Must include at least one member of the Teachers Council. Must include at least one lay member selected from a list approved by the Minister. Majority of members must be registered teachers.	Must observe rules of natural justice. May receive evidence on oath, or permit witness to give evidence by written statement verified by oath. May require attendance of witnesses or production of documents.	Right of appeal to DC from decisions of tribunal. Complaints Assessment Committee may also appeal decision of tribunal to DC with leave of the Teachers Council. Further appeal to CA on question of law with leave of court.	Yes - exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.
Valuers Registration Board	Valuers Act 1948	LINZ	Determine applications for registration and decides complaints against registered valuers.	Board must register valuer if satisfied they are of good character, are competent and have the required qualifications. May order removal of name from register if satisfied person has committed offence or is guilty of misconduct which, in the opinion of the	Board consists of Valuer-General, who is the Chair, and four registered valuers appointed by the Minister, 2 of whom shall be appointed on recommendation of the NZ Institute of Valuers.	Subject to Act, Board may regulate its own procedure. In relation to registration powers - Board considers applications, may examine the applicant or any objectors on oath or otherwise. If Institute of Valuers objects, must hold a hearing and give	Right of appeal to Board of Appeal. Decision of Board of Appeal is final.	Yes - Applies standards to facts in considering applications and questions involve individual interest in livelihood. Fair amount of judgment involved as required to determine opposed applications and apply standards such as good

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
				Board, makes them unfit to be registered.		applicant and Institute opportunity to appear and be heard, personally or by representative. In relation to disciplinary powers – where Board receives complaint, must hold investigation unless no reasonable grounds for complaint. Must notify valuer concerned, who is entitled to appear and be heard at hearing, and be represented by Counsel if desired.		character.
Valuers Registration Board of Appeal	Valuers Act 1948 and Valuers Regulations 1949	LINZ	Determines appeals from decisions of the Board.		A Board is constituted by the Registrar of Valuers upon receipt of notice of appeal from a decision of the Registration Board. Board consists of a District Court judge and two assessors, one appointed by Registration Board and the other by the appellant. Assessors must be registered valuers.	Board may receive any evidence it thinks fit, whether or not admissible in court. Appellant entitled to appear, be heard and be represented. Registration Board may be represented by a member or another person. Institute of Valuers also entitled to be heard. Except as otherwise provided, procedure is to be determined by the District Court judge member. Decision must be in writing.	No rights of appeal provided.	Yes – determines appeals by application of standards to facts. Board is independent, determines questions involving individual interests, and exercises specialist jurisdiction.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
						notified to appellant, Registration Board and Institute.		
Veterinary Council of New Zealand	Veterinarians Act 2005 Part 5 and Schedule 1	MAF administers the legislation	Receives applications for, and where appropriate, authorises the registration of veterinarians. Investigates complaints and exercising disciplinary powers.	Council must register person where satisfied they have the required qualifications. More discretion involved in relation to disciplinary powers. May impose conditions etc on practising certificates.	Council consists of 7 members – 3 elected veterinarians, 2 laypersons appointed by Minister, 1 veterinarian appointed by Minister, and the person responsible for the academic veterinary science programme at Massey University. 3-year terms, may be reappointed.	Except as otherwise provided, Council may regulate its own procedure. In relation to registration functions – may examine applicant, require production of documents or information, require any person to verify statements by statutory declaration. If application for registration declined, must notify applicant in writing with statement of reasons and appeal rights. In relation to applications for practising certificates, must also give opportunity to make written submissions and be heard. In relation to disciplinary functions – must notify person of	Right of appeal to DC against decision to decline application, suspend or cancel registration. Appeals by way of rehearing. Court may refer matter back to Council for reconsideration. Further appeal to HC on question of law only.	Yes- In relation to registration – decisions fairly mechanical. In relation to discipline - exercises judgment in applying standards to facts. Tribunal is independent, determines questions affecting individual interests, and exercises defined specialist jurisdiction.

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						<p>grounds on which Committee has recommended a disciplinary hearing, right to appear and be heard at hearing, personally or by representative. Hearings usually to be held in public must observe rules of natural justice. May appoint legal assessor to advise, who must not be present while Council deliberates. For purposes of a disciplinary hearing, Council has powers of a Commission of Inquiry, except ss 11 &amp; 12 of the Act. Must be written notice of decision, including reasons and rights of appeal.</p>		
[Veterinarians] Complaints Assessment Committees	Veterinarians Act 2005		Exercises delegated functions of the Veterinary Council.	Investigates complaints and makes recommendations to Council, e.g. that person be required to undergo a competence assessment or that conditions be imposed on practising certificate. May also lay charge before a disciplinary hearing.	Committees consist of 2 veterinarians and 1 layperson, appointed by the Council.	Complaints referred to Committees by Council. Before commencing investigation, must inform person concerned of general nature of complaint. May require any person to provide documents or information. Must observe rules of natural justice.		Probably not a tribunal in its own right, exercises delegated powers of Council. Does not determine complaints – undertakes preliminary investigation and refers to Council for action. However, this function does require application

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						May appoint legal assessor to advise, who must not be present while Committee deliberates. Committees may regulate own procedure. Written statement of recommendations must be provided to Council.		of standards to facts.
[Veterinarians] Judicial Committees	Veterinarians Act 2005		Exercise delegated functions of the Veterinary Council, in relation to disciplinary matters.		Committees consist of 3 to 5 members. Must include a barrister and solicitor of no less than 7 years' practice, 1 layperson, 1 member of the Council and a veterinarian with relevant experience.	Committee procedure determined by the Council. Subject to Council's direction, Committees may regulate own procedure.		Probably not a tribunal in its own right, exercises delegated powers of the Council.
<b>Bodies that investigate particular matters and make recommendations</b>								
[Fisheries] s 181 Public Inquiry Tribunals	Fisheries Act 1996 Part 9	MFish	Undertake an inquiry into objections and submission on proposal for Taiapure/local fisheries and customary fishing.	It makes a report and recommendations to the Minister on the objections and submissions made to it. Its report can recommend amendments to the proposal or recommend that no action be taken as a result of the objections and submissions made to it.	Tribunal consists of a Judge of the Maori Land Court appointed for this purpose by the Chief Judge of the Maori land Court. The Chief Judge may direct that the tribunal sit with 1 or more assessors appointed by the Chief Judge for this purpose. In appointing assessors the Chief Judge of the Maori Land Court shall have regard not only to	The tribunal is deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908 and undertakes an inquiry in a similar way.. The person who originally submitted the proposal and every person who made submissions on or objected to the	No appeal lies from any report of the tribunal.	Yes – it determines questions affecting people's rights by considering facts and evidence and applying the standards in the legislation as well as policies to the facts. Its decisions are recommendations.

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					that person's personal attributes but also to that person's knowledge of and experience in the different aspects of matters likely to be the subject-matter of the inquiry.	proposal have the right to be heard.		
Civil Aviation Authority	Civil Aviation Act 1990 Part 6A	CE (Crown Agent) Reports to Minister of Transport	Regulatory authority for civil aviation in NZ. Establishes rules for civil aviation and punishes breaches, promotes civil aviation safety, and other informational duties, operates search and rescue services, investigates and reviews civil aviation incidents and accidents in NZ to determine their causes. This is subject to the limitations set out in section 14(3) of the Transport Accident Investigation Commission Act 1990.	Crown entity for the purposes of the Crown Entities Act 2004	5 members appointed by Minister, must represent the public interest in civil aviation. 2 of the members are only to be appointed after the Minister has requested names of candidates for appointment from organisations the Minister considers represent those who have a substantial interest in the civil aviation industry in New Zealand.	Powers are those of a crown Entity under Crown Entities Act 2004. No special powers to receive evidence or require production of documents etc.	No appeal provisions	Probably not – functions in relation to accident investigation could be tribunal-like, but no powers to conduct hearings or receive evidence. Such investigations are undertaken by other bodies.
Transport Accident Investigation Commission	Transport Accident Investigation Commission Act 1990	ICE	The principal purpose of the Commission is to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future, rather than to ascribe blame to any person.	The principal function of the Commission shall be the investigation of accidents and incidents. More specifically it is to make such inquiries as it considers appropriate in order to ascertain the cause or causes of accidents and incidents and to co-ordinate and direct	The Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004. It consists of not less than 3 and not more than 5 members appointed under the Crown Entities Act. One of the members must be a barrister or solicitor who has held a practising certificate for not less than 7 years, or	The Commission may appoint suitably qualified persons to be an assessor for the purposes of any investigation under this Act. For the purposes of carrying out its functions and duties under the Act, the Commission has the same powers as are	No rights of appeal. It publishes findings and recommendations in respect of any such investigation.	Probably not – it is a standing Commission of Inquiry. In any event sound policy reasons for excluding purpose built investigative bodies from project.



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				all such investigations and to determine which other parties (if any) should be involved in such investigations: The Commission prepares and publishes findings and recommendations (if any) in respect of any such investigation.	a District Court Judge.	conferred on a Commission of Inquiry by the Commissions of Inquiry Act 1908, and subject to the provisions of this Act, all the provisions of that Act, except sections 11 and 12 (which relate to costs), apply accordingly. The Commission also has powers to enter and inspect and to make copies or take extracts from documents, or retain documents for the purposes of exercising any of its functions, duties, or powers under the Act. It has powers to take steps to preserve evidence also and to seize, detain, remove, preserve, protect, or test any place or thing that the Commission believes on reasonable grounds will assist in establishing the cause of an accident or incident.		

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Ombudsmen	Ombudsmen Act 1975; Official Information Act 1982	Independent Officer of the House of Representatives	Investigates any decision or recommendation made, or any act done or omitted, relating to a matter of administration that affects any person or body in their personal capacity, in or by specified Departments and organisations, or by any committee or subcommittee of specified organisations, or member of any such Department or organisation in their capacity as such officer, employee, or member.	Where an ombudsman believes that decision/action appears to have been unreasonable, wrong in law, unjust, oppressive, discriminatory, or was based wholly or partly on mistake of law or fact, can make recommendation to relevant Department. Parliament given power to make rules to guide ombudsmen where appropriate. Decisions cannot be challenged in court except for want of jurisdiction.	Appointed by Governor-General on advice of House of Representatives. Appointed as Officers of Parliament and Commissioners for Investigations. Hold office for 5 year terms. May investigate based on complaints received or on own initiative. Matters may also be referred by Parliament.	Complaints may be made in writing or orally. Ombudsman may refuse to investigate where it appears that an adequate remedy or right of appeal is already available. May hear or obtain evidence from any source, and make any inquires thought fit. Not required to hold a hearing, no person entitled as of right to a hearing. But must give opportunity to be heard on adverse information. Regulate own procedure as see fit. Power to summon witnesses, examine on oath.	No appeal rights.	No - mostly investigator-y and recommendatory function. But some aspects of holding inquiry are tribunal-like. In any event sound policy reasons for excluding from project.
Parliamentary Commissioner for the Environment	Environment Act 1986	Independent Officer of the House of Representatives	The Commissioner reviews the system of agencies and processes established by the Government to manage the allocation, use, and preservation of natural and physical resources, and to report the results of any such review to the House of Representatives and to such other bodies or persons as the Commissioner considers appropriate. The Commissioner also	Undertakes investigations, hears evidence and makes finding based on that. Reports making recommendations.	Appointed by the Governor-General for a term of 5 years on the recommendation of the House of representatives as an officer of parliament. The Commissioner has such powers as may be necessary to enable the Commissioner to carry out the Commissioner's functions under the Act.	When undertaking an investigation at the direction of the House the Commissioner has the same powers as are conferred on Commissions of Inquiry by section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908. Those sections shall apply to all persons involved in any capacity in any such	No rights of appeal.	Probably not – it is a standing Commission of Inquiry. In any event sound policy reasons for excluding from project.

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			<p>investigates the effectiveness of environmental planning and environmental management carried out by public authorities, and recommend remedial action. Commences Investigates into any matters which may adversely affect the environment and advise on preventive measures or remedial action. Reports the results of the investigation to the House of Representatives. On the direction of the House of Representatives, the Commissioner must inquire into any matter that has had or may have a substantial and damaging effect on the environment, and to report the results of the inquiry to the House:</p>			<p>inquiry as if it were an inquiry conducted by a Commission under that Act. The Commissioner also has, in relation to any such inquiry, and any report on the results of the inquiry, the same immunities and privileges as are possessed by a District Court Judge in the exercise of the Judge's civil jurisdiction. The Commissioner may require any person to produce information or documents and may summons any person and require evidence to be given on oath. Any such proceedings is deemed to be a judicial proceeding.</p>		
Police Complaints Authority	Police Complaints Authority Act 1988 s4 - 32	ICE	Determines complaints of misconduct by the police and investigates incidents involving death or serious harm in which the Police are involved.		Authority consists of one person appointed by the Governor-General on recommendation of House of Representatives. Person must be barrister and solicitor possessing "suitable legal experience for the task." Crown entity for the purposes of s 7 of the	Before investigating any matter, must inform Police Commissioner and complainant of intention to investigate. Investigations conducted in private. Authority may obtain such		Possibly - Authority seems to exercise an adjudicative function although decisions are recommendatory only. Determines questions affecting individual interests and is independent. There may be

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
					Crown Entities Act 2004. Statutory duty to act independently in performing functions.	information or evidence as it thinks fit. No obligation to hold a hearing, and no person is entitled to be heard as of right. Authority may regulate own procedure. Power to summons witnesses, require production of documents. Authority forms opinion on complaint and conveys opinion, with reasons, to Commissioner, and makes recommendations, including that disciplinary proceedings be instituted. Authority must investigate complaint with due expedition, and inform complainant, Commissioner and parties of results. Must not make comment that is adverse to any person unless person has been given opportunity for comment.		reasons for excluding from project.

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Health and Disability Commissioner	Health and Disability Commissioner Act 1994 Part I	ICE	Investigates alleged breaches of the Code of Health & Disability Services Consumers' Rights and, where appropriate, refers matters to the Proceedings Commissioner. Other functions are policy and informational e.g. preparing and reviewing Code, promoting observance of health and disability services consumers' rights, preparing guidelines, advising Minister.	Commissioner deemed to be a corporation sole, and a Crown entity and a Board for purposes of Crown Entities Act 2004.	Statutory duty to act independently in performing functions. To be appointed, Commissioner must, in the Minister's opinion, be qualified having regard to personal attributes knowledge and experience of healthcare or disability services system or dispute resolution, understanding of needs of health and disability services consumers, knowledge of Maori aims and aspirations and values of different cultural and ethnic groups.	Complaint orally or in writing to Commissioner. Commissioner undertakes preliminary assessment to decide whether to refer the complaint, call a conference, investigate, or take no action. May initiate an investigation on own initiative or on receipt of a complaint. Before commencing, written notice must be given to affected persons informing them of right to submit a written response. After completion, must notify affected persons of result and further action to be taken. If Commissioner believes action was in breach of Code, may report opinion to provider, professional body, ACC and make recommendations, report to Minister, make complaint to any authority, assist persons to make complaints, refer providers to		Probably not – Could be in relation to investigatory functions – considers facts and evidence and applies standards to them. Commissioner is independent and has specialist area of jurisdiction. In any event there may be reasons for excluding from project.

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						Director of Proceedings to initiate proceedings in Human Rights Review Tribunal. Where recommendation has been made, may request info on what steps have been taken, and report to Minister if appropriate action not taken.		
Privacy Commissioner	Privacy Act 1993 Parts 3 & 8	ICE	Investigates possible interferences with the privacy of individuals and attempts to conciliate disputes arising under the Act. Also a number of educational/reporting functions detailed in s 13 of the Act.	Commissioner deemed to be a corporation sole, and a Crown entity and a Board for purposes of Crown Entities Act 2004. Statutory criteria which must be considered in exercising powers: <ul style="list-style-type: none"> <li>• Protection of human rights and social interests that compete with privacy</li> <li>• International obligations</li> <li>• Developing international guidelines</li> <li>• Privacy Principles</li> </ul>	Statute does not set out how Commissioner is to be appointed (repealed section say s by the Governor-General). Obligation to act independently in carrying out functions.	Complaint made orally or in writing. Commissioner must investigate and conciliate, or take no action. Must notify parties of intention to investigate and right to make a written response. Upon completion of investigation, must notify parties of any further action proposed. May call compulsory conference to reach a settlement. If no settlement, may refer matter to Director of Human Rights Proceedings to decide whether to institute proceedings. During investigation,		2002 LC report says no – functions are investigative and conciliatory. However, does consider facts and apply standards to them in performing investigative functions so could be regarded as an adjudicative process although does not make a binding determination. There may be reasons for excluding from project.

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						<p>commissioner may make such inquiries, and obtain evidence from such persons, as (s)he thinks fit. Not required to hold a hearing, and no person entitled to be heard as of right. Power to summons witnesses and examine under oath, and to require the production of documents. Same privileges apply as in court. Commissioner may regulate own procedure as (s)he thinks fit.</p>		
Judicial Conduct Commissioner	Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004	Independent Officer of the House of Representatives	Commissioner receives complaints about judicial conduct, conducts preliminary examination of complaint, and, in appropriate cases, recommends the appointment of a Judicial Conduct Panel to inquire into the conduct of a judge. However, no jurisdiction to challenge legality or correctness of any judicial decision.	Commissioner is given all necessary powers to carry out function. Must receive and deal with every complaint made, also may self-refer matters.	<p>The office of Commissioner is established by the Act. Commissioner appointed by Governor-General on recommendation of the House of Representatives, after the Attorney-General has undertaken consultation with the Chief Justice. Appointments are for a term of between 2 and 5 years.</p> <p>Duty to act independently.</p> <p>The Commissioner may recommend to the</p>	<p>Must observe natural justice rules (s 15(3)). Commissioner entitled to make any enquiries s/he believes appropriate, obtain court docs. May consult with the Head of relevant Bench. After consideration, must either dismiss complaint, refer to Head of Bench, or recommend Attorney-General appoint a Judicial Conduct Panel.</p>	No rights of appeal	No – only decision made is to determine whether a complaint warrants a hearing before a Panel.

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					Attorney-General that he or she appoint a Judicial Conduct Panel if the Commissioner is of the opinion that an inquiry into the alleged conduct is necessary or justified; and if established, the conduct may warrant consideration of removal of the Judge. The Commissioner must give reasons with his or her recommendation. The Commissioner must give the complainant and the Judge who is the subject of the complaint written notification of any action that is taken.	Must dismiss complaints that fail to meet statutory threshold (s 16). Required to notify decision in writing and give reasons. Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by, or proceedings before, the Commissioner is privileged in the same manner as if the inquiry or proceedings were proceedings in a Court.		
Judicial Conduct Panel	Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004	MoJ (Note Panel has not been constituted and may never be)	Inquires into and reports on matters concerning judicial conduct referred to it by the Attorney-General on the recommendation of the Commissioner. The Panel may also inquire into, and report on, any other matters concerning the conduct of the Judge that arise in the course of its dealing with the referral from the Attorney-General.	Investigates complaints that may have substance and reports with recommendations to the Attorney-General.	A panel is appointed by AG when required to undertake an inquiry. The Attorney-General must consult with Chief Justice about proposed membership. Consists of 2 judges, or a judge and a retired judge, or a judge and a barrister and solicitor of no less than 7 years' practice; and one lay member. Retired Judge is the chair if there is one. If not the most senior judge is the chair.	Must conduct a public hearing and report back to Attorney - General. Ss 4-9 of the Commission of Inquiry Act 1908 apply to hearing as if it were a Commission of Inquiry. Must observe rules of natural justice. Judge entitled to appear and be heard at hearing, and to be represented by counsel. Attorney-General also	No rights of appeal except in respect of orders relating to holding deliberations in private or relating to publication of material. Such appeal are heard by the Court of Appeal by way of rehearing.	Possible – but also very similar to Commission of Inquiry. There may be reasons for excluding from project.



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						<p>appoints and instructs a Special Counsel to appear at hearing. Special counsel presents allegations against judge, and must act impartially and in accordance with the public interest. Panel may make an order preventing publication of reports of proceedings, name of judge etc. Panel must report to Attorney-General, setting out findings of fact, Panel's opinion as to whether removal of judge from office would be justified, and reasons for this conclusion.</p>		
Waitangi Tribunal	Treaty of Waitangi Act 1975	MoJ	Mostly advisory but can make binding recommendations on claims over state-owned enterprise land, or former SOE land, certain education and railway lands, and Crown forest land.	If tribunal finds that a claim submitted to it is well-founded it may recommend to the Crown that action be taken to compensate or remove the prejudice or prevent other persons being similarly affected in future.	Chair must be judge or retired judge of the High Court or Chief Judge of the Maori Land Court. No less than 2 and no more than 16 other members. Appointed by GG on recommendation of Minister of Maori Affairs made after consultation with the Minister of Justice. In considering persons for appointment, must have regard to relationship between 2 treaty	For the purposes of any sitting, tribunal consists of Chairperson, a judge of the Maori Land Court and at least one other member. Tribunal may regulate its own procedure in the manner it thinks fit. May act on any testimony, sworn or unsworn, and may receive any evidence whether or not	Tribunal may state a case for the Maori Appellate Court or Maori Land Court	May be but probably not within scope of this study due to the special role of the Tribunal. Considers historical or contemporary evidence and applies standards to it in order to make recommendations.

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					partners, and person's knowledge of matters likely to come before the Tribunal.	admissible in court. Witnesses may give evidence in English or Maori. Claimants entitled to appear personally or be represented with leave of the Tribunal. Tribunal may appoint counsel to assist it or the claimant. Tribunal deemed to be CoI, provisions of CoI Act 1908 apply.		
Coroners	Coroners Act 1988 – to be repealed 1 July 2007	MoJ	Inquire into deaths which appear to have been violent, unnatural, without known cause, suicide, or occurred while in custody of the state. Can order post-mortem examinations and conduct inquests. Make recommendations or comments with a view to avoiding such deaths in the future etc	Have the powers, privileges, authorities and immunities of District Court Judges exercising summary jurisdiction. Jurisdiction to hold inquests confined to where the body is in New Zealand, or body has been irretrievably lost, or death occurred on aircraft, ship etc. Required to hold an inquest where death appears to be one of the prescribed categories of situations.	Coroners appointed by Governor-General by warrant. All appointments to expire before new Act commences.	Inquests held before the Coroner alone. Hearings in public, with discretion to exclude persons or prevent publication. Court-like procedure with power to take evidence on oath, cross-examine , punish for contempt etc. Modified rules of evidence	Coroners finding can not be appealed.	No – Coroners are courts so therefore not a tribunal.
Coroners	Coroners Act 2006 Comes into force 1 July 2007	MoJ	To determine whether to open an inquiry into a death. An inquiry can be undertaken to establish that a person has died, the person's identity, when and where the person died, the causes of the	Coroners determine whether an inquiry is required under the Act after initial investigation. Then undertake those inquiries in accordance with the	The chief coroner has the function of ensuring that coroners' investigations and activities are conducted with integrity and effectiveness. The Chief coroner has significant	A coroner can call for investigations or examinations or commission reports for purposes of determining whether to open an inquiry. Can refer	Coroners finding can not be appealed. Various orders concerning publication and hearing evidence in public and other procedural points	No – Coroners are courts so therefore not a tribunal. t also have supervisory, recommendatory functions which are less like tribunals.

Name	Legislation	Administering Department	Jurisdiction or function	The powers, issues and interests determined	Decision-maker	Core Procedures	Rights of Appeal	Is it a Tribunal for purposes of the Tribunal project? <sup>2</sup>
			<p>death, and the circumstances of the death.</p> <p>To undertaken inquiries in all appropriate or mandated cases. Inquiries must be opened into deaths where the death appears to be self-inflicted or has occurred in official custody or care. Specific recommendations can be made to draw to public attention concerns that might prevent other similar deaths. The coroner can refer the death to other investigating authorities.</p> <p>Must decide whether to hold an inquest for the purposes of the inquiry.</p>	<p>legislation. In certain circumstances inquiries can be ordered by the High Court or the Solicitor-General.</p>	<p>powers to ensure consistent approach and manage the system. Coroners (including the chief coroner) are appointed by the Governor-General by warrant on the advice of the Attorney-General after consultation with the Minister of Justice. Coroners must be legally qualified and have held a practice certificate for a minimum of 5 years. The chief coroner is appointed for up to 8 years and must be a District Court Judge.</p>	<p>death to other investigating authorities. May require any person to supply information or documents or other things specified in a notice. A coroner may not comment adversely on a dead person without indicating an intention to do so, adjourning the hearing, and giving members of the family time to respond and be heard. Similarly a coroner must not comment adversely on a living person without giving taking all reasonable steps to notify the person and give an opportunity to be heard. Can prohibit making public evidence given at any part of inquiry proceedings. Coroner must receive evidence from certain people whether at an inquest or otherwise. Can hold a hearing on the papers where satisfied that there is no person from</p>	<p>can be appealed.</p>	<p>Could be considered tribunals but historically are considered to be separate.</p>

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						<p>whom evidence must be heard. Witnesses and counsel have the same protection when giving evidence that they would have before a court.</p> <p>Inquests held before the Coroner alone. Hearings in public, with discretion to exclude persons or prevent publication. Court-like procedure with power to take evidence on oath, cross-examine, punish for contempt etc. Modified rules of evidence Chief coroner can appoint specialist cultural, legal, medical or other specialist advisor to sit with the coroner and give advice.</p>		
<b>Independent bodies that apply and develop a consistent broad policy</b>								
Consent Authority	Resource Management Act 1991 Part 6	Local Authorities	Receives applications for, and where appropriate, gives permission to carry out activities for which resource consent is required under the Act. Reviews the existing conditions on a resource consent. Decides whether	The function involves the exercise of a broad discretion when applying general policy to particular cases. Decisions can involve looking to the future and to elements of the public	The decision makers (consent Authorities) are regional councils, local authorities, territorial authorities, and in some situations the Minister of Conservation. The Minister may appoint Boards of Inquiry to hear	Hearing where the consent authority considers it necessary or where the applicant or a submitter requests to be heard on the application. The authority may refer	A right of appeal exists to the Environment Court. The applicant or any submitter may appeal.	Yes – the authority determines questions affecting people’s rights by considering facts and evidence and applying standards in legislation as well as policies to

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			activities comply with the district plan and, where appropriate, issues certificates of compliance.	interest. Decisions have quite a high policy content.	applications in some situations. Hearing Committees may be formed or Hearing Commissioners appointed to hear some applications. Policy and public interest component of the decision predominates, although statutory criteria apply.	applicants and submitters to mediation to try and resolve issues. Decisions are to be in writing covering reasons for decision, statutory provisions, policy, the authority's main findings of fact and the principal issues determined. Conditions may be imposed on any consent. Provisions require notification of decisions and impose time limits.		the facts. It is a specialist jurisdiction. Although this is a tribunal it has quite a distinct and well established decision making process, so should remain outside the scope of the project. <sup>13</sup>
Mental Health Review Tribunal	Mental Health (Compulsory Assessment and Treatment) Act 1992 s 79 – 84, 89, 90, 101 – 108A and schedule 1.	Director of Mental Health (MoH) administers the Act and oversees the Tribunal to some extent.	Review patient's condition when subject to a compulsory treatment order or where patient is a restricted patient or a qualifying special patient. Reviews can be conducted by the Tribunal on its own motion. Advisory role as to whether special patient status should continue. Independent non clinical reviews of persons detained as restricted patients.	Essentially the tribunal determines whether there has been a change in condition of the patient of a degree that requires a change in legal status.  Very significant individual rights (personal liberty and compulsory treatment) being determined.	Each has 3 members, including a lawyer and a psychiatrist. The third member is usually a community representative. Appointed are made by the Minister of Health.  Requires special expertise. In R85 LC noted alignment with FC, and proposed leaving it outside UTF and aligned with FC.	Tribunal hearings are inquisitorial rather than adversarial in nature, and the Tribunal determines what weight to give to evidence before it. May receive any evidence that it thinks fit. Medical officer of Tribunal examines patient prior to hearing to form a preliminary view of the patient's	Appeal to the District Court. On appeal, the Court is to review the patient's condition to determine whether or not the patient is fit to be released from compulsory status. Act silent on further appeals. Section 72 of the District Court Act appears to apply to give a general right	Yes – the tribunal determines questions affecting people's rights by considering facts and evidence and applying rules to the facts. It is a specialist jurisdiction and should be independent. <sup>14</sup>

<sup>13</sup> 2002 LC report recommended it not be included in framework

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						condition. Patient subject to the review may call witnesses and cross examine.	of appeal to the HC by way of rehearing.	
Parole Board	Parole Act 2002	Corrections	Considers prisoners for parole, home detention and compassionate release and, if appropriate, directs they be released on parole/home detention/compassionate release. Sets conditions for release and considers applications for variation and discharge of conditions. Considers applications for interim and final recall from parole/home detention/compassionate release.	Assess applications for release by applying the guiding principles in the Act.	Independent statutory body. Department of Corrections provides administrative and training support (s 108). Board consists of Chair, who must be current or former High Court or District Court judge, 9 panel convenors, who must be current or former District Court judges or barrister and solicitor of 7 years' practice, and sufficient other members to enable Board to carry out its functions effectively. Members appointed by Governor-General on recommendation of Attorney-General. In making recommendation, must have regard to knowledge of criminal justice system, ability to make a balanced and reasonable assessment, ability to work with people from a range of cultures, and understanding of the impact of crime on victims.	Board operates in panels of at least 3 members, 1 of whom must be a convenor or the Chair. Board holds a hearing, opportunities for the offender, victims, police, prison managers and probation officers to make written submissions. Hearing may be attended or unattended (see s 45). If unattended, offender and victims must be given opportunity for interview with 1 panel member before the hearing. Attended hearings must be conducted in the manner of an inquiry, in a way which encourages people appearing to speak frankly. Offender and victim entitled to attend and make oral submissions. Board may regulate its own procedure.	Offender may apply to the Board for review of decision on grounds of failure to comply with statutory procedures, error of law, decision based on erroneous or irrelevant information, or lack of jurisdiction. Right of appeal to HC against a postponement order, an order under section 107, or a final recall order. Appeal right can only be exercised if right to review has been exercised. Appeal is a general appeal by way of rehearing.	Possible – determines applications which affect rights. But make assessments on basis of broad guiding principles. Applying consistently, and developing, a broad policy set by Parliament to individual situations.

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						<p>Chair must ensure that no person involved in a parole panel hearing reviews a decision of that panel, and that no person with actual or perceived bias for or against an offender participates in a panel considering an application in relation to that offender.</p> <p>Board may receive and consider any information it thinks fit, regardless of whether it would be admissible in court. Decisions must be in writing giving reasons. Copy must be given to the offender and the Department of Corrections.</p>		
Charities Commission	Charities Act 2005	ACE Reports to Minister for the Community and Voluntary Sector	Approves and registers charities. Deregisters charities where criteria are no longer met. Monitors charities and inquires into any alleged breach of the Act. Issues guidelines, recommendations and model rules for charities. Also a number of informative functions such as promoting public confidence in the charitable sector and	A mix of functions. Determines whether applicant charities meet the criteria for registration.	Is a Crown entity for the purposes of s 7 of the Crown Entities Act 2004 Consists of between 5 and 7 members, appointed by Minister	The Commission must observe the rules of natural justice when considered whether to remove a charity from the Register.	Right of appeal to HC for any person aggrieved by decision of Commission.	No - Probably not as most of its functions are not tribunal-like, but decision to remove charities from register may be.

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			educating charities regarding good governance and management practices.					
Commerce Commission	Commerce Act 1986 Part 1	ICE	Different functions under various acts. Authorises business acquisitions and certain restrictive trade practices, supply or acquisition of controlled goods and services under Commerce Act 1986. May grant exemptions to Electricity Industry Reform Act 1988. Decides disputes under Dairy Industry Restructuring Act 2001 arising from market power of Fonterra. Decides on designated multinet network service, pricing review and service obligation instruments under Telecommunications Act 2001.	In the exercise of its powers under the Act, Commission must have regard to the economic policies of the government, as transmitted to it by the Minister. For the purposes of carrying out its functions, Commission has any powers it considers necessary. Also has powers of entry and inspection in relation to electricity lines. May authorize agent to search under search warrant in relation to alleged breaches of the Act.	Must have no less than 4 and no more than 6 members. May also have associate members. No less than 3 and no more than 5 members, at least 1 of whom must be barrister and solicitor of 5 years' practice, must be appointed by Governor-General in accordance with s 28(1)(b) Crown Entities Act 2004. One member appointed by GG as Telecommunications Commissioner. Members selected for knowledge of industry, commerce, economics, law, accountancy, public administration or consumer affairs. Crown entity (ICE) for the purposes of Crown Entities Act 2004. Duty to act independently.	Commission may require production of any information or documents, and may require people to appear before the Commission to give evidence or produce documents. May receive any evidence, regardless of whether it would be admissible in court, and take evidence on oath. Determinations must be in writing.	Right of appeal to HC against determinations of Commission, excludes determinations under certain sections. Right of appeal to HC by way of case stated on question of law in relation to authorisations of prices, revenues and quality standards. Further appeal to CA with leave.	No – Complex commercial matters usually involve complex questions of fact and law, which are generally suited to an adversarial process unlike that the informal, speedy and cost efficient process attributed to most tribunals. High degree of specialist knowledge and expertise. <sup>15</sup>
Telecommunications Commissioner	Telecommunications Act 2001 subpart 2	Part of Commerce Commission	Deals with disputes regarding telecommunications. Performs functions conferred on the Commerce Commission by the Act. Together with	A mixed role. Undertakes inquiries with high policy content.	Commissioner is a member of the Commerce Commission. Appointed by Governor-General on recommendation of the Minister. Must have	The provisions that allow the Commission to receive evidence etc noted above apply to the Tele Commissioner or	Commission appeal rights apply.	No – mix of functions some of which involve making determinations.

<sup>15</sup> 2002 LC report recommended it not be included in framework.



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			at least 2 other members of Commission (a division), makes determinations on pricing reviews, designated multi-network services, TSO instruments. Also must monitor competition in telecommunications markets, may conduct inquiries, reviews and studies in relation to aspects of telecommunications, reports on findings. Some functions can be performed by the Tele Commissioner alone.		knowledge of telecommunications industry or other industry, commerce, economics, law, accountancy, public administration or consumer affairs.	the Commission exercising these functions.		
Securities Commission	Securities Act 1978 Securities Markets Act 1988	ICE	The Commission's functions are: to keep under review the law relating to bodies corporate, securities and unincorporated issuers of securities and to recommend changes to the Minister of Commerce; to keep under review practices relating to securities and to comment on these to cooperate with overseas securities commissions; to keep under review securities markets activities and to comment on these; to advise the Minister of Commerce on	The Commission has a mix of roles. It can: exempt persons from compliance with provisions of the Securities Act or Regulations under the Act; suspend or cancel a registered prospectus; suspend or prohibit an investment statement to prohibit advertising of any securities; approve trustees and statutory supervisors; carry out inspections; accept enforceable undertakings; hear appeals against	Is a Crown entity (ICE) for the purposes of s 7 of the Crown Entities Act 2004 Consists of between 5 and 10 members, appointed by the Governor-General on the recommendation of the Minister. Duty to act independently.  The Commission or chairperson may determine that the Commission's powers may be exercised by separate divisions of the Commission. Each division must have at	The Commission can receive evidence as to securities law and practice, with power for this purpose to summon any person to appear before it. It may inspect documents and require any person to produce any document. Certain persons may apply to be heard and represented at proceedings before the Commission. The Commission may hear	Party to proceedings before the Commission may appeal to the High Court on a question of law.	No – mix of functions some of which involve determining applications which affect rights by considering evidence and applying the rules. <sup>16</sup>

<sup>16</sup> 2002 LC report recommended it not be included in framework.

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			conduct rules proposed by securities exchanges to promote public understanding of the law and practice of securities; to provide administrative and support services to the Takeovers Panel; and to perform any other function conferred by law.	<p>certain decisions of the Registrar of Companies; enforce continuous disclosure law and make orders requiring disclosure by issuers; make orders requiring disclosure by unregistered exchanges; require an exchange to provide information and assistance to the Commission.</p> <p>Its adjudicative functions are to: consider applications for exemption from securities law grant exemptions from the law where appropriate; consider and decide on applications for authorisation as trustees and statutory supervisors and futures exchanges and futures dealers; inquire into suspected breaches of securities law.</p>	least 3 members. Any division may exercise the Commissions powers	proceedings in private and make other confidentiality orders. May state a case for the High Court. Witnesses and counsel appearing before the Commission have the same privileges as though appearing before a court.		
Takeovers Panel	Takeovers Act 1993	ICE	Decides whether a person has complied with the takeovers code and exercises enforcement provisions under the Act, including applying to the court for an order. It also	The Panel has a mixed role. . It investigates any act or omission or practice for the purpose of exercising its powers under the	Is a Crown entity (ICE) for the purposes of s 7 of the Crown Entities Act 2004 Consists of between 5 and 11 members, appointed by the	In exercising its powers the Panel must comply with the requirements of natural justice. It can issue summonses and to take evidence on		No – Complex commercial matters usually involve complex questions of fact and law, which are generally suited to an

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			grants exemptions from the requirements. It has other functions also, such as keeping under review the law relating to takeovers of specified companies and recommending any changes to that law it considers necessary to the Minister. It co-operates with any overseas regulator and promotes public understanding of the law and practice relating to takeovers.	enforcement provisions of the Act	Governor-General on the recommendation of the Minister. Duty to act independently.  The panel or chairperson may determine that the Panel's powers may be exercised by separate divisions of the Panel. Each division must have at least 3 members. Any division may exercise the Panels powers.	oath and carry out inspections and obtain evidence at the request of overseas regulators. It can make confidentiality orders; and accept undertakings that are enforceable by the Courts. Evidence can be received on oath. Certain persons may apply to be heard and represented at proceedings before the Panel. The Panel may hear proceedings in private and make other confidentiality orders. May state cases for the High Court. Witnesses and counsel appearing before the Panel have the same privileges as though appearing before a court.		adversarial process unlike that the informal, speedy and cost efficient process attributed to most tribunals. High degree of specialist knowledge and expertise. <sup>17</sup>
Electricity Commission	Electricity Act 1992	CE (Crown Agent) Reports to Minister of Energy	The Commission regulates the operation of the electricity industry and markets, to ensure electricity is produced and delivered to all consumers in an efficient, fair,	The Commission formulates and makes recommendations concerning electricity governance regulations and rules and then administers,	A Crown Entity set up under the Electricity Act to oversee New Zealand's electricity industry and markets. The Commission must operate in a manner that	Detailed procedures set out in regulations and rules. May appoint investigators, to report on issues. Regulations		No - it has been set up as an independent body to regulate the industry and give effect to government policy.

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			reliable and environmentally sustainable manner. The Commission is a continuation of the Electricity Governance Board.	monitors compliance with, investigates, enforces, and applies penalties or other remedies for contraventions of electricity governance regulations and rules. It operates an independent regulatory agency.	is consistent with the New Zealand government's policy statement.	establish a Ruling panel. Appointments are made to the panel by the Commission. The panel decides any complaint referred to it that a participant has committed a breach of the regulations or the rules. It also proposes to the Board that it recommend to the Minister changes to any regulation or rule that the Rulings Panel considers, in the course of conducting any hearing of a matter, to be necessary or desirable. It also determines disputes under Part 7 of the Act and hears any appeals under Part C of the rules. The regulations and rules contain detailed provisions on evidence and conduct of hearings by the Panel. The Commission may exempt participants from compliance with certain rules.		The Ruling Panel has tribunal like functions, but these are exercised within a unique regulatory scheme.

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Central Committee of the Hawke's Bay Earthquake Relief Funds	Hawke's Bay Earthquake Relief Funds Act 1931	Body Corporate appointed by Minister of Finance	The Central Committee was set up by the Government for the purpose of receiving and administering moneys contributed for the relief of sufferers in the Hawke's Bay earthquake. The Committee stands possessed of any Earthquake Relief Fund that is vested in or transferred to it upon trust for the purposes for which such fund is established or for any purpose authorized by the provisions of the Act, and must administer each fund in accordance with the provisions of the Act in such manner as the Committee from time to time by resolution determines.	Has the power, for the purpose of administering any Earthquake Relief Funds and for such other purposes as may be authorized under the provisions of this Act, to hold real and personal property and to do and suffer all that bodies corporate may do and suffer.	Constituted as a body corporate under the name of the Central Committee of the Hawke's Bay Earthquake Relief Funds, with perpetual succession and a common seal. Committee consists of persons appointed as members by the Minister. The Minister is chairperson of the Committee.	On any question before the Committee, the Chairman shall have a deliberative vote. Where there is an equality of votes, the Chair has a casting vote. The decision of a majority of the members of the Committee is deemed to be the decision of the Committee. The Committee shall, subject to the provisions of this Act, determine its own procedure.		No – administers a relief fund for the purposes of the Act.