THE SMALL CLAIMS TRIBUNAL

An Assessment of Evaluation Issues

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July 1985

1305P

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ACKNOWLEDGMENTS

Although I take responsibility for this paper, I would like to thank Graheam Simpson, Prue Oxley, Tim Bannatyne, Geoff Dunn, Beth Bowden and Anne Harland of Planning and Development, Mark Carruthers of Law Reform and Garth Soper and Brian Hayes of Courts Division for their very helpful contributions.

PREFACE: THE PURPOSE OF THIS PAPER

The purpose of this paper is to open a debate on the various aspects of small claims tribunals. More specifically its purpose is to identify potential issues for evaluation. It is important that the evaluation select and concentrate on issues of significance and usefulness for the community. At this stage, that of the evaluation assessment, the approach has been by necessity, broad and general. I have attempted to remain objective and to generate ideas based on theoretical and practical articles, evidence from administrative files, observation of a national seminar for small claims tribunal referees and conversations with departmental cognoscenti.

The small claims tribunals have been running for 8 years and the time now seems right for an assessment of their effectiveness in fulfilling the goals and objectives as originally envisaged.

If they are effective, is there any way to improve the tribunals generally? If they are not, what are the failings and how can these be rectified? Or, on the other hand, should the aims and objectives be modified to suit contemporary needs?

The machinery of the tribunals in terms of personnel and procedure could also be evaluated and the nuts and bolts of the structure, from input to output, could be examined and appropriate recommendations made. The purpose then of this initial assessment is to survey small claims tribunals as a whole and to break the whole into its components so as to decide which issues to concentrate on.

I have attempted to effect such a breakdown by the use of a diagram (figure 1). The small claims tribunals are founded on 3 basic principles:

A Justice for the ordinary person
B Low cost and speedy justice
C Commonsense justice

which are translated into a policy which is then applied in the small claims tribunal setting. This operational area has been divided into 4 headings:

A Jurisdiction
B Hearings
C Referees
D Administration

It is under these headings that the small claims tribunals as they have developed over 8 years, give rise to issues for discussion.

SMALL CLAIMS TRIBUNALS:
EVALUATION ISSUES ARISING FROM A COMPONENTIAL ANALYSIS

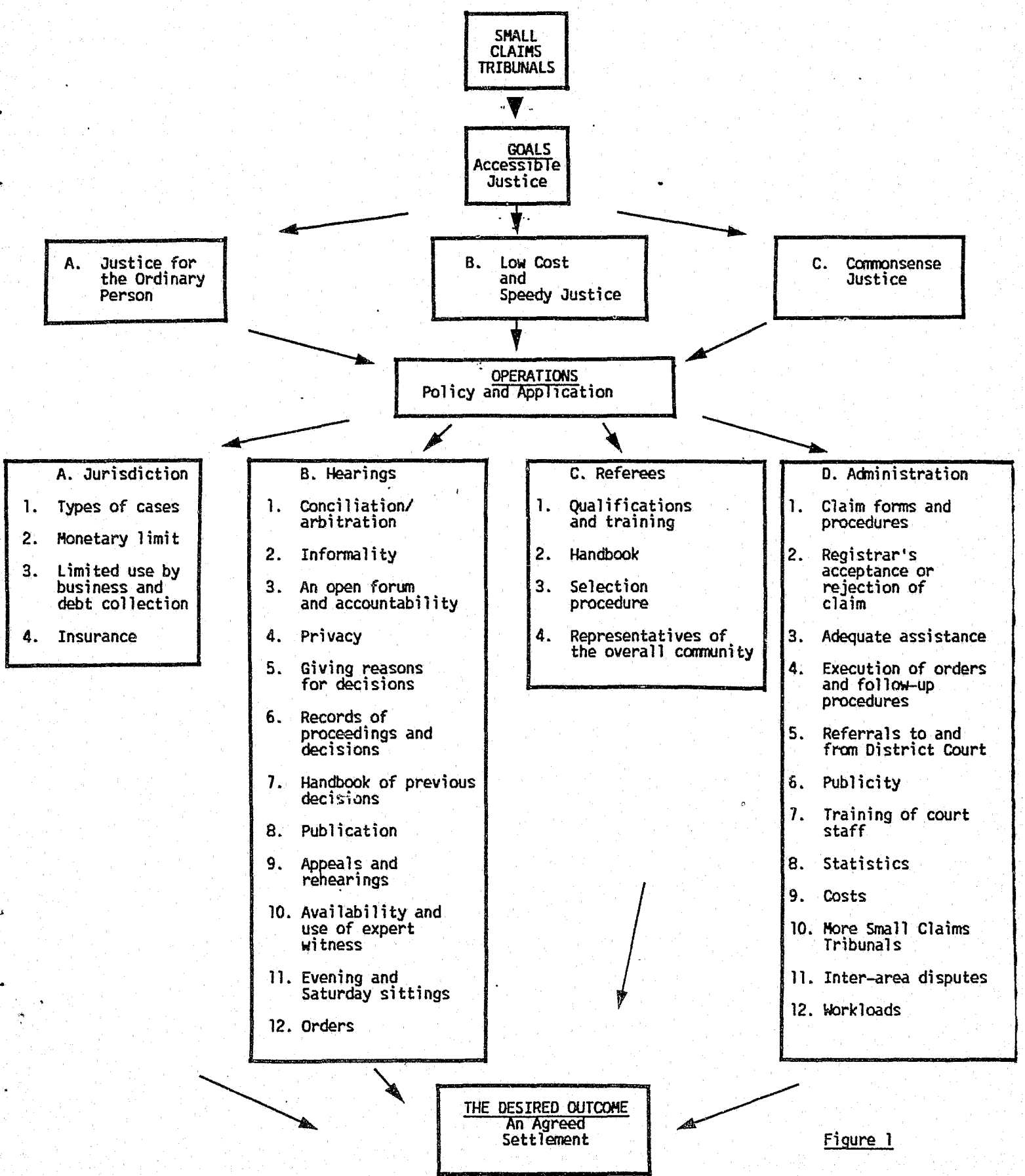

Figure 1

I THE DEVELOPMENT OF SMALL CLAIMS IN NEW ZEALAND

The Small Claims Tribunal Act of 1976 introduced a new approach to civil disputes that was of the law yet at the same time not dependant on legal precedent and procedures. "The primary function of a tribunal is to attempt to bring the parties to a dispute to an agreed settlement."[1] The underlying principles of this form of dispute settlement are based on a notion of accessibility:

A Justice for the ordinary person;
B Low cost and speedy justice;
C Justice based on commonsense and fairness with regard to the law.[2]

This approach to justice was initiated in the 1960s and 70s in the United States, Great Britain, Australia and Canada. However, the small claims procedures in most of these instances are marked by the fact that by the time they ceased to be theoretical and were applied, they were compromised by the involvement of normal judicial paraphenalia.

When the Small Claims Tribunal Bill was introduced in New Zealand in 1976 the attitude of both main political parties towards it was positive and conciliatory and, as a result, New Zealand has a useful uncompromised vehicle for commonsense justice.[3]

In June 1977, the government decided to put theory to practice by establishing 3 pilot tribunals:

> "The original pilot schemes were set up to test public reaction to the tribunals in different social environments. Christchurch was selected as a metropolitan area, New Plymouth as an urban/rural area and Rotorua as an area with significant cultural variations."[4]

Small claims tribunals have been progressively extended to Gisborne and Invercargill in 1980, and to the Auckland area in 1981, that is, to Henderson, the North Shore, Auckland and Otahuhu. In 1982, further tribunals were established in Hamilton, Palmerston North, Lower Hutt and Dunedin; and in 1983 in Whangarei, Tauranga, Hastings, Nelson and Greymouth. In 1984 Wanganui, Timaru and Masterton were the recipients of small claims tribunals. In 1985, tribunals are planned for Ashburton, Blenheim, Gore, Hawera, Kaikohe, Levin, Napier, Oamaru, Papakura, Taihape, Taumarunui, Taupo, Thames, Wellington and Whakatane. At present (June 1985), there are 21 centres throughout the country which have small claims tribunals.

The following are the statistics for the number of applications filed nationally with the small claims tribunals for calendar years from 1978:

	No. of Claims	No. of Tribunals
1978	919	3
1979	1037	3
1980	1081	5
1981	2211	9
1982	4104	13
1983	5413	18
1984	5569	21

The cost of referees' salaries and expenses and witnesses' expenses were $195,484 in 1983/84, and $202,496 in 1984/85. Other administrative costs such as court staff and accommodation cannot be isolated from district court expenditure.[5]

II PHILOSOPHY AND THE NEW ZEALAND CONTEXT

In New Zealand, small claims disputes can be settled in tribunals rather than courts and are conducted by a referee who usually has no legal training. The tribunals are attached to a district court, are held in private, and the referee's role is as arbitrator[6] to the dispute. Referees attempt to effect an agreement, but if one is not forthcoming, they make a decision and institute an order. To lodge a claim costs only $5.00. The immediate goal is to provide a readily accessible form of justice that allows a quick and inexpensive agreed settlement to a dispute to be facilitated.

Why was this alternative form of dispute settlement established? Two concepts pervade discussions in this area and prompted developments in New Zealand. The first was the idea that all citizens should have access to justice, and the second that justice can be a positive force rather than purely reactive. A general concern for a review of small claims tribunals is how well have New Zealand's tribunals performed in effecting this level of social justice and well-being.

In order to facilitate this, three principles for the operation of small claims tribunals have been identified, against which the New Zealand experience can be measured: justice for the ordinary person; low cost and speedy justice; commonsense justice. A brief explanation of these principles, their application in New Zealand and subsequent issues for evaluation follow. At this stage, the issues are posited in general terms; they are refined into concrete issues in the following operations section of the paper.

1 Justice for the ordinary person

A major reason for introducing small claims tribunals was the contention that the civil courts were beyond the reach of ordinary people. There were several reasons for this: the costs of litigation were too high and could exceed the value of the claim;

court cases took too long and could be delayed to avoid an outcome; peoples' inhibitions in the face of a formal, complex, alienating system and ethnic and cultural alienation. To remedy this, the New Zealand small claims system reduced legal input, increased informal procedures and introduced conciliation and agreement as the preferred methods of resolution.

The issue now is whether small claims tribunals are in fact reaching the ordinary person? Are they mono-class, mono-cultural institutions? Should small claims tribunals take into account the ethnic variety of New Zealand and attempt to use other traditional dispute settlement methods? Do people of low socio-economic status and from minority groups usually appear only as respondents? Have people received the message that tribunals are not overcomplicated institutions where they would feel uncomfortable, but places for a sympathetic airing of their grievances? Do the small claims tribunals reduce social dissatisfaction and help to close the gap between ordinary people and the machinery of government and bureaucratic institutions?

2 Low cost and speedy justice

Obviously if resolving a small dispute is to be a realistic proposition for ordinary people, the cost of doing so must be kept down. Many features of the New Zealand scheme are designed to do this: the filing fee is only $5; parties are not represented by lawyers (s.14(5)); court staff have a duty to assist clients (s.38); the grounds of appeal are restricted (s.34). Are there hidden costs? How long does it take to resolve a claim? Do low costs and speed prevail at the expense of fairness?

3 Commonsense Justice

Small claims tribunals encompass two major departures from formal court proceedings which are set out in the tribunals' functions:

(a) Bringing parties to an agreed settlement is the primary function (s.15(1));
(b) If settlement is not reached, a decision is to be made according to the substantial merits and justice of the case, having regard to the law, but not bound by the law

These provisions reflect the positive approach: that agreement is more healthy than litigation; that legal rights are not always fair or practical; that conciliation is more appropriate than adjudication in some circumstances; that conciliation avoids the unnecessary expense of litigation; that in the long term small claims tribunals may have an educative or preventative effect. An important general issue is how do clients react to the conciliatory approach. Is it regarded as fair settlement or unfair compromise? Are clients deprived of legal protections? Do they agree that fairness is the appropriate measure in small disputes?

Does positive justice contribute to the overall well-being of the community? Does it encourage people to bring grievances to be solved rather than left to fester? Does a successful conciliation provide the individuals with a vehicle to settle further disputes themselves?

Since the introduction of small claims tribunals a system-related objective has been formulated: that small claims tribunals prevent small claims reaching the district court.

III OPERATIONS

INTRODUCTION

Any evaluation of small claims tribunals necessitates a breakdown of the machinery of the tribunals in terms of personnel and procedure so that issues become clear. Four headings emerge:

A Jurisdiction
B Hearings
C Referees
D Administration

A JURISDICTION

1 Type of Case

The jurisdiction of the small claims tribunals covers disputes over faulty goods or workmanship, disputes arising out of contract and quasi-contract, and claims in tort for damage where negligence in the care, use, or control of a motor vehicle is concerned (s.9(1)). If the parameters of the tribunals are to be extended, what type of case should be included?

2 Monetary Limit

The monetary limit was increased in 1985 from $500 to $1000 and the Minister is suggesting increasing it to $2000. Such an increase will result in more cases being heard. It has been suggested that this could lead to a greater use of legal procedure and protection at the expense of informality and low cost. When is enough at stake for people to use lawyers and turn to civil litigation? Does the monetary limit need to be reviewed regularly because of ongoing inflation?

3 Limited use by Businesses and Debt collection

One of the rules about small claims tribunals is that there must be a dispute, that they are not meant to be debt collecting agencies for businesses. However, it has been suggested that businesses can easily create a dispute in order to use the

tribunal for debt collection. Should this question be addressed? Should small businesses have the advantage of cheap, quick redress for recovering debts? In some United States small claims courts, the number of times that a claimant can appear has been limited to X number of times in a given period. Should we institute such a rule?[7]

4 Insurance

From the 1985 seminar for small claims tribunal referees it was evident that motor vehicle insurance claims are a problem. When one party is uninsured questions have arisen about the rights of insurance companies to file a claim, to appear as a representative of a claimant or respondent by subrogation, or to be accorded the status of a claimant or respondent because their presence is "necessary to enable the tribunal to effectually and completely determine the question in dispute in the claim or to grant the relief which it considers to be due" (s.19(3)). The Law Reform Division's imminent paper discusses this topic fully.

B THE HEARINGS

1 Conciliation/Arbitration

Are the concepts of conciliation/arbitration clearly understood and consistently practised by the referees? The tribunals' primary concern is to reach an agreed settlement and yet there is considerable variation between tribunals in the proportion of cases settled.[8] Conciliation is a method of unravelling issues through the participation rather than the representation of 2 parties so as to arrive at the essential issues of a dispute, and to help the 2 parties appreciate these issues so as to arrive jointly at an agreement. In some instances, conciliation appears to be interpreted as compromise. Do some parties feel they are expected to give up some of their demands to effect an agreement without due regard to the credence of these demands, thus remaining aggrieved and without a satisfactory settlement? Do people feel that they've been unfairly compromised and if so are the methods of conciliation/arbitration responsible for this and does the institution promote this? If the expectation is such

that to hold out for what one knows to be the truth is seen as being obstructive to the envisaged compromise, then is the delicate balance of justice likely to be broken?

2 Informality

In an attempt to facilitate agreed settlements, proceedings have been deformalized by the absence of lawyers, strict evidence, courtroom protocol, and public attendance, and by the presence of a lay referee, conciliation, and the less formal physical surroundings. Do claimants and respondents feel the proceedings are informal and if so is this appropriate?

3 An open forum and accountability

A number of issues arise related to the closed nature and the lack of obvious accountability of the tribunals. The overall issue is whether the tribunals should be more accountable to their clients and the public or would this undermine the flexibility needed to effect agreements. Should justice be seen to be done? Specific aspects of openness and accountability are outlined in the issues numbered 4-9.

4 Privacy

Unlike most courts, small claims tribunal proceedings are held in private in order to encourage settlements (s.25(11)). In the event, is it true that if there was an audience the mood would be one of competion rather than conciliation?

Referees at the seminar appeared to favour continued private hearings. Should privacy be maintained for the benefit of the disputants or the referees?

5 Giving reasons for decisions

Should referees be required to give reasons to the parties for their decisions and should these be in writing? Lack of reasons at the time of the order is said to cause dissatisfaction.

6 Records of Proceedings and Judgments

It has been suggested that for the sake of accountability and consistency, tribunal decisions should be recorded. The main argument against this is that the small claims tribunals "have regard to the law" but are not bound to it and that commonsense agreements may be threatened by a system of judgments based on precedent.[9] It may be possible however for the tribunals to "have regard to previous judgments", where certain typical situations arise repeatedly. Should proceedings and judgments be recorded?

7 Handbook of previous decisions

Should a handbook of previous decisions be developed for referees? Could this be done without undermining the discretionary powers of commonsense justice, and pre-empting the wider possibilities of agreement and/or conciliation in the early stages of hearings?

8 Publication

Should judgments be published? Arguments for publication suggest that this public exposure: (i) helps to establish some form of consistency to decision making; (ii) contributes to the public awareness of the existence and jurisdiction of small claims tribunals; and (iii) makes public those companies or persons who are recurrently called as respondents in the tribunals.

Arguments against publication are: (i) privacy is conducive to conciliation, (ii) precedent is inappropriate in this conciliatory forum; and (iii) it could be bad advertising for some businesses.

9 Appeals and Rehearings

The only grounds for appeal are that the proceedings were conducted unfairly or prejudicially (s.34(1)). Reasons for a limited appeal are to avoid laywers' fees, reduce delaying tactics, and difficulties involved in appealing decisions, a large part of which may be based on the personal input and agreement of the parties rather than the law. The main argument for extending

appeals is that the decision may be unfair given the facts, not just the form of the hearing. An important issue for evaluation is whether there are parties who feel unfairly treated by this restricted appeal.

Alternatives suggested for appeal procedures include appeal to a panel of referees or by way of a rehearing in the district court without lawyers representing the parties.

10 Availability and use of Witnesses

At the referees seminar several referees expressed a wish that they had known more about the availability of expert witnesses as they could use this help in some of their hearings. Is there a need to define the areas where expert witnesses may be used and to compile a list of institutions and individuals available to assist?

Are disputants aware that they can use witnesses to advance their case, and that they, as well as the referee, do the questioning?

11 Evening and Saturday Sittings and Venue of Sittings

Normally, small claims tribunal times are the same as the District Court (Rule 7(1)). Is there a need for hearings at other times?

The argument in favour of Saturday morning and evening tribunals is related to the objective of justice for the ordinary person. Generally, it is argued, because of job flexibility, the middle class disputant can attend a small claims tribunal during working hours on a weekday. However, the argument continues, the low-SES (socio-economic status) and ethnic minority person is penalised. Usually he has a blue-collar job and is tied to clocking in and out. He is likely to lose wages and encounter hostility for missing work if he attends a small claims tribunal. If he is a claimant, as there are no costs awarded, it may not be worth his while from a financial and logistics point of view to pursue a claim.

The administrative counter to the implementation of Saturday and evening hearings relates to resources. As the courthouses are normally closed then, there would be no court staff available to process the cases and no security staff available to handle any volatile disputants (rule 7(1)).

Could the tribunals be held other than in a court? It may be that holding tribunals in this respected institution helps sanction the proceedings. If small claims tribunals were held outside of a courthouse, would this help to further deformalise, or would it detract from the mana of small claims tribunals? Would it be more convenient for the disputants?

12 Orders

Should there be a list of alternative ways (possibly laid out as part of a handbook) of coming to and writing up an agreement? Should orders state how and when the amount of money or work decided by an order will be paid or done, what time limits there will be and what the next step will be if the terms are not fulfilled? Should this then be clearly explained to the disputants?

C REFEREES

1 Qualifications and Training

At their seminar referees were keen to discuss issues related to consistency, indicating their own awareness of the problems of fallibility. They were interested in:

(a) Specific judgments
(b) How others handled small claims tribunal procedures
(c) How decisions were reached
(d) Whether they should justify their decisions
(e) Whether they should act as devil's advocates when a respondent failed to arrive.

The negative implication of these very positive proceedings was that these seminars only whetted a rather large appetite, and that there were areas of doubt, vagueness and concern which in themselves suggest potential inconsistencies of judgment.

Except for the instance of appeal, the referee is an island. Their decisions and the reasons for them are known only to them and to a limited extent to the disputants. They are judges but are not accountable as judges are. Given this context, are consistency and fallibility issues that need to be addressed? One way of countering these problems is the provision of training for referees.

Referees are chosen because they have a personal record that recommends them as highly likely to administer commonsense justice quickly and readily (s.7(2)). In addition to personal qualities, however, should a course of training be initiated to teach referees the fundamentals required to exercise their role? Training could be in areas such as conflict resolution, race relations, social psychology, introductory law (with special emphasis upon the areas that fall within the jurisdiction of the small claims tribunals) and report writing. Would this benefit the referees, and allow the establishment of a system of judgments that would tend to be less randomised? Should we consider providing some form of training for referees as is done for JPs? Two suggested sources of training are Massey University Extension Services and the New Zealand Technical Correspondence Institute. Would such training remove the desired spontaneous commonsense conciliating that is sought in the small claims tribunals, and create quasi-judges instead of referees?

2 Handbook

The corollary to the provision of training, is whether a handbook should be provided for referees (such as the Manual for the Justices of the Peace). Is it possible that such a handbook could be an expansion of the present small claims tribunal rules but with practical pointers to guide hearings, and administrative procedures? This would not necessarily be the same handbook as that dealing with previous decisions.

3 Selection Procedure

Given that most referees are not legally trained, what are the criteria and procedures actually used in their selection to determine that "he (or she) is otherwise capable by reason of his (or her) special knowledge or experience of performing the function of a referee"? (s. 7(2)(b))

4 Representatives of the Overall Community?

Should referees be more representative of the community as a whole? They have backgrounds that suggest stability and reliability, ie employment histories as bank managers, solicitors, accountants, officers of the armed forces, experience as JPs, membership of Rotary or Lions clubs, and they are solidly middle class. Should we also consider people with similar qualities but different backgrounds from within the working class and Maori and Pacific Island communities?

There are 31 referees throughout the country but only 9 female referees. Most of the male referees are retired and the women middle aged. The essential personal qualities required should not be sacrificed but perhaps the net should be cast wider. How can this be facilitated?

D ADMINISTRATION

1 Claim Forms and Procedures

Should there be one standardised claim form for all tribunals that is simplified and has a set of guidelines to help claimants fill out the forms? (At the moment, Courts Division is designing a claim form for use in all tribunals).

2 Registrar's Acceptance and Rejection of Claim Forms

Section 10(1) of the Act states on what grounds a registrar or his nominee accepts or rejects a claim form. Correspondence in the administrative files and the Consumers' Institute suggest there is conflict over the interpretation of when a case is "in dispute" or not and even instances of court staff ruling on the merits of the case. Do the rules need to be defined more precisely to help registrars accept or reject claims?

3 Adequate Assistance

Are the disputants given enough guidance for setting out their claims and sufficient information about small claims tribunal procedures? Are the court staff adequately trained and prepared to help with this? (s.38)

4 Execution of Orders and Follow-up Procedures

Are the means for executing and following-up orders effective and satisfactory? What is the effect on the following-up of orders when their enforcement is transferred to the district court?

5 Referrals to and from District Court

How many disputes are referred to/from the district court? How many claims are heard at the district court that are eligible to be heard at the small claims tribunal? Who should make such a referral? If the small claims respondent prefers to have his case heard at the district court, are there any grounds for allowing this? Is it denying a plaintiff's legal rights if the respondent is allowed to transfer to the small claims tribunal?

At the moment, if a respondent wants to transfer proceedings to a small claims tribunal and there is not one attached to that particular court, he is not permitted to transfer to another court with a small claims tribunal. Should there be a provision for such a transfer?

6 Publicity

A recurrent theme for improvement is that the small claims tribunals should be more widely publicised. Although there has been some publicity it seems to have been sporadic, and mostly when the small claims tribunals were first started up. There seems to have been no systematic programme of public education. How many of the public know about the existence and benefits of the tribunals? Should there be directional planning aimed at providing information pitched at the right level to reach the target audience?

7 Training Court Staff

It has been suggested that counter staff in courthouses often have an unfriendly, unhelpful approach, a defensive "us and them" pose. Should some kind of seminar/training programme to explain properly the philosophy, objectives and functions of the small claims tribunals for court staff be implemented? This is not to say they are completely unaware of the function of small claims tribunals but that a proper and extensive education on the matter would induce a more positive approach at the counter level.

There is concern that court staff are moved into other positions too soon after they have mastered small claims tribunal procedures.

8 Statistics

Are enough small claims tribunals' statistics kept, and is there consistency in interpretation? Should there be more? What should they be?[10]

9 Costs

Are costs being kept down for both the court system and the disputants?.[11] Should the claimant have the right to claim back his claim fee as costs if he is proved to be in the right?

10 More Small Claims Tribunals

Ashburton, Blenheim, Gore, Hawera, Kaikohe, Levin, Napier, Oamaru, Papakura, Taihape, Taumaranui, Taupo, Thames, Wellington and Whakatane will soon be getting small claims tribunals. Should the number of small claims tribunals be extended further? Should all district courts have a small claims tribunal attached or, where the small population does not justify tribunals on a regular basis, should some alternative be created such as peripatetic referees?

11 Inter-area Disputes

If a dispute such as a motor vehicle tort occurs in one district but is filed in another, who has the priority? For instance, a collision occurs in Christchurch between a resident of Auckland and a resident of Christchurch. If the Auckland resident is the

claimant and he files a claim in Auckland, how does this affect the outcome? Should we investigate what the rights are in this instance and procedures for facilitating a fair hearing?

12 Workload

Will the effect of an increased workload mean that full time referees will need to be appointed and if so, would such an expansion allow for greater representativeness?

CONCLUSION

The purpose of this paper has been to identify important and relevant issues in order to proceed with valid and useful research. The Department considers that all the issues raised in this paper could be addressed. However, some are more relevant from the point of view of research than others.

The perspective we intend to adopt for the evaluation is that of the user or potential user of small claims tribunals. We have therefore developed the following criteria for selecting the issues to be researched:

(i) That results will contribute to improving or preserving those aspects of the tribunal that benefit the public.
(ii) That the results of the evaluation will be actionable.
(iii) That the issues can be researched within the constraints of time and resources.

Bearing these in mind we have given priority to the following issues for research:

Philosophical Issues:

1 Justice for the ordinary person
2 Low cost and speedy justice
3 Commonsense justice

Operational Issues:

Jurisdiction

1 Type of case
2 Monetary limit

Hearings

1 Conciliation/arbitration
2 Informality
3 An open forum and accountability
4 Privacy
5 Giving reasons for decisions
9 Appeals and rehearings
10 Availability and use of witnesses
11 Evening and Saturday sittings
12 Orders

Referees

1 Qualifications and training
2 Handbook
3 Selection of referees
4 Representative of the overall community

Administration

2 Registrar's acceptance or rejection of claim
3 Adequate assistance
4 Execution of orders and follow-up procedures
5 Referrals to and from district court
6 Publicity
7 Training of court staff
9 Costs
11 Inter-area disputes
12 Workloads

In conclusion, the larger concerns are whether the small claims tribunal is reaching the ordinary person or is it a mono-class, mono-cultural institution; and is it seen as an uncomplicated institution where disputants will receive a sympathetic and fair hearing of their grievances or as a forum for "cheap", second-class justice?

REFERENCES

1 The Small Claims Tribunals Act 1976, section 15(1).

2 In the second reading of the Bill, the Hon David Thomson, Minister for Justice, sums up the principles, "It provides as did the earlier Bill, for a readily accessible forum which operates quickly and inexpensively to settle small claims. The main features of the Bill are: the requirement for referees positively to investigate claims, which is the investigatory approach; the simple procedures with minimum pleadings; the absence of legal representation; the relaxed rules of evidence; and the limited appeal rights". Hansard, Vol 406, 1976 p.2773.

3 In the United States, apart from the partial use of arbitrators in some states, the small claims courts are criticised for being dominated by judges and lawyers, (California being the exception where lawyers are not allowed). In the UK, after the failure to continue the initiatives of the pilot schemes in Manchester and Westminster, and although there now seems to be a more enlightened attitude towards small claims, this form of justice has nevertheless been relegated to the County Court where, as in the Australian context, legal representation is the norm.

4 File ADM 31-20-1 Part 7, letter from Minister to Mr Bell MP, 19 November 1980.

5 Statistics for number of applications were provided by Courts Division and running costs by Finance Section.

6 The terms conciliation, mediation, arbitration, and adjudication are used throughout this paper. They are interpreted as follows:

Conciliation - the process by which 2 parties arrive at an agreement between themselves;

Mediation - the process by which 2 parties come to an agreement with the assistance of a third party;

Arbitration - 2 parties attempt to reach an agreed settlement by means of a third party. When they cannot, a decision is made by the third party based on the information available; where they do the settlement is ratified by the third party;

Adjudication - the process whereby 2 parties put forward information for the purpose of stating their case according to prescribed rules on the basis of which a decision is made which is enforceable.

7 In a recent letter (2 May 1985) to the Minister of Justice, the correspondent says: "I have had several experiences in the last few years, which lead me to believe that a significant percentage of trades people are using the small claims tribunals to force exorbitant prices on their customers".

8 The rate of agreed settlements in 1983 varied greatly between small claims tribunals. For example - 7% in Gisborne (4 out of 60 cases), 9% in Christchurch (66 out of 731 cases); 10% in Lower Hutt (39 out of 356 cases); 28% in Invercargill (21 out of 74 cases); 59% in Hastings (20 out of 34 cases).

9 This was the sentiment expressed by referees at the Small Claims Tribunal Referees' Seminar in Wellington, April 1985.

10 Statistical Information Available Relating to Small Claims Tribunals

Information obtained on a quarterly basis from individual tribunals.

1 Number of applications filed.

2 Number of applications by type -
   (a) Goods supplied
   (b) Work done
   (c) Motor vehicle accident
   (d) Other

3 Number of claims settled prior to hearing.

4 Number of claims settled by agreement at hearing.

5 Number of orders made by tribunal excluding (4) above.

6 Number of applications for enforcement or orders referred to district court.

7 Number of applications for referral back to tribunal.

8 Number of sittings in half days.

9 (a) Referee's fees
   (b) Investigator's fees

10 Number of appeals.

11 The costs by tribunal (for referees' salaries and witness' expenses) for the 1984/85 financial year were:

	($ Value)
Whangarei	5,080
North Shore	15,135
Auckland	23,895
Henderson	15,551
Otahuhu	23,711
Tauranga	6,144
Hamilton	13,911
Rotorua	5,383
New Plymouth	5,930
Gisborne	3,230
Hastings	5,360
Wanganui	691
Palmerston North	12,782
Masterton	700
Lower Hutt	10,646
Nelson	2,833
Christchurch	35,896
Timaru	624
Greymouth	789
Dunedin	12,727
Invercargill	1,478
TOTAL	$202,496