



A Guide to Filing a Claim

What is the Human Rights Review Tribunal?

The Human Rights Review Tribunal is a statutory body established to deal with certain cases that are brought under the following Acts:

- The Human Rights Act 1993
- The Privacy Act 1993 and Privacy Act 2020
- The Health and Disability Commissioner Act 1994

The Tribunal is composed of a Chairperson and a panel of up to 20 members, all appointed by the Governor General on the recommendation of the Minister of Justice. When the Tribunal sits to hear and determine any particular case, it sits with a Chairperson and two members.

Who can bring a claim to the Human Rights Review Tribunal?

Each of the three Acts contain different rules which define who is entitled to bring a claim to the Tribunal. It is always important to check the Act(s) to ensure you are entitled to bring a claim to the Tribunal.

If in doubt, you should seek legal advice. Your local Citizens Advice Bureau or Community Law Centre may be able to assist.

What are the fees and costs?

There are no filing fees or hearing fees.

However the Tribunal has the power to award costs in any claim. For example if you are unsuccessful in your claim, you can be ordered to pay costs to the other parties.

In the absence of any special circumstances, the Tribunal will usually consider the issue of costs when the case is over.

How to file a claim?

Fill out a Statement of Claim form specific to the Act under which you are filing the claim. Post the original Statement of Claim and supporting documents plus an additional three copies of supporting documents to the Secretary of the Tribunal, address provided at the end of this guide.

If you are filing a claim, you must add an extra copy of the Statement of Claim and the supporting documents for each additional defendant. For example: 1 defendant = 1 original + 3 copies; 2 defendants = 1 original + 4 copies; 3 defendants = 1 original + 5 copies, and so on.

You may download a Statement of Claim form from www.justice.govt.nz/tribunals or request one from the Secretary of the Human Rights Review Tribunal.

In the Statement of Claim, you will be required to state the specific provisions or sections of the Act which you claim has or have been contravened by the defendant.

You will then need to provide the facts of your case briefly but clearly in such a manner that allows the Tribunal and the defendant (the person you are filing a claim against) to understand what your claim is about. For example, you need to state:

- who was involved
- where and when (date and time) the event happened
- what the defendant did or did not do
- a summary of what harm or damage you have suffered as a result of what the defendant said or did (or failed to say or do), or that you will suffer if the defendant does or fails to do something in the future.

For matters investigated by the Privacy Commissioner you need to supply a copy of the Certificate or notice given by the Commissioner, and for matters under the Health and Disability Commissioner Act 1994 you must supply a copy of the final opinion issued by the Health and Disability Commissioner. It is important that you provide the necessary information with your Statement of Claim to avoid delay in the processing of your claim.

What happens next?

The Secretary of the Tribunal will send your 'Statement of Claim' to the defendant(s), and the Office of the Privacy Commissioner, or the Health and Disability Commissioner or the Human Rights Commission (depending on which has been involved).

If the Tribunal does not have jurisdiction to deal with your claim it will be struck out or dismissed.

What happens after the Statements of Claim and Reply have been exchanged?

Once the Statements of Claim and Reply have been exchanged we will contact you to schedule a directions conference. These conferences are usually conducted by phone and will include the Tribunal Chairperson, the plaintiff(s), defendant(s), and in appropriate cases a representative of: the Privacy Commissioner, Director of Human Rights Proceedings, the Health and Disability Commissioner and /or the Attorney-General. The details of the hearing will then be arranged by the Tribunal.

Tribunal Contact Details



The Secretary
The Human Rights Review Tribunal
Tribunals Unit
Ministry of Justice

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