

19 September 2025

Civil Law Policy
Ministry of Justice - National Office
Wellington
civillaw@justice.govt.nz

Retail NZ submission: Fast dispute resolution - a new statutory adjudication framework

1. Retail NZ is a membership organisation that represents the views and interests of New Zealand's retail sector. We are the peak body representing retailers across Aotearoa, with our membership accounting for nearly 70% of all domestic retail turnover. New Zealand's retail sector comprises approximately 30,000 businesses and employs around 227,000 Kiwis.
2. Retail NZ welcomes the opportunity to provide feedback on the Ministry of Justice's proposal for a new statutory adjudication framework. We agree in principle with the introduction of a fast, private and enforceable dispute resolution mechanism for business-related civil disputes. We believe that such a framework has the potential to improve access to justice, reduce costs, and support business continuity across the retail sector.
3. However, we wish to highlight several concerns and considerations that are particularly relevant to retailers.

Cost and accessibility

4. While the framework is intended to be low-cost, there is a risk that adjudicator fees and associated costs (e.g. legal representation, expert reports) may still be prohibitive for small and medium-sized retailers. We recommend:
 - clear fee guidelines or caps for low-value claims
 - consideration of subsidised adjudication services for small businesses
 - transparent pricing models and fixed-fee options.

Adjudicator quality and oversight

5. Retailers will need confidence in the impartiality, competence and consistency of adjudicators. We support the idea of adjudicator authorisation and recommend:
 - a robust accreditation process with minimum qualifications and experience
 - ongoing monitoring and performance evaluation
 - a publicly accessible register of adjudicators and their specialisations.

Voluntary vs. mandatory participation

6. Retail NZ supports a voluntary opt-in model, allowing businesses to choose adjudication where appropriate. However, we caution against any move toward mandatory participation without further sector-specific consultation. Retailers value flexibility and may prefer other resolution methods depending on the nature of the dispute.

Scope of disputes

7. Retailers often face a wide range of disputes, including:
 - contractual disagreements with suppliers or service providers
 - payment disputes
 - intellectual property issues
 - lease and property-related matters.
8. We support the inclusion of these types of disputes within the framework but recommend clear guidance on what is in scope to avoid confusion or misuse.

Cross-border disputes

9. Retailers increasingly engage with international suppliers and partners. While we support the inclusion of cross-border disputes, enforcement of determinations overseas remains a concern. We suggest:
 - clear disclaimers about enforceability limitations
 - encouragement of adjudication clauses in international contracts.

Enforcement and compliance

10. Retailers need assurance that determinations will be enforceable and complied with promptly. We support mechanisms such as:
 - court enforcement options
 - financial incentives or penalties for compliance/non-compliance
 - limited grounds for opposing enforcement to maintain efficiency.

Confidentiality and reputation

11. Retailers are sensitive to reputational risks. We support confidentiality provisions but caution against mechanisms like ‘name and shame’ registers, which may deter participation. Any breach of confidentiality should be carefully justified and proportionate.

Future proofing and sector representation

12. Retail NZ encourages the framework to be adaptable to future technologies (e.g. online dispute resolution, AI-assisted adjudication). This will ensure relevance and effectiveness for our members.

Conclusion

13. Thank you for the opportunity to make a submission.
14. Retail NZ supports the development of a statutory adjudication framework as a valuable addition to New Zealand’s dispute resolution landscape. We urge the Ministry to ensure that the framework is accessible, fair and tailored to the needs of diverse business sectors, including retail. We look forward to further engagement as the policy develops.
15. Retail NZ is happy to discuss any aspect of this submission further.

16. No part of this submission should be withheld under the OIA.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Carolyn Young'.

Carolyn Young
Chief Executive
Retail NZ
carolyn.young@retail.kiwi