
The development of the New Zealand Human Rights Commission and its functions from 1978 to the present day

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The Human Rights Commission Act 1977

- The NZHRC was first established under the Human Rights Commission Act 1977, which came into force in 1978
- Long title of the Act described its purpose as *“An Act to establish a Human Rights Commission and to promote the advancement of human rights in New Zealand in general accordance with the United Nations International Covenants on Human Rights”*
- The Act was enacted around the same time that New Zealand ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) [both were ratified in 1978]



The Human Rights Commission Act 1977

- Established the NZHRC as a body corporate, independent of Government
- The NZHRC comprised of a core group consisting of the Chief Human Rights Commissioner, the Chief Ombudsman or other Ombudsman (designated as a Human Rights Commissioner), and the Race Relations Conciliator and up to three other Commissioners.
- The Race Relations Conciliator retained their own statutory office and powers under the Race Relations Act 1971.



The Human Rights Commission Act 1977

Functions under the 1977 Act included:

- a complaints jurisdiction for discrimination complaints – includes investigation and conciliation functions and the establishment of the Equal Opportunities Tribunal
- general advocacy, awareness raising and education functions
- A privacy rights function
- A function to report human rights issues to the Prime Minister



The Human Rights Act 1993

Major reform of the legislation which includes:

- more grounds of discrimination added; These include disability, political opinion, employment status, family status and sexual orientation.
- Oversight of privacy matters is removed from the NZHRC and the legislation and transferred to a new entity, the Privacy Commissioner established under the Privacy Act 1993.
- The new role of Proceedings Commissioner is established, as is the Complaints Review Tribunal to replace the Equal Opportunities Tribunal



The Human Rights Act 1993

Other notable features:

- The Race Relations Office remains separate from the Commission
- The Proceedings Commissioner can initiate proceedings on behalf of complainants following investigation
- New general functions are added, including an inquiry function, enabling the Commission to inquire into general human rights matters



The Human Rights Amendment Act 2001

This was a very significant update:

- Introduces Part 1A of the Human Rights Act which extends the discrimination jurisdiction to include complaints about the actions and omissions of government and entities with public functions
- Amends the complaints functions from an investigation-based approach to one focused on dispute resolution and the provision of mediation to resolve complaints.
- The Proceedings Commissioner is replaced with a Director of Human Rights Proceedings who provides representation to complainants. The Director operates independently from the rest of the Commission



The Human Rights Amendment Act 2001

Other updates included:

- Introducing a wide range of new general functions, including legal interventions (appearing as a third party intervener in litigation involving important human rights issues) and international human rights monitoring. This reflected an intention that the Commission cover a wider range of human rights issues
- Establishing the role of the Equal Employment Opportunities Commissioner
- Disestablishing the stand-alone Race Relations Office. The Race Relations Commissioner and their race relations functions now fall completely within the Commission.



Other important developments following the 2001 Amendment Act

There have been other important developments that have followed the 2001 Amendment Act:

- The establishment of the Commission as New Zealand's Central National Preventative Mechanism under the OPCAT (2004).
- The designation of the Commission as an Independent Crown Entity under the Crown Entities Act 2004. This designation reinforces that the Commission acts independently of government policy.
- Paul Gibson became the first Commissioner with formal, statutory responsibilities for disability rights in 2011



Recent developments

- Proposed introduction of updated provisions regarding hate speech. These current provisions only cover incitement of racial disharmony and do not apply to other protected grounds of discrimination such as disability, religion or sexual orientation.
- These proposals have followed the report and recommendations of a Royal Commission of Inquiry into the terrorist attacks on two Christchurch mosques on 15 March 2019.
- A Bill has also been introduced to prohibit conversion practices and enable complainants to lodge complaints with the Commission
- It is also proposed to expressly include gender identity and gender expression within the prohibited grounds of discrimination under the Human Rights Act.

Examples of the use of the HRA mandate to deliver strategic priorities: Legal Interventions

Human Rights
Commission welcomes
Supreme Court
judgment



Inquiries



Pacific Pay Gap Inquiry





Human Rights Guidelines



Guidelines on the right
to a decent home



International Human Rights Reporting



Human Rights Monitoring Mechanisms

Making Disability Rights Real Whakatūturu Ngā Tika Hauātanga

Third report of the Independent Monitoring
Mechanism of the Convention on the Rights
of Persons with Disabilities

Aotearoa | New Zealand 2014–2019





Public campaigns





Public campaigns

