

## POSITION DESCRIPTION

### HUMAN RIGHTS REVIEW TRIBUNAL: DEPUTY CHAIRPERSON

Title:	<b>Deputy Chairperson, Human Rights Review Tribunal</b>
Appointed by:	<b>Governor-General on the advice of the Minister of Justice</b>
Time commitment:	<b>Full-time</b>
Term:	<b>Up to 5 years</b>
Remuneration:	<b>\$835 per day (annualised and is neither a salary nor wages)</b>

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#### **The Tribunal**

The Human Rights Review Tribunal hears and determines proceedings lodged pursuant to the Human Rights Act 1993 (HRA), the Privacy Act 1993 and the Health and Disability Commissioner Act 1994 after complaints have first been dealt with by the Human Rights Commission, the Privacy Commissioner and the Health and Disability Commissioner pursuant to their respective Acts. The principal matters considered by the Tribunal concern privacy issues, human rights, discrimination and health and disability issues. The Tribunal has jurisdiction to award various remedies including damages of up to \$350,000. In proceedings under Part 1A of the Act it has power to declare that an enactment is inconsistent with the right to freedom from discrimination as affirmed by the New Zealand Bill of Rights Act 1990.

The Act provides that for any particular case the Tribunal must comprise:

- (a) the Chairperson and/or a Deputy Chairperson
- (b) two other persons appointed by the Chairperson for the purposes of each hearing from the Panel maintained by the Minister under HRA, s 101.

#### **Functions of Tribunal**

Section 94 of the Act provides that the functions of the Tribunal shall be

- (a) to consider and adjudicate upon proceedings brought pursuant to sections 92B, 92E, and 97 of the Act
- (b) to exercise and perform such other functions, powers, and duties as are conferred or imposed on it by or under this Act or any other enactment.

In practice, the Tribunal deals with cases brought under the Human Rights Act, the Privacy Act, and the Health and Disability Commissioner Act.

#### **Deputy Chairpersons of Tribunal**

The Act provides that every Deputy Chairperson of the Tribunal shall be appointed by the Governor-General on the recommendation of the Minister of Justice.

#### **Criteria and requirement for appointment of Deputy Chairpersons**

The Act provides that:

- (1) In recommending a person for appointment as a Chairperson or a Deputy Chairperson of the Tribunal, the Minister must have regard not only to the matters stated in section 101(2) but also to the person's:
  - (a) experience in dispute resolution
  - (b) experience as a Chairperson or Deputy Chairperson and in other leadership roles
  - (c) ability to perform the functions of the Chairperson or a Deputy Chairperson of the Tribunal.
- (2) Every person appointed as the Chairperson or Deputy Chairperson of the Tribunal must be a barrister and solicitor of the High Court of not less than 5 years' practice.

### **Appointment and term of office**

The Act provides:

- (1) Except as otherwise provided in section 103 of this Act, every person appointed as the Chairperson or a Deputy Chairperson of the Tribunal shall hold office for such term, not exceeding 5 years, as the Governor-General on the recommendation of the Minister shall specify in the instrument appointing that Chairperson or Deputy Chairperson.
- (2) Any person appointed as a Chairperson or Deputy Chairperson may hold that office concurrently with any other office held by him or her and may from time to time be reappointed.
- (3) Where the term for which the Chairperson or a Deputy Chairperson has been appointed expires, the Chairperson or Deputy Chairperson, unless sooner vacating or removed from office under section 103 of this Act, shall continue to hold office, by virtue of the appointment for the term that has expired, until:
  - (a) the Chairperson or Deputy Chairperson is reappointed, or
  - (b) a successor to the Chairperson or Deputy Chairperson is appointed, or
  - (c) the Chairperson or Deputy Chairperson is informed in writing by the Minister that the Chairperson or Deputy Chairperson is not to be reappointed and that a successor to the Chairperson or Deputy Chairperson is not to be appointed.

### **Conflicts of Interest**

The Chairperson or Deputy Chairperson must declare any associations or grounds which might give rise to a conflict of interest or other cause for recusal were he or she to hear a particular case.

### **Vacation of office by Chairperson or Deputy Chairperson-**

The Act provides:

- (1) The Chairperson and any Deputy Chairperson of the Tribunal may at any time resign his or her office by delivering a notice in writing to that effect to the Minister.
- (2) The Chairperson and any Deputy Chairperson of the Tribunal shall be deemed to have vacated his or her office if he or she dies or is, under the Insolvency Act 1967, adjudged bankrupt.
- (3) The Chairperson and any Deputy Chairperson of the Tribunal may at any time be removed from office by the Governor-General for disability affecting performance of duty, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

## **Key competencies**

### **Deputy Chairperson, Human Rights Review Tribunal**

- **Relevant professional qualifications and experience**
- **Ability to perform the functions of a Deputy Chairperson of the Tribunal**
- **Relationship management skills**

The successful applicant will have/be able to demonstrate:

#### **Relevant professional qualifications or experience**

- Be a barrister and solicitor of the High Court of not less than 5 years' practice.
- Career experience at a senior level reflecting good judgment, integrity, impartiality and leadership.

#### **Ability to perform the functions of a Deputy Chairperson of the Tribunal.**

- Recent experience in civil litigation and in case management.
- Recent knowledge of and experience with the Privacy Act 1993, Human Rights Act 1993, the Health and Disability Commissioner Act 1994 and general human rights law (including the New Zealand Bill of Rights Act 1990).
- Recent experience in the principles of judicial review.
- Analytical skill and demonstrable clarity of thought.
- Experience in dispute resolution processes.
- Recent experience in writing decisions or comparable report writing skills.
- Demonstrated ability to conduct adversarial hearings.
- Ability to communicate complex facts and legal issues to non-lawyers.
- Understanding of, and sensitivity to, Treaty of Waitangi issues.
- Familiarity with issues relating to minority and disadvantaged groups.
- Ability to work effectively while under pressure.
- Demonstrated legal research skills.

#### **Relationship management**

- The ability to establish and maintain constructive relationships at all levels both externally and internally.
- The ability to work collegially with the Chairperson, other Deputy Chairpersons, Panel members and Case Managers.
- Demonstrated consistent professionalism and fairness in dealing with others.

## **Conflicts of interest**

- Any circumstance which might give rise to an actual or potential conflict of interest with the role of Deputy Chairperson should be disclosed in the application papers.