

DIRECTOR – HUMAN RIGHTS PROCEEDINGS

POSITION PROFILE

Title:	Director, Human Rights Proceedings
Reports to:	Chief Human Rights Commissioner (for administration purposes only)
Appointed by:	Governor-General on the advice of the Minister of Justice
Term:	Up to 5 years
Time commitment:	Full-Time
Salary:	As fixed by Remuneration Authority

Office of Human Rights Proceedings

The Office of Human Rights Proceedings is established by section 20 of the Human Rights Act 1993 (the Act).

Section 20 of Act provides:

- (1) The Office of Human Rights Proceedings is part of the Commission and is headed by the Director of Human Rights Proceedings or his or her alternate.
- (2) The staff of the Office report to the Director or his or her alternate, and help him or her to exercise or perform the functions, powers, and duties of the Director under the Act.
- (3) In exercising or performing the functions, powers, and duties of the Director, the Director or his or her alternate and the staff of the Office must act independently from the Commission and Ministers of the Crown.
- (4) However, the Director or his or her alternate is responsible to the Chief Commissioner for the efficient, effective, and economical administration of the activities of the Office.

Director of Human Rights Proceedings

Section 20A of the Act provides:

- (1) The Director of Human Rights Proceedings is appointed by the Governor-General on the recommendation of the Minister of Justice.
- (2) The Governor-General may, on the recommendation of the Minister, appoint as alternate Director of Human Rights Proceedings a person designated for appointment as alternate Director by the Minister.

- (3) The Minister must not designate a person for appointment as alternate Director of Human Rights Proceedings unless—
 - (a) the Minister is satisfied that the Director is incapacitated by illness, absence, or other sufficient cause from performing the duties of his or her office; or
 - (b) the Director considers it is not proper or desirable that the Director should perform any particular duty of his or her office.

Criteria for appointment

Section 20B of the Act provides:

- (1) In recommending a person for appointment as Director of Human Rights Proceedings or as his or her alternate, the Minister must have regard not only to the person's attributes but also to the person's-
 - (a) knowledge of, or experience in,-
 - (i) the different aspects of matters likely to come before the Human Rights Review Tribunal:
 - (ii) New Zealand law, or the law of another country, or international law, on human rights:
 - (iii) current economic, employment, or other social issues:
 - (b) skills in, or experience in, the practice of public law (including the conduct of litigation), and financial and personnel management:
 - (c) ability to exercise or perform, and to ensure the Office of Human Rights Proceedings helps the person to exercise or perform, efficiently and effectively, the functions, powers, and duties of the Director under this Act.
- (2) Every person appointed as Director of Human Rights Proceedings or as his or her alternate must be a barrister or solicitor of the High Court of not less than 5 years' legal experience.

Term of office

Section 20F of the Act provides that the office holder:

- (a) holds the office for the term (not longer than 5 years) the Governor-General, on the recommendation of the Minister, specifies in the person's appointment; and may, from time to time, be reappointed; and
- (b) unless he or she sooner vacates or no longer holds or is removed from the office under section 20E, continues in it until his or her successor comes into it, even though the term for which he or she was appointed has expired.

Vacation of office

Section 20G of the Act provides that the office holder:

- (a) may resign from the office by delivering to the Minister a notice in writing to that effect and stating when the resignation takes effect:
- (b) ceases to hold office if he or she dies:
- (c) ceases to hold office if he or she is, under the Insolvency Act 1967, adjudged bankrupt:
- (d) may, at any time, be removed from the office by the Governor-General for incapacity affecting performance of duty, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

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KEY COMPETENCIES

The successful applicant will have/be able to demonstrate:

Relevant professional qualifications or experience

- A tertiary qualification in law (must be a barrister or solicitor of the High Court of not less than 5 years' legal experience.)
- Substantial litigation experience
- Public law expertise, especially in relation to judicial review and Bill of Rights matters
- Knowledge of New Zealand and international law on human rights
- Career experience at a senior level reflecting good judgement, integrity and impartiality
- Analytical skill and demonstrable clarity of thought
- Experience in advocacy or public education
- Experience in working with diverse groups and familiarity with dispute resolution processes

Appreciation of human rights issues

- Understanding of the Human Rights Act 1993, the New Zealand Bill of Rights Act 1990 and New Zealand's obligations under various United Nations conventions
- knowledge of the Privacy Act 1993 and the case law under that Act and the Official Information Act 1982
- An understanding of, and sensitivity to, Treaty of Waitangi issues.
- Knowledge of current economic, employment, or other social issues.
- Familiarity with issues relating to minority and disadvantaged groups
- Familiarity with issues facing employers and employees in a diverse workforce
- An appreciation of the key goals of Government and their relevance to significant social issues

Leadership Skills

- The ability to provide vision and strategic leadership, to develop policies and priorities, and to motivate staff
- An understanding of good management practices and the ability to apply these effectively to achieve organisational goals and objectives
- An appreciation of public sector management as set out in the Public Finance Act 1989

Relationship management ability

- The ability to establish and maintain constructive relationships at all levels both externally and internally
- The ability to work collegially with the Chief Commissioner and other Commissioners
- The ability to stimulate interest in, and promote understanding of, human rights issues
- Demonstrated consistent professionalism and fairness in dealing with others
- The ability to interact effectively with the media to promote positive human rights
- Superior public speaking and presentation skills
- An understanding of the aspirations of a diverse range of people and organisations, including other Commissions, Maori, central Government agencies, businesses, non- Government organisations, media representatives, Members of Parliament, diplomats, ethnic community organisations, service organisations, local bodies, religious organisations and other sectoral interest groups