



## ANALYSIS

Title  
1. Short Title

2. Alternate members of Commission  
3. Consequential amendments  
Schedule

1985, No. 23

**An Act to amend the Human Rights Commission Act 1977**

[8 March 1985]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Human Rights Commission Amendment Act 1985, and shall be read together with and deemed part of the Human Rights Commission Act 1977 (hereinafter referred to as the principal Act).

**2. Alternate members of Commission**—The principal Act is hereby amended by inserting, after section 7A (as inserted by section 5 of the Human Rights Commission Amendment Act 1983), the following section:

“7B. (1) The Governor-General may, on the recommendation of the Minister, appoint as alternate members of the Commission persons who may act as the alternate of the Chief Human Rights Commissioner, or of any appointed Commissioner, during the Commissioner’s incapacity to perform the duties of the Commissioner’s office.

“(2) In any case where the Chief Human Rights Commissioner is satisfied that any other appointed Commissioner is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office or that the appointed Commissioner considers it is not proper or

desirable that he should adjudicate on any specified matter, the Chief Human Rights Commissioner may appoint an alternate member to act as the alternate of the appointed Commissioner during his incapacity or in respect of that matter, as the case may be.

“(3) In any case where the Minister is satisfied that the Chief Human Rights Commissioner is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office or that the Chief Human Rights Commissioner considers it not proper or desirable that he should adjudicate on any specified matter, the Minister may appoint a member or alternate member of the Commission to act as the alternate of the Chief Human Rights Commissioner during his incapacity or in respect of that matter, as the case may be. If a member of the Commission is appointed as the alternate of the Chief Human Rights Commissioner, an alternate member may be appointed to act as the alternate of that member.

“(4) Any alternate appointed under subsection (2) or subsection (3) of this section shall, while the alternate acts as such, be deemed to be the Chief Human Rights Commissioner or member of the Commission in whose place the alternate acts.

“(5) No appointment of an alternate and no act done by an alternate as such, and no act done by the Commission while any alternate is acting as such, shall in any proceedings be questioned on the ground that the occasion for the alternate’s appointment had not arisen or had ceased.”

**3. Consequential amendments**—(1) The principal Act is hereby consequentially amended in the manner indicated in the Schedule to this Act.

(2) Section 5 of the Higher Salaries Commission Amendment Act 1980 is hereby consequentially repealed.

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## SCHEDULE

Section 3 (1)

## CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

Section Affected	Amendment
Section 7 . . . . .	By inserting in subsection (3), after the word "members", the words "or alternate members". By inserting in subsection (4), after the word "Commissioner", the words "or as an alternate member of the Commission".
Section 7A (as inserted by section 5 of the Human Rights Commission Amendment Act 1983)	By inserting, after the word "inmember" wherever it appears, the words "or alternate member".
Section 8 . . . . .	By inserting, after the word "Commissioner" wherever it appears, the words "and every alternate member of the Commission".
Section 9 (as amended by section 6 of the Human Rights Commission Amendment Act 1983)	By inserting, after the word "Commissioner" wherever it appears, the words "or alternate member of the Commission".
Sections 13 and 13A (as substituted by section 5 of the Higher Salaries Commission Amendment Act 1980)	By repealing these sections, and substituting the following sections: <p style="margin-left: 40px;"><b>"13. Remuneration of members and alternate members of Commission—</b>  (1) There shall be paid to the members and alternate members of the Commission such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed, either generally or in respect of any particular member or members or alternate member or alternate members, by the Higher Salaries Commission.  (2) Any decision under subsection (1) of this section shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no date is so specified the decision shall take effect on the date thereof.</p> <p style="margin-left: 40px;"><b>"13A. Travelling allowances and expenses—</b>(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.  (2) There shall be paid to the members and alternate members of the Commission travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly."</p>

This Act is administered in the Department of Justice.