

# **Human Rights Amendment Bill**

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Employment Relations Law Reform Bill as reported from the Transport and Industrial Relations Committee. The committee of the whole House has further amended the bill and divided it as follows:

- The Employment Relations Amendment Bill (No 2), comprising Part 1 and Schedules 1 and 2
  - This Health and Safety in Employment Amendment Bill (No 2), comprising Part 3
  - This bill, comprising Part 4.
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*Hon Paul Swain*

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2	Commencement		92BA Lodging of applications
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99	Section 64 repealed		
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	79A Choice of procedures		

**The Parliament of New Zealand enacts as follows:**

### **1 Title**

- (1) This Act is the Human Rights Amendment Act **2004**.
- (2) In this Act, the Human Rights Act 1993<sup>1</sup> is called “the principal Act”.

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<sup>1</sup> 1993 No 82

### **2 Commencement**

This Act comes into force on 1 December **2004**.

### **99 Section 64 repealed**

Section 64 of the principal Act is repealed.

### **100 New section 79A inserted**

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The principal Act is amended by inserted after section 79, the following section:

#### **“79A Choice of procedures**

- “(1) If the circumstances giving rise to a complaint under Part 2 are such that an employee would also be entitled to pursue a personal grievance under the Employment Relations Act 2002, the employee may take 1, but not both, of the following steps:

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- “(a) the employee may make in relation to those circumstances a complaint under this Act:

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- “(b) the employee may, if the grievance is not otherwise resolved, apply to the Employment Relations Authority for the resolution of the grievance under the Employment Relations Act 2000.
- “(2) To avoid doubt, a complaint referred to in **subsection (1)** includes, but is not limited to, a complaint about sexual harassment or racial harassment. 5
- “(3) For the purposes of **subsection (1)(a)**, an employee makes a complaint when proceedings about that complaint are commenced by the complainant or the Commission. 10
- “(4) If an employee makes a complaint under **subsection (1)(a)**, the employee may not exercise or continue to exercise any rights relating to the subject matter of the complaint that the employee may have under the Employment Relations Act 2000. 15
- “(5) If an employee applies to the Employment Relations Authority for a resolution of the grievance under **subsection (1)(b)**, the employee may not exercise or continue to exercise any rights relating to the subject matter of the grievance that the employee may have under this Act.” 20
- 101 New section 92BA inserted**  
The principal Act is amended by inserting, after section 92B, the following section:
- “**92BA Lodging of applications**  
Proceedings before the Tribunal are to be commenced by the lodging of an application in the prescribed form.” 25

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### Legislative history

14 October 2004

Divided from Employment Relations Law Reform  
Bill (Bill 92–2) as Bill 92–3C