

HUMAN RIGHTS COMMISSION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Human Rights Commission Act 1977.

Clause 1 relates to the Short Title.

Clause 2 creates an exception to the employment provisions of the Act. Nothing in those provisions is to prevent preferential treatment based on religious or ethical belief where—

- (a) That treatment is accorded by an adherent of a particular belief; and
- (b) Having regard to special circumstances that govern the manner in which the duties of the position are required to be carried out, it is reasonable to accord that treatment to a person of the same belief.

Clause 3 inserts a new subsection in section 35 of the principal Act. The new subsection (which is derived from section 17 (1) (b) of the Ombudsmen Act 1975) provides that the Human Rights Commission may in its discretion decide not to investigate further any complaint if in the course of the investigation of the complaint it appears to the Commission that, having regard to all the circumstances of the case, any further investigation is unnecessary.

Hon. Mr McLay

HUMAN RIGHTS COMMISSION AMENDMENT

ANALYSIS

Title
1. Short Title

2. Employment
3. Commission may refuse to investigate complaint

A BILL INTITULED

An Act to amend the Human Rights Commission Act 1977

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 1981, and shall be read together with and deemed part of the Human Rights Commission Act 1977* (hereinafter referred to as the principal Act).

2. Employment—Section 15 of the principal Act is hereby amended by inserting, after subsection (7), the following subsection:

*1977, No. 49

No. 69—1

“(7A) Nothing in this section shall apply to preferential treatment based on religious or ethical belief where—

“(a) That treatment is accorded by an adherent of a particular belief; and

“(b) Having regard to special circumstances that govern the manner in which the duties of the position are required to be carried out, it is reasonable to accord that treatment to a person of the same belief.” 5

3. Commission may refuse to investigate complaint—

Section 35 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 10

“(1A) Notwithstanding anything in subsection (1) of this section, the Commission may in its discretion decide not to investigate further any complaint if in the course of the investigation of the complaint it appears to the Commission that, 15
having regard to all the circumstances of the case, any further investigation is unnecessary.”