



Human Rights
Commission

Te Kahui Tika Tangata

Annual Report Pūrongo ā Tau

2014

**Human Rights Commission
Te Kāhui Tika Tangata**

**The Office of Human Rights Proceedings
Te Tari Whakatau Take Tika Tangata**





Report of the

Human Rights Commission Te Kāhui Tika Tangata

And

The Office of Human Rights Proceedings Te Tari Whakatau Take Tika Tangata

For the year ended 30 June 2014

Presented to the House of Representatives pursuant
to section 150 of the Crown Entities Act 2004

ISSN: 978-0478-35611-3 (print)

ISSN: 978-0478-356612-0 (online)

Published October 2014, Aotearoa New Zealand

The Hon. Minister of Justice

Minister

Pursuant to section 150 of the Crown Entities Act 2004, I hereby transmit to you the Annual Report of the Human Rights Commission for the year ended 30 June 2014.

Yours faithfully

David Rutherford
Chief Commissioner
Te Amokapua

Members at 30 June 2014

David Rutherford
Chief Commissioner Te Amokapua
Dame Susan Devoy
Race Relations Commissioner Kaihautū Whakawhanaunga ā Iwi
Dr Jackie Blue
Equal Employment Opportunities Commissioner Kaihautū Ōritenga Mahi
Paul Gibson
Disability Rights Commissioner Kaihautū Tika Hauātanga
Karen Johansen
Commissioner Kaihautū
Richard Tankersley
Commissioner Kaihautū

The Hon. Minister of Justice

Minister

Pursuant to section 92A(4) of the Human Rights Act 1993, I hereby transmit to you pages 33 to 36 of this report as the Annual Report of the Director of the Office of Human Rights Proceedings for the year ended 30 June 2014.

Yours faithfully

Robert Kee

Director of Human Rights Proceedings

Tumuaki Whakatau Take Tika Tangata



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Foreword

Wāhinga kōrero

Tē tōia, tē haumatia

*Nothing can be
achieved without a
plan, workforce and
way of doing things.*

This year was a year of investment in change for the Human Rights Commission. We reviewed the organisation to ensure that the Commission is more responsive and relevant to all New Zealanders.

This required an investment in recalibrating the Commission to be effective in its current and future environment. It required changes to the way we are structured, what we do and how we do it, and how we communicate with Government, business and civil society. This investment has set us up to become a more nimble and flexible organisation that delivers on the human rights issues that face New Zealand.

While we did this we continued to deliver on some key priorities. New Zealand was subject to its second Universal Periodic Review (UPR) by the United Nations in January. The United Nations Human Rights Council noted many positive achievements and said that there was much to learn from our country's experience.

New Zealand's strong reputation on human rights and a commitment to equal treatment for all people was recognised. It was acknowledged that unacceptable violence and abuse, inequalities and discrimination continue to persist. In Canterbury, the earthquake recovery continues to present challenges to rights to property, housing, health and the right of people to participate in decisions that affect them.

The UPR provided an important opportunity for the New Zealand public and interested groups to provide valuable insights into human rights concerns and draw attention to relevant issues in their communities. A wide range of non-government organisations and community groups submitted feedback to inform the UPR process, many more than during the last UPR in 2009.

New Zealand's mechanism for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) proved its worth this year. Many disabled people were left frustrated by the passage by Parliament, under urgency, of the Public Health and Disability Amendment Act. However, shortly afterward, the CRPD monitoring partners met with chief executives of government agencies to seek action to advance the rights of disabled people. We demanded a fresh approach which resulted in disabled peoples' organisations and government agencies agreeing to co-develop and co-govern a new national disability strategy. In May 2014, the Disability Action Plan 2014–18 was approved by Cabinet.

While Aotearoa New Zealand can be proud to be recognised as a world leader in the realisation of human rights, there is no room for complacency. The actions we take will help cut a path for other nations around the world. There is always considerable room for improvement. Even the best can be better.

Na mātou noa, nā,

David Rutherford
Chief Commissioner
Te Amokapua

Dame Susan Devoy
Race Relations Commissioner
Kaihautū Whakawhanaunga a Iwi

Dr Jackie Blue
Equal Employment Opportunities Commissioner
Kaihautū Ōritenga Mahi

Paul Gibson
Disability Rights Commissioner
Kaihautū Tika Hauātanga

Karen Johansen
Commissioner
Kaihautū

Richard Tankersley
Commissioner
Kaihautū

What the Commission is and what it does

Ko wai mātou, ā, he aha tā mātou mahi?

The Human Rights Commission (the Commission) is an independent Crown entity. The Board of the Commission determines the strategic direction and general activities of the Commission consistent with the Human Rights Act 1993.

Nature and Scope of the Commission's Functions

The Commission has an A-status accreditation as a National Human Rights Institution with the International Coordinating Committee of National Institutions for the Protection of Human Rights. This status is the highest recognition of the independence a national human rights institution can achieve and provides the right to speak at the United Nations.

The Office of Human Rights Proceedings (OHRP) is part of the Commission and provides legal representation under the Human Rights Act 1993 and brings proceedings under the Privacy Act 1993.

The Commission's primary functions, as set out in the Human Rights Act 1993, are to: (1) advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society; and (2) encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

Section 5(2) of the Act lists the detailed functions of the Commission:

- a advocate for human rights and to promote and protect through education programmes and publicity, respect for, and observance of human rights
- b encourage and co-ordinate human rights programmes and activities
- c make public statements on issues affecting human rights
- d promote understanding of the human rights dimensions of the Treaty of Waitangi through research, education programmes and discussion
- e prepare and publish guidelines and voluntary codes of practice to help people meet their legal obligations to respect and protect human rights
- f receive and invite representations from members of the public on any matters affecting human rights
- g consult and cooperate with other organisations concerned with the protection of human rights
- h inquire into infringements, either in law or practice, of human rights
- i bring legal proceedings and intervene in court proceedings on human rights matters
- j report to the Prime Minister (1) on the need for new legislation, regulations or policy to better protect human rights; (2) on the desirability of New Zealand ratifying further international human rights conventions or norms; and (3) on the implication of any proposed legislation, which may affect human rights
- k develop a national plan of action for the promotion and protection of human rights.

Important human rights principles are enshrined in New Zealand's constitutional arrangements or legislation, including:

- 1 Treaty of Waitangi 1840
- 2 New Zealand Bill of Rights Act 1990
- 3 Human Rights Act 1993.

Moreover, as a member of the United Nations, New Zealand supports the human rights provisions of the United Nations Charter and the Universal Declaration of Human Rights 1948.

New Zealand is also a party to or supports a number of international human rights instruments, including the:

- 1 International Covenant on Civil and Political Rights (ICCPR)
- 2 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 3 International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- 4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- 5 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- 6 Convention on the Rights of the Child (CRC)
- 7 Convention on the Rights of Persons with Disabilities (CRPD)
- 8 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

New Zealand's core international human rights law obligations are set out in these instruments. These legal obligations require that the State respect, protect and fulfil the human rights of individuals within New Zealand. This includes the duty to protect against human rights abuse by third parties, including business enterprises. These instruments also impose obligations on New Zealand to regularly report on their implementation.

The Commission also has functions to facilitate the resolution of disputes, involving unlawful discrimination in the most efficient, informal, and cost-effective manner possible. The Commission has no adjudicative or judicial function. Those functions are carried out by the Human Rights Tribunal and the courts.

Human rights approach

The Commission has adopted an approach to encourage human dignity and rights to be taken into account at all levels of decision-making. This approach is drawn from international good practice and has been adapted for New Zealand.



We look to use this approach in our day-to-day work and help other government and non-government organisations to apply it as well. We will achieve many of our strategic objectives when this approach is continually applied and respected by all people making decisions or taking actions that affect people's dignity and rights.

Governance, Strategic Leadership and Management

The Commission is governed by a Board made up of all the Commissioners, chaired by the Chief Commissioner. The Board determines the strategic direction and general nature of the Commission's activities. In addition to their governance role, all Commissioners act as strategic leaders in areas designated by the Act or by allocation of spheres of responsibility by the Chief Commissioner (in consultation with the Minister). Commissioners engage in the general activities of the Commission (excepting those set out in section 76 of the Act) as determined by the Chief Commissioner (in consultation with the Minister). The roles of Race Relations Commissioner and Equal Employment Opportunities Commissioner are designated under the Human Rights Act 1993.

The following are the statutory designations (denoted by an *) and spheres of responsibility for Commissioners allocated by the Chief Commissioner for 2013–14. The Chief Commissioner separately designates which general activities Commissioners will work on.

Commissioners	Spheres of responsibility 2013–14	Population group/s
David Rutherford (Full-time)	Chief Commissioner* Thematic human rights areas: 1 Education 2 Human rights mainstreaming 3 Civil and political rights 4 Business and human rights 5 Treaty of Waitangi (jointly with Karen Johansen)	Rural people
Dame Susan Devoy (Full-time)	Race relations* Thematic human rights areas: 1 Housing, health and community	Ethnic minority, migrant and culturally and linguistically diverse communities Children and young people Refugees and asylum seekers
Dr Jackie Blue (Full-time)	Equal employment opportunities* Thematic human rights areas: 1 Work	Women
Paul Gibson (0.8 full-time equivalent)	Thematic human rights areas: 1 Disability rights 2 Violence and abuse	Disabled people Older people
Karen Johansen (0.3 full-time equivalent)	Thematic human rights areas: 1 Māori and indigenous rights 2 Treaty of Waitangi (jointly with David Rutherford)	Māori and Indigenous peoples
Richard Tankersley (0.3 full-time equivalent)	Thematic human rights areas: 1 Religion and belief, interfaith activities and religious diversity 2 Sexual orientation and gender identity	Religious and interfaith communities Gay, Lesbian, Bisexual, Transgender and Intersex people

* Statutory designations

New designations were made for the new financial year. These can be found on the Commission's website.

The Executive Director is the Chief Executive of the Commission and manages all staff of the Commission except the staff of the Office of Human Rights Proceedings.

The Director of Human Rights Proceedings decides whether to provide legal representation to applicants whose complaints of unlawful discrimination have not been resolved through the Commission's dispute resolution process. The Director's functions also include bringing proceedings under the Privacy Act 1993 in respect to interferences with privacy referred by the Privacy Commissioner. Claims of unlawful discrimination or interference with privacy are heard in the Human Rights Review Tribunal. The Director manages the staff of the Office of Human Rights Proceedings.

Goals and Outcome areas 2013–14

The Commission's goals for 2013–14 were that:

- a people in Aotearoa New Zealand enjoy their human rights
- b duty bearers in Aotearoa New Zealand uphold their human rights responsibilities
- c people in Aotearoa New Zealand live together harmoniously.

The four outcome areas the Commission focused on during 2013–14 were:

- 1 **work and education:** eliminating discrimination and barriers so all people in Aotearoa New Zealand have access to decent and productive work and quality education
- 2 **housing, health and community:** promoting inclusion and participation by improving access to healthy housing, the highest attainable level of health and wellbeing, and accessibility consistent with the Convention on the Rights of Persons with Disabilities
- 3 **violence and abuse:** promoting steps which enable the people in Aotearoa New Zealand to be free from violence and abuse
- 4 **human rights mainstreaming:** ensuring human rights standards are fully reflected in law, policy and practice.

We worked toward these outcomes by delivering work in the following areas:

- 1 **education, promotion and advocacy:** ensuring human rights protections are put into practice by undertaking human rights education; coordinating community development programmes; and disseminating information and tools to encourage advocacy and good practice

- 2 **monitoring and reporting:** incorporating international human rights standards in New Zealand law, policy and decision-making by providing advice, guidance, information and analysis to the Government; international human rights treaty bodies; and civil society
- 3 **enquiries and complaints, and legal interventions:** providing a disputes resolution service that is efficient, informal and cost-effective; and an information and referral service for enquirers on human rights matters
- 4 **Office of Human Rights Proceedings:** providing legal representation under the Human Rights Act 1993 and bringing proceedings under the Privacy Act 1993.

The following sections provide a summary of the impacts and contributions made by the Commission in 2013–14. The key activities under each of the four outputs, and the progress made toward identified standards and performance measures, are described in detail in the *Statement of Service Performance* section of this report.

Impacts

Outcome areas 2013–14

Work and education – structural discrimination and barriers to equality eliminated so all people in New Zealand have access to decent and productive work and quality education

Impact Target	Impact results
A reduction in state sector structural discrimination, including in pay and employment equity, as evidenced by incorporation of Commission advice and guidance at least five times into State sector policy and practice	<ul style="list-style-type: none"> a Targeted advice and guidance provided to six public service agencies on how to reduce structural discrimination that assisted them meet their responsibilities in this area. This resulted in the Treasury and State Services Commission committing to improving the collection of data and to systematic changes in public services agencies, including harmonised data collection and improving pay gaps across the public sector b Improved good practice through advice provided by workshops and publishing “<i>What’s Working: Improving Equal Employment Opportunities in the Public Service</i>” and an indicator report tracking Crown entities’ progress towards delivery of equal employment opportunities

An increase in measures on reasonable accommodation of people with disabilities in employment, as evidenced by adoption by employers of Commission advice and guidance at least three times

The Commission did not provide advice and guidance on measures on reasonable accommodation for people with disabilities as we identified a better approach with greater impact. As one of the three partners of the Independent Monitoring Mechanism (IMM) for the Convention on the Rights of Persons with Disabilities, the IMM's agreement was gained that it would recommend that the Ministry of Justice and Office for Disability Issues progress ways to increase measures on reasonable accommodation of people with disabilities in employment

A reduction in youth unemployment, including young people with disabilities, as evidenced by adoption by duty-bearers of at least two of the Commission's case studies of good practice programmes addressing employment of young people living in economic deciles 1–3 areas and one work-poor rural community, and of young people with disabilities

Five duty-bearers confirmed that they would use the Commission's case studies in the Far North, South Auckland and for young people with disabilities to raise awareness of youth employment issues and/or inform their thinking, policies and practices. These case studies covered economic decile 1–3 areas, one work-poor rural community and young people with disabilities

Improved educational achievement for people with disabilities, as evidenced by adoption by duty-bearers of at least two of the Commission's case studies of good practice programmes addressing educational standards and work-relevant qualifications of students living in economic deciles 1–3 areas and/or students with disabilities

The Commission did not carry out case studies as a better approach with great impact was identified. Improved educational achievement for people with disabilities was achieved by:

- a the Commission's contribution (as one of the three Independent Monitoring Mechanism Partners for the Convention on the Rights of Persons with Disabilities) toward ensuring a more inclusive and collaborative approach in the development of the Disability Action Plan 2014–18 which sets out specific priorities aimed at enabling disabled people (including children with disabilities) to attain full rights of citizenship and increasing the educational achievement of disabled children and adults
- b secured Government agreement to implement recommendations set out in the Commission's report *A New Era in the Right to Sign*, including establishing an NZSL Advisory Board and the Family Whānau Sign Language Facilitation Service which will assist educational achievement

Housing, health and community – inclusion and participation achieved through all people in New Zealand having access to healthy housing, the highest attainable level of health and well-being, and accessibility consistent with the Convention on the Rights of Persons with Disabilities

Impact Target	Impact results
<p>Decision-makers in the Christchurch rebuild use the Commission's advice and guidance as evidenced by them increasingly:</p> <ol style="list-style-type: none"> 1 delivering their accessibility obligations under Article 9 of the Convention on the Rights of Persons with Disabilities towards people living within Christchurch communities 2 making housing decisions in Christchurch which reflect the input of people living within these communities and upholding property rights 3 ensuring affordable, accessible and healthy housing in the built environment of Christchurch 4 making insurance decisions that reflect an understanding of the human rights of the people they insure 	<ul style="list-style-type: none"> a Nine of the 33 recommendations contained in the Commission's monitoring report, <i>Monitoring Human Rights in the Canterbury Earthquake Recovery</i> have been progressed b Decision makers in Canterbury made policy changes including the extension of settlement dates for residential insurance claims, insulation of homes, and investment in psychosocial services

Violence and abuse – people in New Zealand are free from violence and abuse

Impact Target	Impact results
<p>Adoption and replication by secondary schools of Commission information on good practice, and the adoption by secondary schools and the Ministry of Education of the measurement of incidents of violence and abuse and the monitoring of the success of interventions</p>	<p>The Commission did not directly provide good practice on bullying prevention in secondary schools instead it participated in the Bullying Prevention Advisory Group resulting in human rights advice being included in national guidance on bullying prepared by the Ministry of Education and provided to schools. This guidance will be used by schools to develop policies and inform their practices. The Minister of Justice noted this approach, which was not considered to be a significant variation to output</p>
<p>Commission advice that the Government adopt the recommendations of the UN Committee on Economic, Social and Cultural Rights and the UN Committee on the Elimination of Discrimination Against Women is accepted by the Government through the second Universal Periodic Review cycle</p>	<p>The Government accepted the Commission's recommendations on addressing violence against women made during New Zealand's second Universal Periodic Review</p>

Human rights mainstreaming – human rights standards fully reflected in law, policy and practice so the human rights of people in New Zealand are protected

Impact Target	Impact results
<p>Greater application of human rights standards in law, policy and practice, as evidenced by incorporation of at least five Commission recommendations to use the human rights approach by duty-bearers and the NPA, setting a clear cross-sector human rights agenda for New Zealand</p>	<p>The Commission contributed to greater application of human rights standards in law, policy and practice through:</p> <ul style="list-style-type: none"> a the incorporation of Commission recommendations into law, policy or practice. This included incorporation of matters raised by the Commission in the Harmful Digital Communications Bill and the Public Safety (Public Protection Orders) Bill and the acceptance by the Government that it should not amend legislation or regulations to impose an upper age limit for pilots flying internationally (as proposed by the International Civil Aviation Organisation) b increased understanding of human rights issues in the Treasury, Iwi Leaders Forum, Statistics New Zealand and 24 Crown entities through the delivery of education programmes c the use of a more inclusive and collaborative approach by Government in the development of the Disability Action Plan 2014–18 as one of the three Independent Monitoring Mechanism Partners
<p>Human rights activities in communities leading to greater realisation of human rights in people's day-to-day lives, as evidenced by at least three case studies, each showing positive change in practice or policy in communities where our community development programmes are operating, or by organisations participating in the New Zealand Diversity Action Programme</p>	<ul style="list-style-type: none"> a Local human rights advocates undertaking 39 human rights activities as a result of being part of the Commission's community development programme. These activities resulted in positive changes in practice including the adoption of new human rights tools by providers of alternative education services and residential day care services b 252 organisations carried out 740 activities to improve race relations in New Zealand as part of the NZ Diversity Action programme. Changes in practice included increased engagement in education for refugees, more language interpreters in Canterbury in response to the increase in migrant worker numbers, and incorporation of diversity into policies of a local government agency c The Buller community creating a formal group to strengthen youth advocacy and voice in council decisions and the Wairoa community working together to become bilingual by 2020
<p>At least 55 systemic changes to policy and practice recorded each year as a result of the Commission's enquiries and complaints service</p>	<p>76 systemic changes to policy and practice resulted from the Commission's enquiries and complaints service</p>

Education, promotion and advocacy

Mātauranga, whakatairanga me te taunaki

Work and education

The Commission increased understanding of the causes of inequalities in work and education and encouraged the adoption of good practices to remove barriers and reduce discrimination. We did this through the provision of human rights education, advice and guidance.

We provided advice on the rights of people with disabilities and the support required to assist inclusion at school. This resulted in commitments by Government and the Ministry of Education to take further action regarding the promotion of New Zealand Sign Language and greater consideration of human rights in the delivery of special education services.

We continued to participate in the Bullying Prevention Advisory Group and worked to highlight what schools and communities can do about bullying and harassment.

The Commission also contributed to the Disability Action Plan 2014–18 which includes priority actions to support children with disabilities in education.

We also identified several effective youth employment initiatives that are promoting the right to work for vulnerable groups. Case studies were published showcasing programmes that have enhanced the employment potential of young people in South Auckland, the Far North and for young people with disabilities.

Housing, health and community

The aftermath of the Canterbury earthquakes continued to represent one of New Zealand's greatest contemporary human rights challenges. Enabling communities to identify and advocate for their own human rights issues remained our core objective. The Commission engaged with affected people on a number of earthquake related complaints and issues, raising awareness of the psychosocial harm in Canterbury and the importance of applying a human rights approach in disaster recovery.

In December 2013, the Commission released the substantial report *Monitoring Human Rights in the Canterbury Earthquake Recovery* which called for people and their human rights to be put at the heart of the recovery. The report made 33 recommendations to improve access to adequate housing, health services and to help enable business to make a positive contribution to human rights.

There have been several notable policy changes on issues advocated for by the Commission. These include the extension of settlement dates for residential insurance claims, including dates to accept the Government's offer, so that people are able to make well-informed decisions. Steps have also been taken to make it easier for Canterbury homeowners to insulate their houses. A new Christchurch Housing Accord to address housing issues in the city has been proposed, and additional Government investment is promised to help provide psychosocial services, temporary accommodation services and homes for high-need families.

Human rights mainstreaming

The Commission worked to increase the application of human rights standards in law, policy and practice. Communities across Aotearoa New Zealand were provided with education and tools to protect and promote their human rights.

Human rights education programmes were delivered to government departments, Crown entities and iwi leaders through workshops on topics such as: human rights and the Treaty of Waitangi; good practice in equal employment opportunities; and rights relating to gender identity and sexual orientation.

Participants in the Commission's Taku Manawa community development programmes delivered over 39 human rights activities in local communities, including workshops on disability rights and the rights of children and young people.

The Commission's bilingual kaupapa Māori community development programme, Tūhonohono was also delivered in six communities. These activities led to positive changes in practice, such as the adoption of new human rights tools by providers of alternative education services for young people and residential day care services for people with disabilities.

The Commission continued its *Te Mana i Waitangi* programme, delivering workshops throughout Aotearoa New Zealand to promote the human rights dimensions of the Treaty of Waitangi. We also worked alongside iwi leaders to raise awareness of the human rights standards associated with the Treaty and the United Nations Declaration on the Rights of Indigenous Peoples. This included producing online videos of iwi leaders reciting articles from the Declaration, with versions in both Te Reo Māori and English.

Cultural diversity and harmonious race relations were promoted at the annual New Zealand Diversity Forum and National Youth Forum on Cultural Diversity. Race Relations Day was marked by dozens of events taking place across the country.

The Commission hosted visiting delegations from Vietnam, Thailand, Indonesia and Samoa, providing advice on the responsibilities of national human rights institutions.

Monitoring and reporting Aroturuuki me te pūrongo

Throughout 2013–14, the Commission provided guidance, information and analysis on human rights standards to the Government; international human rights treaty bodies; and civil society to increase awareness of human rights and the application of human rights standards in law, policy and practice.

Work and education

The Commission continued to advocate for fair and equitable employment for all New Zealand workers. We assessed how well public service departments are doing to meet the “good employer” requirements specified in the State Sector Act 1988 including the steps they are taking to provide an equal employment opportunities programme which targets women, Māori, ethnic minorities and people with disabilities. The Commission profiled five departments that have excelled in one or more of these target areas and shared this good practice in a discussion document called *What’s Working: Improving Equal Employment Opportunities in the Public Service*.

We also conducted our annual review of the reporting of “good employer” obligations by Crown entities. All Crown entities were provided with an indicator report tracking their progress towards delivering equal employment opportunities (EEO). For the first time the reports were provided on-line which enables Crown entities to see at a glance an easily understood dashboard report, track their progress over time, and compare themselves to other Crown entities of the same size, type, and the sector as a whole. Good practice advice provided by the Commission was acted on by a number of Crown entities.

Several systemic changes in relation to pay and employment equity were achieved in public service agencies following targeted advice and guidance on how to reduce structural discrimination in employment.

Violence and abuse

We focused on reducing violence in secondary schools and against women, children people with disabilities and people in state care.

The Commission participated in the cross-sector Bullying Prevention Advisory Group, convened by the Secretary for Education. The group aims to highlight what schools and communities can do about bullying and harassment and provide information to help young people, parents, whānau and communities.

The Commission provided expert advice to the group and stressed the importance of schools practicing inclusive values and encouraging respect for diversity.

During the year, we also drew attention to other issues relating to violence and abuse. This included presentations, speeches and an online blog by the Equal Employment Opportunities (EEO) Commissioner on topics such as violence against women and children, ethnic and religious minorities and transgender people, as well as the funding of specialist sexual violence social services.

Human rights mainstreaming

Monitoring of human rights in New Zealand led to improved application of human rights standards in employment and criminal justice, and for people with disabilities.

The Commission upheld its responsibility to promote and monitor implementation of the United Nations Convention on the Rights of Persons with Disabilities and maintain the Independent Monitoring Mechanism (CRPD IMM). Working with the Ombudsman and the New Zealand Disability Convention Coalition, the Commission drafted the CRPD IMM's second report detailing experiences of disabled people in New Zealand and barriers to the full realisation of their rights.

The CRPD IMM also worked with government agencies on a fresh approach to improving the realisation of human rights for people with disabilities. This resulted in the Disability Action Plan 2014–2018, a plan which was co-developed and will be co-governed by disabled peoples' organisations and Government.

The Commission contributed to the monitoring of New Zealand's compliance with the Optional Protocol for the Convention against Torture. The National Preventative Mechanism (NPM), which comprises the Commission, Ombudsman, Independent Police Conduct Authority, Office of the Children's Commissioner and the Inspector of Service Penal Establishments, coordinates visits to places of detention to ensure effective measures are in place to prevent torture and ill treatment. During the year, the NPM provided an annual report to Parliament on the results of its monitoring.

It also provided information to the United Nations Working Group on Arbitrary Detention and the United Nations Subcommittee on Prevention of Torture.

A New Era in the Right to Sign – the report of the New Zealand Sign Language Inquiry was officially launched in September 2013, after a draft report was made available for public feedback in June 2013. The recommendations set out in the inquiry report sparked much discussion and activity relating to NZSL education, maintenance, access and promotion. The Government has supported recommendations which came out of the inquiry including committing to establish a NZSL advisory board to advise and be responsible for measures to promote and maintain NZSL.

The Commission published its response to issues raised during the Operation Eight police investigations of 2005–07 and recommended steps to ensure the future protection of the human rights of innocent people in similar situations.

New Zealand's second Universal Periodic Review and developing a national action plan on human rights

During the year, we became more aware of threats to fundamental freedoms emerging in the digital world and in relation to the gathering of information and intelligence. These include threats from terrorism and the steps taken to counter terrorism. We reported directly to the Prime Minister on the Government Communications Security Bureau and Related Legislation Amendment Bill (GCSB Bill) and wider issues relating to surveillance and the human rights of people in New Zealand. A copy of the report was provided to the United Nations High Commissioner of Human Rights, Navi Pillay and to the United Nations Human Rights Committee to inform their consideration of New Zealand's compliance with its obligations under the International Covenant on Civil and Political Rights (ICCPR). The Commission met with the Committee in March 2014 and was asked to provide an update on developments. An update was sent to the Committee and to the Office of the High Commissioner for Human Rights in June 2014.

Every four years, countries that belong to the United Nations are asked to declare what they are doing to improve human rights. This process is called the Universal Periodic Review (UPR). In 2013, it was New Zealand's second opportunity to participate in the UPR process and have its human rights record assessed. The United Nations Human Rights Council received submissions from the New Zealand Government and the New Zealand Human Rights Commission as well as detailed feedback from a range of non-government organisations and civil society groups.

Both the Commission and the Government consulted widely with non-government organisations and community groups. As a result, there was more than five times the number of reports and submissions made by civil society groups during this UPR cycle, compared to the first UPR in 2009.

The Commission worked closely with civil society groups who had made submissions and supported their involvement throughout the UPR process.

This included producing a video from submitters that were unable to attend the formal United Nations discussions on the UPR which took place in Geneva.

The United Nations Human Rights Council reviewed the information it received and announced its recommendations in January 2014. The Council praised Aotearoa New Zealand's ongoing commitment to improving the realisation of rights for all people and said that there was much to learn from our country's experience. It also made over 100 recommendations for New Zealand to act on. The recommendations included putting clear measures in place to prevent inequality of outcomes in health, education, work and income, and criminal justice; as well as to limit discrimination; and prevent violence against women and children.

The New Zealand Government responded to these recommendations in May 2014. It has committed to work with the Human Rights Commission, non-government organisations and civil society to develop Aotearoa New Zealand's second National Plan of Action for the Promotion and Protection of Human Rights. The Commission will lead and coordinate the development of the plan which will contain actions that the Commission, Government, communities and wider society will take to improve the realisation of rights and freedoms for all people in Aotearoa New Zealand.

Enquiries and complaints, and legal interventions

Ngā tono, ngā
pātai me ngā
hātepe ture

Enquiries and complaints

The Commission's enquiries and complaints service provides a way for New Zealanders to raise complaints about human rights matters and have them addressed. We provide an information and referral service for enquirers on human rights matters and a free, informal and confidential disputes resolution service.

This year, the Commission received 5598 human rights enquiries and complaints.

Of these, 61 per cent (3425) asked for the Commission to help them resolve their human rights issue. Thirty five per cent (1950) sought other assistance including enquiries about human rights training, advice or education resources. Four per cent (223) registered concern about a particular human rights issue (without seeking the Commission to intervene).

The Commission's Infoline contact centre makes an initial assessment of enquiries and complaints. It provides information, discusses options for self-help and assists in the resolution of matters. In 2013–14, Infoline dealt with and closed 56 per cent (2741) of the enquiries and complaints received. The remainder were referred elsewhere within the Commission or to a more appropriate agency for assistance.

The Commission's dispute resolution process allows people to discuss human rights complaints in a fair, open and constructive way. This can include offering assistance so that the matter can be resolved independently; providing parties with information or education resources; or undertaking mediation between parties. During the year, we provided disputes resolution services for 1301 complaints relating to potential unlawful discrimination and seven complaints alleging other human rights breaches. A wide range of individuals, groups, agencies and companies participated in dispute resolution activities during the year, with positive changes being made at both a personal and systemic level. Outcomes included payment of compensation, apologies, acknowledgement and changes to policy and practice.

Human rights enquiries and complaints 2013–14



Unlawful discrimination

Of the enquiries and complaints received by the Commission this year, a third (31 per cent, 1509) alleged unlawful discrimination.

Unlawful discrimination by ground

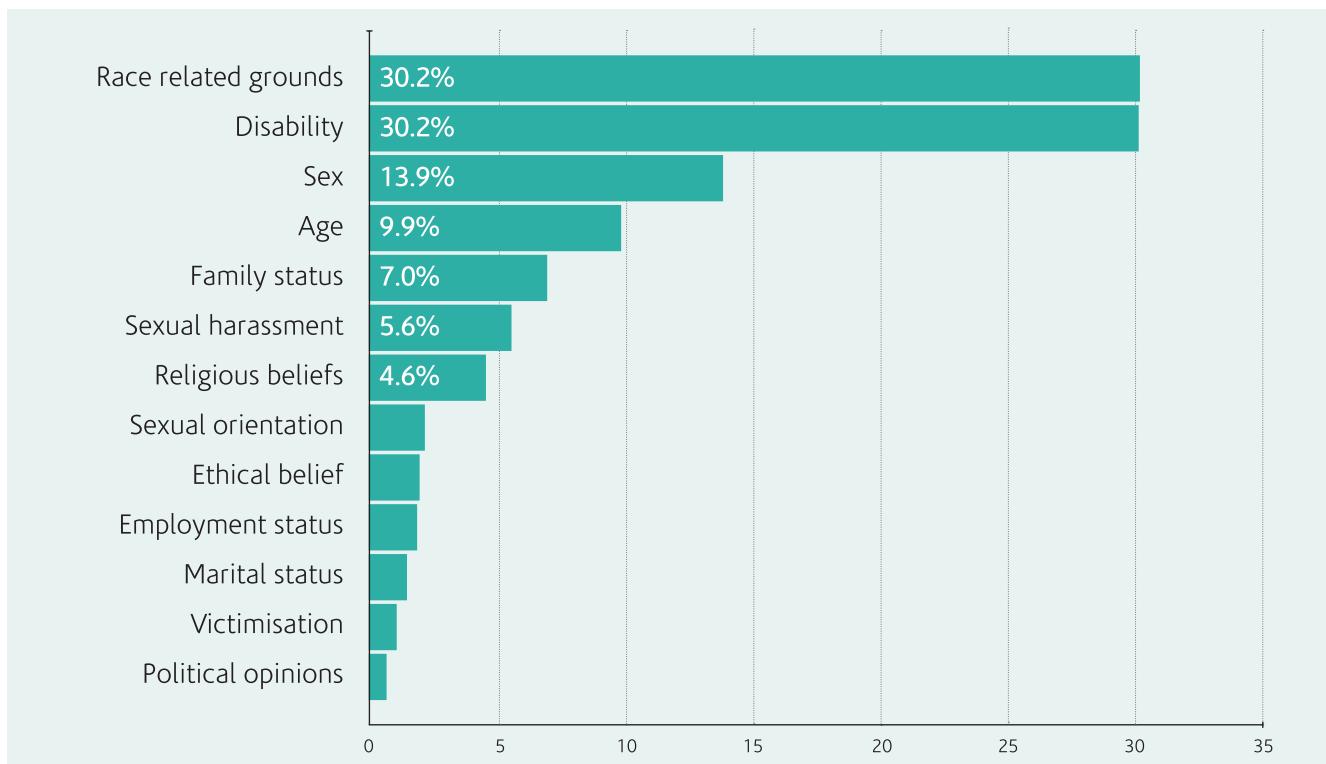
It is unlawful to discriminate against someone because of specified personal characteristics, such as sex, age, disability or race. These are called the 'prohibited grounds' of discrimination.

This year, the most common grounds of unlawful discrimination enquiries and complaints were:

- a race and its associated grounds: colour, ethnic or national origin (30 per cent, 456 – racial disharmony and racial harassment complaints are also included in this figure) and
- b disability (30 per cent, 455).

Although the number of race-related and disability-related enquiries and complaints was the same, the proportion citing race or disability grounds in the public and private sector was different. In the private, or business, sector, 32 per cent of enquiries and complaints cited race-related grounds (350), followed by disability at 26 per cent (277). In the public sector, enquiries and complaints containing disability grounds accounted for 43 per cent of approaches (189), followed by race, 25 per cent (110).

Enquiries and complaints 2013–14 unlawful discrimination by grounds



Unlawful discrimination by area

Issues of potential unlawful discrimination fall into two categories: unlawful discrimination in the public sector (Part 1A of the Human Rights Act 1993) and unlawful discrimination in the private sector (Part 2 of the Human Rights Act 1993).

As in previous years, the majority of unlawful discrimination enquiries and complaints related to the private sector; 70.64 per cent (1084) were about the private sector, with 28.16 per cent (443) about the public sector.¹

Across both sectors, the majority of enquiries and complaints related to employment, a trend which has continued over several years. Employment-related complaints accounted for 30 per cent (447) of complaints. When combined with complaints related to pre-employment issues, this number increased to 42 per cent (627 complaints). Examples included bullying or unfair treatment in the workplace and complaints about employers who were perceived to be deliberately excluding certain job applicants.

In 2013–14, within the area of employment and pre-employment, the largest number of enquiries and complaints received was on race related grounds. These included complaints about racial harassment at work and from people who felt they had been treated less favourably based upon their race, ethnicity, national origins or colour.

Enquiries and complaints about the public sector made up the second largest area of enquiries and complaints, 398 in all, or 26 per cent of all unlawful discrimination approaches. Public sector complaints concern the application of legislation, policy or practice. This year, the largest number of complaints related to the education sector. Several complaints were also made about the Ministry of Social Development and its agencies, in relation to service provision and access to services.

The Commission continued to progress a number of complaints about legislation which excluded people from being paid to take care of disabled adult family members. A High Court decision in the Spencer v Ministry of Health case affirmed that people who had complained to the Commission about the discriminatory family care policy before May 2013 could pursue those complaints and seek a remedy.

Of those who made a complaint before May 2013 who said they wished to proceed, the circumstances of only a small number were found to meet the necessary criteria for further action. The Office of Human Rights Proceedings agreed to provide representation for three of the complainants.

Complaints to do with the provision of goods and services made up 16 per cent of all enquiries and complaints, a similar level to previous years. Complainants said that they had been treated unfairly, stereotyped or harassed in retail situations or when accessing services.

¹ 1.19 per cent had elements of alleged unlawful discrimination in both the public and private sectors.

Resolving unlawful discrimination complaints

In 2013–14, the Commission closed 1358 unlawful discrimination complaints.

Eighty two per cent of these complaints were resolved or partially resolved through the provision of guidance and information, facilitating self-help, referral to a more appropriate agency or reaching agreements through mediation. Eighty three complaints were not resolved through the mediation service.

During the year, the Commission achieved 76 outcomes which delivered systemic change. For example, a hospital made changes to the way it records patient information to ensure that gender information is secure and a secondary school amended its ‘no beard’ policy allowing exceptions to this rule on religious grounds. Other examples included a company changing the wording of its regular job advertisement and its recruitment practice, to remove the requirement that applicants have English as a first language, and, in another case, restaurant staff were given training around providing for patrons with guide dogs and assistance dogs.

Other human rights enquiries and complaints

Of the enquiries and complaints received this year, 3434 (69 per cent) related to human rights issues other than unlawful discrimination. Common themes were enquiries and complaints about immigration policy and decisions affecting individuals, the rights and treatment of prisoners, insurance, as well as many issues related to the Canterbury earthquakes. The Commission is often asked about the human rights implications of local and regional authority decisions and policies as well as government policies. The enquiries and complaints are varied, ranging from local to international situations, individual and general rights. The Commission can consider and act on these broader human rights issues under section 5 of the Human Rights Act 1993. This may involve providing information or guidance on these issues or encouraging policy and practice that reflects human rights standards. Monitoring these broader human rights issues during the year helped the Commission develop a clear picture of the breadth and nature of human rights issues that are of concern to New Zealanders, and to reveal any trends. They also informed submissions the Commission made about Bills and draft policy on human rights matters.

In previous years, key incidents in the public arena have provoked discussion and prompted a number of people to contact the Commission. This year, there were no incidents or media reports which sparked large numbers of enquiries or complaints. Notably, the number of enquiries and complaints relating to exciting racial disharmony (section 61 complaints) was considerably less this year.

Changing trends

The number of unlawful discrimination complaints received by the Commission has remained fairly constant in recent years. However, the total number of enquiries and complaints received by the Commission is showing a downward trend. Specifically, there are fewer instances of people registering concerns through the Commission's Infoline; that is people who wish to draw attention to a human rights concern but are not seeking for the Commission to intervene. In light of this, the Commission is undertaking an assessment of the impact of social media commentary on its enquiries and complaints service and the numbers of people that are opting to raise human rights concerns by posting comments online on Facebook and Twitter.

The performance of the enquiries and complaints service, including its success in meeting identified standards regarding timeliness, quality and customer satisfaction is described in detail in the *Statement of Service Performance* section of this report.

Legal interventions

The Commission intervened in a number of cases during the period, promoting greater application of human rights standards in law, policy and practice:

Waters v Alpine Energy Limited (Discovery)

The Commission intervened in an interlocutory matter relating to the informal discovery of documents in a case alleging age discrimination in employment.

The issue under appeal, whether a claim to confidentiality should be allowed to shield allegedly discriminatory acts from investigation, is considered by the Commission to be a significant matter.

Quake Outcasts (Minister for Canterbury Earthquake Recovery v Fowler Developments Limited)

The Commission intervened in this case before the High Court, Court of Appeal and Supreme Court. The High Court found that offers made to the Quake Outcasts were unjust and the decision to red zone properties in Canterbury was unlawful. It affirmed the use and enjoyment of one's home as a fundamental human right. The Court of Appeal overturned the finding that the creation of the red zone was illegal but otherwise upheld the High Court. The Supreme Court granted the Quake Outcasts and Fowler Developments leave to appeal and for the Commission to intervene.

Adoption Action Inc v Attorney-General

The Commission was a party in this case relating to discriminatory aspects of the Adoption Act 1955.

BJR v VMR

This case involved judicial review proceedings under the Protection Personal and Property Rights (PPPR) Act. The purpose of the Commission's intervention was to ensure that the concept of supported – as opposed to substitute – decision making (as found in the United Nations Convention on the Rights of Persons with Disabilities) and its relationship to the PPPR Act were considered by the Court.

During 2013–14, a number of judgments in cases where the Commission had intervened were received. These included:

Spencer v Ministry of Health

The Commission intervened in the High Court, representing people who had complained about the Ministry's policy of not paying family members to care for their disabled adult children. The High Court found that the Ministry acted unlawfully.

It upheld the rights of disabled people and their families to seek compensation.

The decision is currently being appealed by the Ministry.

Service and Food Workers Union v Terra Nova Homes

The Employment Court was asked to consider the interpretation of a provision of the Equal Pay Act 1972. It found the appropriate comparator was whether men were paid to do the same work as women (based on the skills, conditions and effort required and systemic undervaluation of the work as a result of historic gender discrimination). The decision was appealed and a decision from the Court of Appeal is expected shortly.

Child Poverty Action Group Inc v Attorney-General

The Commission intervened before the Court of Appeal on the appropriate test for discrimination in legislation relating to the ability to access the Child Tax Credit as part of the Working for Families package. The Court found the legislation was discriminatory, but justifiable.

The Office of Human Rights Proceedings

Te Tari Whakatau Take Tika Tangata

The Director of Human Rights Proceedings made a total of 79 decisions in Human Rights Act (HRA) and Privacy Act (PA) matters this year.

Human Rights Act matters

Forty nine decisions were made regarding applications for representation under the HRA. Of these, ten decisions were made to provide representation: five for representation in the Human Rights Review Tribunal; two for representation in the High Court; and three for settlement purposes. Five matters were referred back to the Human Rights Commission for mediation. No further action was taken in six cases. 'No' decisions were made in 28 cases, including a decision to withdraw representation previously provided.

Sixty one per cent of applications for representation related to Part 1A of the HRA (which deals with discrimination by Government and bodies acting with public legal authority). Thirty nine per cent related to Part 2 of the HRA (which largely deals with discrimination in the private sector).

Privacy Act matters

Thirty decisions were made in respect to PA matters. Sixteen decisions followed referrals from the Privacy Commissioner under section 77 of the Act. The Director decided to bring proceedings in four of these cases; three were settled; five were resolved; and decisions were made not to bring proceedings in the remaining four cases.

Fourteen decisions were made in respect to invitations to intervene in proceedings before the Human Rights Review Tribunal. The Director declined to intervene in any of these.

Decisions (potential unlawful discrimination by Government and Government Agencies under Part 1A, Human Right Act 1993)

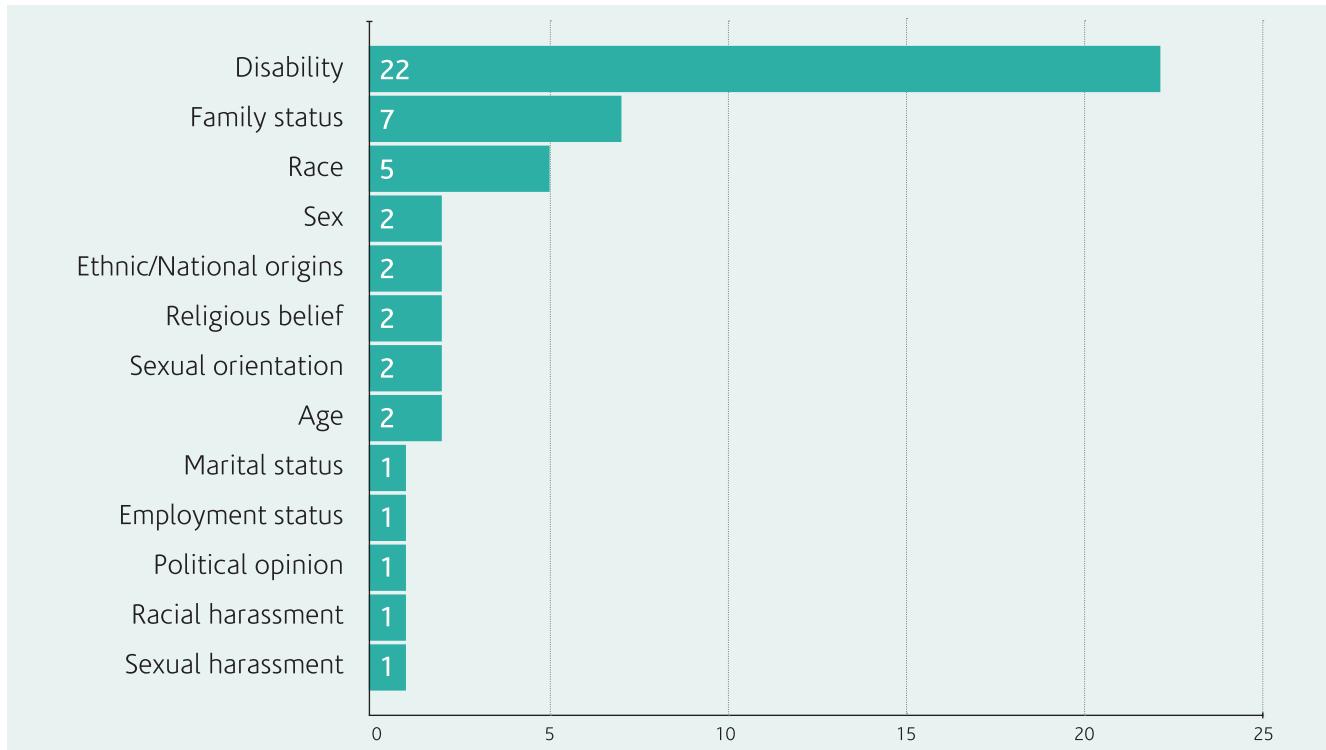
Public Sector Entity	Ground ²	Decision
Local Council (1 application)	Political Opinion (1)	No (1)
Ministry of Health (5)	Sex (1) Disability (1) Family Status (3)	No (1) No further action (1) Yes (3)
ACC (5)	Employment Status (1) Disability (2) Family Status (2)	No (1) No (2) No (2)
Ministry of Education (4)	Age (1) Disability (3)	No (1) Referred back for mediation (1), No (2)
Ministry of Social Development (5)	Disability (3) Marital Status (1) Racial Harassment (1)	No further action (2), No (1) No (1) Yes (for settlement) (1)
School Board of Trustees (3)	Disability (3)	Referred back for mediation (2), No (1)
District Health Board (2)	Disability (1) Family Status (1)	No (1) Yes (for settlement) (1)
New Zealand Police (1)	Disability (1)	No (1)
Health & Disability Commissioner (1)	Disability (1)	No (1)
Department of Corrections (1)	Race (1)	No (1)
Educational Institute (1)	Disability (1)	No (1)
Housing New Zealand (1)	Disability (1)	No (1)

² Where several grounds were relied upon by the applicant, the primary ground has been isolated.

Decisions (potential unlawful discrimination in areas of public life under Part 2, Human Rights Act 1993)

Area	Ground ³	Decision
Provision of goods and services (3 applications)	Disability (1) Age (1) Race (1)	No (1) No further action (1) No (1)
Employment (12)	Religious Belief (2) Disability (2) Race (2) Ethnic/National Origins (2) Sex (1) Sexual Orientation (1) Family Status (1) Sexual Harassment (1)	Yes (2) No further action (1), No (1) Referred back for mediation (1), No (1) Yes (1), No (1) No (1) Yes (for settlement) (1) No (1) Yes (1)
Industrial and professional association, qualifying bodies and vocational training bodies (1)	Sexual Orientation (1)	No (1)
Access to education (1)	Disability (1)	Referred back for mediation (1)
Access to places, vehicles etc (1)	Disability (1)	No further action (1)
Provision of land, housing and accommodation (1)	Race (1)	No (1)

Office of Human Rights Proceedings decisions made under grounds of potential unlawful discrimination Human Rights Act 1993



3 Refer fn1.

Organisational health and capability

Te kaha ora o te Kāhui Tika Tangata

The health and capability of our organisation

The Commission implemented the outcomes of its organisational review to enable it to be a more effective and aligned organisation, ensure financial sustainability and, therefore, deliver better human rights outcomes. The Commission's new strategic direction and supporting organisation design will allow the Commission to deliver improved levels of service within existing funding levels.

The Commission aligned its capability and resources to deliver on its strategic objectives. This resulted in changes to 35 of 64 roles in the organisation. The new design is a reduction of 6 FTE positions, but there were nine redundancies as not all staff could be re-deployed.

We are delivering services differently – with an external focus on issues that have the greatest impact on the human rights of people in Aotearoa New Zealand. Like all organisations we are committed to continuous improvement and delivering services in a way that is value for money.

These changes have set a foundation for the organisation to change and respond to its external environment.

Financial position

In recent years the Commission has spent less than its budget, and thus added to its reserves. This has enabled the Commission to maintain its current programme in the context of a static baseline and rising costs. The Commission has taken concerted action to ensure financial sustainability. This year, the Commission adjusted its long term financial plan to ensure ongoing financial sustainability beyond 2018–19. The revised plan looks to reduce costs to overheads through changes to our physical footprint and to IT and information management and looks at how people costs are managed.

The Commission continues to use reserves to support this long term financial plan. These will be used to fund operational activities, such as the National Plan of Action for human rights; information, communication and related technology; and as a contingency for unexpected human rights activities.

The plan is being closely monitored against results, and will continue to be adjusted as needed to meet the overall goals.

The plan is supported by a prudent reserves policy.

In its 2013 audit, the Commission continued to meet the highest 'very good' Audit New Zealand grade for its financial systems and maintained its 'good' grading for its performance setting and reporting.

Good employer responsibility

Leadership, accountability and culture

The Commission is committed to being a good employer and has an equal employment opportunities programme which incorporates policies and practices to promote equity, fairness and the seven ‘good employer’ elements. These are regularly reviewed and refreshed.

Leadership and accountability has been strengthened through the ongoing development of an organisation-wide performance framework which aligns all roles to a common purpose. For the first time all Commissioners are included in the performance framework. All managers have specific performance standards relating to Equal Employment Opportunities (EEO) and diversity. Senior leaders organise monthly forums to enable all staff to better understand and contribute to the Commission’s activities. The Commission continues to support Uepū Māori, a group open to all Māori staff to enable them to live and work as Māori.

The Commission works in partnership with the recognised union to develop policy and good employer practices.

Recruitment, selection and induction

The Commission has impartial and transparent employment processes. This includes selection and interviewing by panels which include a diverse group of members to provide balanced views. We also implement a detailed induction programme, which includes ongoing monitoring and review. The Commission values a diverse workforce and actively recruits to reflect the population groups that it serves.

Employee development, promotion and exit

The Commission actively seeks to ensure fair representation of all groups, including equal access to employment, professional development and opportunities to progress. During the period, a range of opportunities for development have been undertaken, including leadership coaching, specialist and professional training and practise supervision. Exits and retirements have been supported by the Commission’s policies and processes to ensure good practice.

Flexibility and work design

A comprehensive flexible working policy is in place, together with IT facilities to enable staff to work off-site and in flexible ways. Employees with disabilities are provided with reasonable accommodation. Flexibility has also been achieved for staff requesting additional support in terms of work-life balance.

Remuneration, recognition and conditions

The Commission has a transparent remuneration system, agreed with the recognised trade union within its Collective Employment Agreement. Other provisions include top-up to government paid parental leave, sick leave for individuals and to care for dependents, study leave, cultural and religious leave, and disaster leave.

Harassment and bullying prevention

We promote a zero-tolerance approach to bullying and harassment and have a Dignity at Work policy to respond to and resolve any concerns relating to behaviour in the workplace.

Safe and healthy environment

The Commission used recognised good practice guidelines to review its health and safety policies to meet heightened legislative requirements. A refreshed education programme is underway to enhance manager and staff understanding of their responsibilities. Staff representatives participate in the creation and implementation of health and safety measures, and have access to reported information.

Safety-related accessibility training and practices ensure staff with disabilities are fully supported. Measures to enhance staff wellbeing include an Employee Assistance Programme, visual care provisions, free flu vaccinations and private space for reflection, rest and breastfeeding.

Human Rights Commission workforce profile 2014

Staff numbers	Age profile (of those reported)		Ethnicity (of those reported)**		
Staff					
Head Count	69	Under 30 years	4 per cent	NZ European	72 per cent
FTE	61.83*	30–39 years	20 per cent	Māori	30 per cent
		40–49 years	20 per cent	Pacific	4 per cent
		50–59 years	43 per cent	Asian	13 per cent
		60 and over years	13 per cent	Other	9 per cent
Commissioners					
Head Count	6	Under 30 years	0 per cent	NZ European	75 per cent
FTE	4.4	30–39 years	0 per cent	Māori	25 per cent
		40–49 years	17 per cent	Pacific	0 per cent
		50–59 years	66 per cent	Asian	0 per cent
		60 and over years	17 per cent	Other	0 per cent

Length of service	Gender	Disability (of those reported)		
Staff				
Under 3 years	27	Female	75 per cent	Yes
3–10 years	24	Male	23 per cent	No
Over 10 years	17	Other	2 per cent	
Commissioners				
Under 3 years	4	Female	50 per cent	Yes
3–10 years	2	Male	50 per cent	No

* 16 are part time employees, 13 of these are as a result of the Commission's flexi work practices

** People were able to identify with more than one ethnic group and therefore percentages do not add up to 100

Statement of Service Performance

Whakatutukitanga Ratonga Tauākī

1 July 2013 to 30 June 2014

The *Statement of Service Performance* is a report on the Commission's performance against key activities, standards and measures set out in its Statement of Intent for 2013–14. The Commission has one output class and allocated its resources across three output areas.

Summary of Output Areas

The Commission's outputs are determined by its statutory functions.

The Commission categorises its outputs as:

- 1 **education, promotion and advocacy** – ensuring human rights protections are put into practice by undertaking human rights education; coordinating community development programmes; and disseminating information and tools to encourage advocacy and good practice
- 2 **monitoring and reporting** – incorporating international human rights standards in New Zealand law, policy and decision-making by providing advice, guidance, information and analysis to the Government; international human rights treaty bodies; and civil society
- 3 **enquiries and complaints, and legal interventions** – providing a disputes resolution service that is efficient, informal and cost-effective; and an information and referral service for enquirers on human rights matters and providing legal representation under the Human Rights Act 1993 and bringing proceedings under the Privacy Act 1993.

Outcome areas

Each output is linked to one or more of the following outcome areas for 2013–14:

- 1 **work and education:** eliminating barriers so all people in Aotearoa New Zealand have access to decent and productive work and quality education
- 2 **housing, health and community:** promoting inclusion and participation by improving access to healthy housing, the highest attainable level of health and wellbeing, and accessibility consistent with the Convention on the Rights of Persons with Disabilities
- 3 **violence and abuse:** promoting steps which enable the people in Aotearoa New Zealand to be free from violence and abuse
- 4 **human rights mainstreaming:** ensuring human rights standards are fully reflected in law, policy and practice.

Performance measures

To measure our performance, the Commission set quantity and quality measures for each of the key activities outlined in our Statement of Intent for 2013–14.

The quality measures that relate to monitoring, providing advice and the production of case studies, reports and resources are:

- 1 **participation:** where appropriate, the views of affected parties are considered and ways to have their views communicated are incorporated into the advice or guidance

- 2 **thoroughness:** evidence-based, accurate and appropriate in that all relevant issues are identified and covered, relate to relevant human rights standards, are based on research and analysis, viable options are described and assessed and practical proposals are presented when appropriate
- 3 **accessibility:** advice and guidance is presented in a style and in formats and languages that are easily useable by our core audiences and is an approach appropriate to the intervention
- 4 **value:** advice, guidance and interventions are found to be useful and timely to government and civil society in developing or assessing the relevant legislation, policy or programme proposal.

We keep an impact register which records relevant quality standards; feedback from external stakeholders on the effect and influence of our work; requests for our input; and any changes to policy, legislation and practice as a result of our intervention.

Reporting results

The following sections of the *Statement of Service Performance* describe the key activities undertaken in 2013–14 under the single output class Justice Advocacy, Advice and Promotion Services in the four outputs areas, and the progress made towards achieving the identified standards and performance measures.

	Actual 2014 \$000	Budget 2014 \$000	Actual 2013 \$000
Revenue			
Crown	9,396	9,396	9,696
Other	324	199	425
Total revenue	9,720	9,595	10,121
Total expenses			
	10,760	10,439	11,074
Net deficit	(1,040)	(844)	(953)

The outputs are presented as:

- a a description of the key activity the Commission said that it would do in its *Statement of Intent* 2013–14
- b a summary of what was achieved, including how the Commission met its target performance standards for each activity.

Output: Education, promotion and advocacy

Outcome area 1: Work and education

Outputs ⁴	Performance measure	Standard 2013–14
Publish case studies of effective solutions, including solutions from young people, that have resulted in reduced unemployment for young people with disabilities, young people living in economic decile 1–3 areas of South Auckland and in one work-poor rural community	Quantity Number of case studies	Minimum of 2
	Quality Case studies meet quality measure of participation and accuracy, as assessed by a survey circulated to contributors	At least 75% of respondents report that they are satisfied that their initiatives have been accurately represented
	The case studies are regarded as valuable by duty-bearers, as recorded in the Commission's impact register	The impact register records at least 5 private or public sector agencies provided feedback that the case studies are of value or great value

Results

The Commission released an online resource – *The right to work: maximising the employment potential of young New Zealanders* – which contains six case studies. The case studies highlight effective youth employment initiatives in South Auckland, the Far North and for young disabled people. In addition to being released online the case studies were sent to a targeted group of organisations, agencies and individuals who are involved with or concerned about youth unemployment. The performance standard required a minimum of two case studies.

Organisations profiled in the case studies were asked to indicate their

- 4 The scale of the products and services in this output area has been determined by available capacity. The standards for each output have been determined based on historical trends. Qualitative feedback and recorded observations triangulated with survey results has indicated that products and services in this output area are consistently regarded by participants as valuable or very valuable. Inevitably, given the contestable nature of the content and as evidenced through results to date, there will always be a percentage (0–25%) of participants who will not indicate that a programme has been of value or great value to them, irrespective of the quality of the programme. Consequently, standards for this output area are set at a range of 70–80% participants who rate the output of value or great value to them. There are no readily available comparable domestic or international standards and measures.

level of satisfaction that their initiatives were accurately represented. Eight of the nine organisations responded and all indicated that they were satisfied. That exceeds the identified performance standard of 75 per cent.

Five private and public agencies provided feedback that the case studies are of value or great value, which met the performance standard of at least five agencies regarding the case studies as being valuable.

This was a new performance measure, so no trend data is available.

Outputs	Performance measure	Standard 2013–14
Provide advice and guidance to duty-bearers on good practice in the education system to improve inclusion and better educational outcomes for students with disabilities	Quantity At least 2 instances of advice and guidance provided	Quantity measure met
	Quality Valued by education system in their responsibility to provide good educational outcomes for students with disabilities	The impact register records at least 3 agencies in the education system provide feedback that advice and guidance is of value or great value

Results

The Commission changed its approach to achieve this output in order to achieve greater impact. Therefore it did not deliver the measure and standard set at the beginning of the year.

The Commission provided advice and guidance on the Disability Action Plan 2014–18 which was published in May 2014 by the Office for Disability Issues. The plan includes priority actions to support children with disabilities.

Additionally, the Commission has been informed that the Ministry of Education has taken up the recommendations relating to inclusive education arising out of the Commission's New Zealand Sign Language Inquiry.

This was a new performance measure, so no trend data is available.

Outcome area 2: Housing, health and community

Outputs	Performance measure	Standard 2013–14
<p>Facilitate engagement and dialogue between government agencies, civil society and business and provide advice to improve engagement in problem identification, solution design and decision-making on housing, health and community in the Canterbury earthquake recovery by people most affected by the earthquakes</p>	<p>Quantity</p> <p>At least 15 instances of advice and guidance provided</p> <p>Quality</p> <p>Valued by government agencies in their responsibility to meet human rights standards and by civil society in supporting their engagement with government agencies around their human rights as recorded in the Commission's impact register</p>	<p>Quantity measure met</p> <p>The impact register records at least 3 government agencies provide feedback that they found the advice and guidance of value, and at least 5 instances where community representatives have identified that they have new information to assist them to advocate for their human rights</p>

Results

The Commission published the report *Monitoring human rights in the Canterbury earthquake recovery* in December 2013. The report highlighted the key human rights considerations related to the Canterbury earthquakes. The report also included case study exemplars, a human rights protection tool kit and links to useful resource material.

During the period, the Commission facilitated engagement and dialogue between government agencies and affected people in Canterbury in an effort to improve problem identification, solution design and decision-making on issues relating to housing, health and community. This was done through advocacy, enquiry and complaints work, relationship brokering, community engagement and reporting/awareness-raising.

At least 15 instances of advice and guidance were provided. At least three Government agencies found the advice useful and there were at least five instances where community representatives were assisted to advocate for their human rights.

Feedback received from at least 3 government agencies confirmed that the Commission's advice had assisted them in their responsibilities to meet human rights standards. Five community representatives reported that the Commission's advice had helped them to usefully engage with relevant agencies.

This was a new performance measure, so no trend data is available.

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Standard 2013–14
Provide an education programme to increase understanding of human rights and responsibilities among duty-bearers, including the human rights dimensions of the Treaty of Waitangi	Quantity At least 3 education programmes, one to key influencers and decision-makers, the other two to duty-bearers in organisations such as local government	Quantity measure met
	Quality Programmes are of value to participants in increasing their understanding of human rights and responsibilities, including the human rights dimensions of the Treaty of Waitangi, as assessed by an evaluation of participants	On a 5-point scale, at least 75% of the evaluation respondents report that the programme met scores of 4 or 5 – of value or great value – in increasing their understanding of human rights and responsibilities, including the human rights dimensions of the Treaty of Waitangi

Results

The Commission delivered four education programmes designed to increase understanding of human rights and responsibilities. That was one more programme than specified in the performance measure.

The programmes were delivered to key influencers and decision makers and to duty bearers. This included the Iwi Chairs Forum; the Treasury; 37 representatives of 24 Crown entities; and to a Statistics New Zealand led workshop for state sector agencies. The content of the programmes, which was tailored to the particular groups, covered the human rights

dimensions of the Treaty of Waitangi; employment and cultural diversity; international human rights standards concerning gender identity and sexual orientation; employing people with disabilities; the impact of an ageing workforce for both older and younger workers; and the promotion of equal employment opportunities standards and principles.

Feedback and surveys of those attending the programmes established that at least 75 per cent of respondents indicated that they were of value or great value in increasing their understanding of human rights and responsibilities, meeting the identified performance standard.

Outputs	Performance measure	Standard 2013–14
Maintain Taku Manawa community development programmes for people with disabilities (Auckland) and children and young people (South Auckland) by supporting participants to undertake human rights activities	Quantity Participants facilitate human rights activities in their communities	35 activities facilitated in communities ⁵
	Number of case studies of human rights activities undertaken in communities	Minimum of 2
	Quality Case studies of human rights activities undertaken in communities demonstrate increased capability within these communities to protect and promote human rights	Quality measure met

⁵ Performance standard based on one fewer programme being delivered in 2013–14.

Outputs	Performance measure	Standard 2013–14
Maintain bilingual kaupapa Māori programme, Tūhonohono in 6 communities	Quantity Programme maintained in 6 communities	Quantity measure met
	Quality Value to participants in increasing knowledge and understanding of human rights through a kaupapa Māori framework as assessed by a survey	On a 5-point scale, at least 75% of participant groups report they found the programme met scores of 4 or 5 – of value or great value to them

Results

Participants in the Taku Manawa Manahauā programme have lived experience of disability. They delivered workshops and advocacy on topics such as disability rights, accessibility and abuse of disabled people.

Participants in the Taku Manawa ki Manukau programme (South Auckland) have a focus on children and young people and they led activities in schools, education providers and at youth hui.

Over the year, 39 human rights activities were undertaken, meeting the quantity aspect of the performance standard of 35 such activities.

Two case studies demonstrated that Taku Manawa activities had increased capability within communities to protect and promote human rights meeting the performance standard. The case studies included workshops at an alternative education provider where ‘at-risk’ young people were filmed performing a hip hop rap they had written about their human rights; and workshops for people with learning disabilities at a residential day services provider focussing on the right to accessible information and support. The case studies were a new performance measure so no trend data is available.

Other Taku Manawa networks around the country (Kirikiriroa, Tai Tokerau and Murihiku) continued to deliver human rights activities with over 20 separate events taking place during 2013–14. One particularly notable activity was the development of a submission to the UN Human Rights Council’s second review of New Zealand’s human rights record (the Universal Periodic Review). This led to an invitation for a Kirikiriroa network representative to attend and to speak at a Human Rights Council information session in Geneva.

Maintain bilingual kaupapa Māori programme, Tūhonohono in six communities

The Tūhonohono programme was maintained in six communities: Westport, Wairoa, Kaitāia, Ōtautahi–Christchurch, Wairarapa and Ngāmotu–New Plymouth, meeting the performance standard.

The programme, which is delivered using a kaupapa Māori framework, gave participants knowledge and skills to advocate for human rights in their communities. It also promoted greater awareness of the United Nations Declaration on the Rights of Indigenous Peoples and its relationship to the Treaty of Waitangi. This was a new performance measure so no trend data is available.

In Westport, two Tūhonohono participants demonstrated their growing competence and confidence as human rights champions by facilitating learning opportunities and advocacy in their communities based on the human rights dimensions of the Treaty of Waitangi.

A Tūhonohono participant from Wairoa was acknowledged for her strong human rights leadership and was invited to participate in and contribute to an international indigenous rights programme at the United Nations.

The performance standard required at least 75 per cent of participant groups to find the Tūhonohono programme to be of value or great value. This standard was significantly exceeded. The percentage of responses indicating value or great value was as follows: Wairarapa (84 per cent); Ōtautahi (94 per cent); Wairoa (100 per cent); Westport (100 per cent); Kaitāia (100 per cent); Ngāmotu (100 per cent). In the previous year, 100% of participants had found the programme of value or great value to them.

Outputs	Performance measure	Standard 2013–14
<p>Deliver the New Zealand Diversity Action Programme (NZDAP), supporting organisations and individuals to undertake action to promote human rights and harmonious relations by providing information, support, acknowledgement, publicity and sharing of good practice, through:</p> <ul style="list-style-type: none"> a Maintaining, developing and connecting a network of participating organisations b Holding Diversity Forum 		
	Quantity	
	Network of 250 participating organisations maintained	Quantity measure met
	Quantity	
	Annual Diversity Forum held	Quantity measure met
	Quality	
	Forum attendees and NZDAP participants indicate the programme was of value to them in recognising and celebrating diversity and promoting human rights, as assessed by an evaluation of the forum and a survey of NZDAP participants	On a 5-point scale, at least 75% of evaluation and survey respondents indicate the Forum / NZDAP has met scores of 4 or 5 – of value or great value to them

Results

252 NZDAP participants renewed or registered participation during the calendar year under which the NZDAP operates. They contributed 740 projects. The performance standard required there be a network of 250 participating organizations and was therefore met. In the previous year there were 256 NZDAP participants.

The New Zealand Diversity Forum was held on 26 August 2013 in Wellington. It provided a valuable opportunity for NZDAP supporting organisations and individuals to share ideas and good practice in the areas of race relations, human rights and cultural diversity. The Forum covered topics such as religion and the media, inequalities in health and criminal justice, diversity in government, leisure and sport, addressing family violence, supporting newcomers, and rangatiratanga and human rights. Highlights included a presentation by sixty young people who participated in the National Youth Forum on Cultural Diversity, the national launch of Islam Awareness Week and the New Zealand Diversity Awards. The Forum was held the previous year in Auckland on 19 and 20 August.

On a 5-point scale 88.57 per cent of attendees indicated that the Forum was of value or great value to them, exceeding the performance standard of 75 per cent.

Of the NZDAP participants that were surveyed 85.4 per cent said that the Forum was of value or great value in meeting the objectives of the NZDAP, thereby exceeding the performance standard of 75 per cent and the previous year's result of 83.3%. The percentage of responses indicating value or great value for each of the NZDAP's objectives was as follows: recognising and celebrating cultural diversity (90.9 per cent); promoting equality (87.9 per cent); fostering harmonious relations (81.8 per cent); giving effect to the Treaty of Waitangi (75.8 per cent).

Output: Monitoring and reporting

Outcome area 1: Work and education

Outputs ⁶	Performance measure	Standard 2013–14
Provide advice to the State Services Commission, the Ministry of Health and the Ministry of Education on reducing structural discrimination in employment in the State sector workplace, including pay and employment equity, and the collection of data on the employment of people with disabilities in the health and education sectors	Quantity At least 5 instances of advice and guidance provided, as recorded in impact register	Quantity measure met
	Quality Valued by government in meeting its responsibility to reduce structural discrimination in the workplace and collect data on the employment of people with disabilities as assessed by feedback recorded on the impact register	The impact register records at least 3 instances of feedback from stakeholders that the Commission's advice has been valuable (through citation or acknowledgement)

Results

A discussion document *What's Working: Improving Equal Employment Opportunities in the Public Service* was published in June 2014. This was followed by a forum for public service departments to discuss structural discrimination and reflect on the document's findings.

In the course of preparing *What's Working* the Commission provided advice and guidance to the Treasury, Ministry of Health, State Services Commission (SSC), Ministry of Defence, Ministry of Education and

6 The scale of the products and services in this output area have been determined by available capacity and known responsive requirements. The standards for each output have been determined based on historical trends. They have also been adjusted to reflect some project re-prioritisation. Inevitably, given the contestable nature of the content and as evidenced through results to date, there will always be a percentage (0–40%) of stakeholders who will not indicate that a product or service has been of value, or of great value to them irrespective of its quality. This is particularly evident where surveys are used as an evaluation methodology as the outputs often focus on long-term change that is not evident when the surveys are undertaken. Consequently, standards for surveys of these outputs set a range of 60–80% of stakeholders or participants rating the output of value or great value with the final figure determined by the length of time the programme has been established and previous year's results. No comparable data was available domestically or internationally.

Meridian Energy. This included advice on the collection and publication of data on the employment of people with disabilities as well as suggested strategies for improving equal employment opportunities (EEO) outcomes. This fulfilled the performance measure of providing at least five instances of advice and guidance.

Several instances of feedback (through citation or acknowledgement) were received from stakeholders who said that the Commission's advice was valuable, thereby meeting the performance standard of at least three instances of positive feedback received.

Public service departments indicated that the advice was of value in meeting their responsibilities to reduce structural discrimination in the workplace. This included commitments by Treasury to improve collection of ethnicity data and by the SSC to progress toward more harmonised data collection and improved pay gaps across the public service.

This was a new performance measure, so no trend data is available.

Outcome area 3: Violence and abuse

Outputs	Performance measure	Standard 2013–14
Provide advice and guidance on policy, legislation and good practice to reduce violence and abuse	Quantity At least 5 instances of advice and guidance provided, as recorded in impact register	Quantity measure met
	Quality Valued by government and the wider education sector in their responsibility to reduce violence and abuse, and by civil society in supporting their engagement with policy and practice development, as recorded in the Commission's impact register	The impact register records at least 5 instances where the work has been valued (through citation or acknowledgement)

Results

Following on from the commitment made in the 2012–13 year the Commission continued to participate in a national cross-sector group on bullying led by the Ministry of Education. Alongside the Commission, members of the Bullying Prevention Advisory Group include the Ministry of Education, the Children’s Commissioner, the Secondary Principals’ Association of New Zealand, the New Zealand School Trustees’ Association, the Ministry of Social Development, the New Zealand Police and NetSafe. Through this group, the Commission worked to highlight what schools and communities can do about bullying and harassment. The group wrote a how-to guide on preventing bullying and dealing with bullying complaints. The guide was sent to all schools and includes links to further information which will be helpful for young people, parents, whānau and communities.

The Commission provided advice on bullying and harassment in schools through the frequently asked questions section of its website, presentations at school assemblies, workshops in schools and direct guidance to teachers, parents and researchers.

Five instances of advice and guidance on bullying and harassment in schools were provided, and the impact register recorded five instances where the Commission’s guidance was valued through acknowledgement, thereby meeting the identified performance standard.

The Commission also provided advice and guidance on violence and abuse against women. This involved presentations, speeches and media coverage. A presentation was provided to the Social Services Select Committee Inquiry regarding the funding of specialist sexual violence social services. The Commission also drew media attention to violence against ethnic and religious minorities and transgender people. The Equal Employment Opportunities (EEO) Commissioner’s blog discussed a range of issues related to violence against women with each entry attracting between 450 and 1800 views on the Commission’s website. Media coverage on violence and abuse was followed up on request by tailored interventions to develop good practice.

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Standard 2013–14
Coordinate and facilitate the provision of an annual report to Parliament in collaboration with the other 2 parties in the Disability Convention independent monitoring mechanism: the Disability Convention Coalition and the Ombudsman		Quantity
Annual report produced	Quantity measure met	
Quality		
Report meets quality measures of thoroughness and is valuable in its recommendations for government action as assessed by the parties to the independent monitoring mechanism	100% agreement by parties to the independent monitoring mechanism with the content of the annual report and with its thoroughness and value	

Results

Making Disability Rights Real, the second report of the Independent Monitoring Mechanism (IMM) of the United Nations Convention of the Rights of Persons with Disabilities was completed in June 2014. The first report was released on 3 December 2012.

Working in conjunction with its IMM partners, the Commission prepared and drafted the second joint report which details experiences of disabled people in Aotearoa New Zealand and barriers to the full realisation of their rights. The report, which covers the period July 2012–December 2013, highlights five overarching issues including: data; accessibility; building a people driven system; violence and abuse; and education. It also sets out 38 recommended steps to better respect and fulfil disabled people's rights.

The Disability Convention Coalition, a group comprised of eight disabled people's organisations (DPOs), provided an important voice for disabled people throughout the process and ensured the views of disabled people were included in the report.

The report was subject to intensive consultation and it underwent much iteration as IMM partners and stakeholders provided feedback on content and wording.

The Commission received confirmation from the IMM partners that they are very satisfied with the final report, meeting the performance measure of 100 per cent agreement by the IMM with the report and its thoroughness and value meeting the standard of the prior year.

Following indications from the Office of the Minister for Disability Issues that the report was not required to be tabled in Parliament, the IMM partners agreed to launch the report at a public event in Christchurch in early August 2014.

Outputs	Performance measure	Standard 2013–14
<p>Coordinate and facilitate the monitoring of the Optional Protocol to the Convention Against Torture in consultation with the 4 NPMs (Office of the Ombudsman, Independent Police Conduct Authority, Office of the Children's Commissioner and Inspector of Service Penal Establishments) and provide an annual report on the results of this monitoring to Parliament</p>	<p>Quantity</p> <p>Annual report produced</p>	<p>Quantity measure met</p>
	<p>Quality</p> <p>The Commission satisfactorily coordinates 3 initiatives that involve NPMs working together to prevent or address issues for people in detention, as assessed by feedback from NPMs</p>	<p>NPMs report that they are satisfied with the opportunities to participate in joint initiatives, with scores of 4 or 5 on a 5-point scale – satisfied or very satisfied</p>
	<p>NPMs approve the content of the annual report and assess it as a thorough and valuable document</p>	<p>100% agreement by NPMs with contents of the annual report and satisfaction with its thoroughness and value</p>

Results

The Commission, in collaboration with the four other National Preventive Mechanisms (NPMs), published an annual monitoring report of the Optional Protocol to the Convention Against Torture (OPCAT) for the 2012–13 period.

The annual report provided feedback on visits made to places of detention and the measures in place to prevent torture and ill treatment. A number of other activities are mentioned in the report, including New Zealand's first visit from the UN Subcommittee for Prevention of Torture in May 2013, where a delegation of six independent experts visited places of detention and met with the Government, civil society organisations and NPMs.

The annual report was submitted to the Minister of Justice, and a copy provided to the United Nations Subcommittee on Prevention of Torture, as required by the Crimes of Torture Act 1989. The report was tabled in Parliament on 11 December 2013 and then publicly released by the Commission.

As per the identified performance measure, there was 100 per cent agreement by NPMs with the content of the annual report and satisfaction with its thoroughness and value maintaining the standard of the prior year.

In May 2014, the Commission coordinated an NPM submission of information to the UN Working Group on Arbitrary Detention, following its visit to New Zealand. Also, in its role as the central NPM, the Commission convened six roundtable meetings of NPMs for the purpose of sharing information and discussing key issues. The Commission coordinated three initiatives that involved NPMs working together to prevent or address issues for people in detention. These included preparing draft and final information-sharing and publication policies and a joint NPM Identity Statement, as well as coordinating a health/mental health and detention workshop for NPM members and senior Ministry of Health and Mental Health Commission representatives.

All NPMs indicated that they were satisfied with the coordination provided by the Commission, compared with two of the four NPMs in the previous year. Two were satisfied or very satisfied with the opportunities to participate in joint initiatives. Two were neutral or dissatisfied with aspects of the joint initiatives but noted that this was not solely due to the role of the Commission, but rather an area for development in the way the group worked together. Opportunities to participate was a new performance measure so no trend data is available.

Outputs	Performance measure	Standard 2013–14
Produce the national action plan for the promotion and protection of human rights in New Zealand 2014–19 (NPA), in consultation with key stakeholders, drawing on the recommendations of the second UPR	Quantity National plan produced	Quantity measure met
	Quality Plan meets quality measure of participation, as assessed through a survey of selected key stakeholders	Survey shows 75% of respondents are satisfied with the opportunities for participation that were provided
	Plan meets quality measure of thoroughness and value, as assessed by feedback from stakeholders	Impact register records at least 5 instances of feedback from key stakeholders that the NPA is thorough and of value
	Plan incorporates recommendations to which the Government has committed in advance of release of final UPR recommendations in 2014, as recorded through internal peer review	Peer review assessment confirms that the NPA incorporates recommendations to which the Government has committed in advance of release of final UPR recommendations in 2014

Produce annual review of the reporting of "good employer" obligations by Crown entities	Quantity
	Quality
Annual report produced	Quantity measure met
Report meets quality measure of accuracy as assessed through feedback from contributors	Survey shows 75% of participating Crown entities are satisfied that their information has been accurately represented
Report meets quality measures of thoroughness and is considered valuable in its recommendations for Crown entity good employer best practice, as assessed by selected Crown entities	On a 5-point scale, 75% of Crown entities score the report 4 or 5 – it is of value or great value

Results

On 25 November 2013 the Justice Minister, the Hon. Judith Collins, agreed that it was important to integrate the National Plan of Action for Human Rights with the outcome of the Universal Periodic Review (UPR) of Aotearoa New Zealand being undertaken by United Nations Human Rights Council. On that basis the Minister agreed to the completion date for the plan being changed to March 2015.

The UPR process was not completed until June 2014, so work will now take place in the next financial year.

Due to the postponement of the dates for starting and completion of the National Plan of Action it was not necessary or possible to meet the performance measure around delivery or the measure of quality.

Produce annual review of the reporting on good employer obligations by Crown entities

As in previous years, the Commission analysed the reporting of 'good employer' obligations by Crown entities.

The results of this annual review were published in June 2014. Crown entities were each provided with their own two-page summary indicator report showing their progress towards equal employment opportunities (EEO).

This year the Commission also developed an innovative new web application to enable Crown entities to track their progress across years and compare themselves to other Crown entities of the same size or type, as well as the sector as a whole.

In a survey of Crown entities, 75 per cent said that they were satisfied that the information in the report accurately represented their organisation, meeting the identified performance standard of 75 per cent.

Eighty eight per cent of respondents said that the report, as published on the Commission's website, is of value or great value in increasing understanding of EEO best practice, exceeding the identified performance standard of 75 per cent. This is a new performance measure so no trend data is available.

Output: Enquiries and complaints, and legal interventions

Outcome area 4: Human rights mainstreaming

Outputs ⁷	Performance measure	Standard 2013–14
Provide an efficient, effective, accessible, high-quality enquiries and complaints service that assists individuals and groups to resolve human rights complaints, including those of unlawful discrimination as defined in sections 76–89 of the Human Rights Act	Quantity Enquiries and complaints result in 6000 new human rights enquiries and complaints	Quantity measure met
	Provide a disputes resolution service for an estimated 1400 complaints alleging unlawful discrimination	Quantity measure met ⁸
	Timeliness Enquiries and complaints receive an initial response within 3 working days	90% timeliness

7 The scale of the products and services in this output area have been determined by available capacity and known responsive requirements. The standards and measures for each output have been determined based on historical trends and in comparison with other government agencies and entities, including the Office of the Ombudsman and the Independent Police Conduct Authority and the Australian Human Rights Commission (AHRC). The standards for response time and service satisfaction compare favourably against these domestic benchmarks, and against the standards set by the AHRC.

8 This is a responsive service, and reasons for this decline in complaints can only be speculative. This decline is a cross-sector trend and has therefore been reflected in the expected standard for 2013–14.

Outputs	Performance measure	Standard 2013–14
Quality		
Complaints of unlawful discrimination closed within one year, with the situation advanced (resolved, progressed, or referred to the OHRP) as assessed by internal records		80% closed within one year ⁹
Evaluation of satisfaction, as assessed by a questionnaire sent to participants in the mediation process		On a 5-point scale, 90% of returned mediation evaluation forms will score 4 or 5 – reporting they are satisfied or very satisfied with the process ¹⁰

9 This standard is benchmarked against the standard developed by the complaints service of the AHRC.

10 This figure compares favourably with the AHRC complaints standard, which is for 80% of those surveyed to be satisfied with the service they receive.

Results

In 2013–14, the Commission received a total of 5598 new human rights enquiries and complaints, falling just short of the forecast quantity measure of 6000 new human rights matters. Dispute resolution services were provided for 1301 complaints alleging unlawful discrimination, against the identified measure of 1400 complaints. As this is a responsive service, these forecast performance measures are best estimates; the numbers of enquiries and complaints can change from year to year. The result for the prior year was 5973 new human rights enquiries and complaints, and 1228 unlawful discrimination complaints.

In terms of timeliness, 94 per cent of all enquiries and complaints received an initial response or were closed within three working days, exceeding the identified standard of 90 per cent and the prior year's result of 91%.

Eighty two per cent of unlawful discrimination complaints were closed within a year, with the situation advanced (resolved, progressed or referred to the Human Rights Review Tribunal) compared with 85% in the prior year. This exceeded the identified performance standard of 80 per cent.

Levels of satisfaction were measured by questionnaires sent to all parties involved in a mediation process. Of those participants who returned the questionnaire 97 per cent reported they were satisfied or very satisfied with the process, against a 90 per cent standard and 94% in the prior year.

One hundred per cent of respondents to the questionnaire said that the mediation process was explained 'very well' or 'well'. Ninety nine per cent were happy with the neutrality of the mediator saying they facilitated in a 'very fair' or 'fair' manner. Ninety seven per cent felt that mediation clarified the matter, saying that the issues were explored 'very well' or 'well' in mediation.

Outputs	Performance measure	Standard 2013–14
Undertake human rights and privacy matters through:	Quantity	
a providing legal representation before the Human Rights Review Tribunal or higher courts where Section 92 criteria of the Human Rights Act are met	Estimated 60–80 human rights and privacy matters undertaken, as assessed by internal records ¹¹	Quantity measure met
b providing representation for the Human Rights Commission in appropriate cases	Applicants for representation are sent an initial response within 5 working days	80% timeliness
c instituting proceedings under the Privacy Act when referred by the Privacy Commissioner	Determination of application pathway made within 10 working days of receiving s82 material from the Commission	80% timeliness
d intervening in appropriate proceedings under the Privacy Act 1993	Matters substantially progressed ¹² within one year, as assessed by internal records	80% timeliness

11 This figure is slightly lower than in previous years. This reflects a trend in which there are a smaller number of applications received, but their subject matter is more complex than previously. This can be attributed to the enquiries and complaints service dealing effectively with the straightforward complaints, leaving the more complex matters to be resolved.

12 Substantial progress can include a decision not to provide representation, progress toward settlement, alternative dispute resolution processes such as referral back to mediation, and litigation.

Outputs	Performance measure	Standard 2013–14
Quality		
	Satisfaction with thoroughness of decision, as assessed by analysis of responses to decision by complainants	80% satisfaction ¹³
	Set performance standards achieved in providing representation:	
a	compliance with Lawyers and Conveyancers Act 2006	100% compliance
b	compliance with Tribunal and Court timetables	100% compliance
c	positive feedback from courts as assessed by internal records	95% satisfaction
d	positive feedback from complainants on standard of service	90% satisfaction

13 Measured by exception-based reporting.

Results

During the year, the Director of Human Rights Proceedings made a total of 79 decisions on human rights and privacy matters against an estimated measure of 60–80 matters, compared with 70 in the previous year.

The Office of Human Rights Proceedings (OHRP) exceeded its identified performance measures for timeliness, with over 80 per cent of applications being dealt with in a timely manner. One hundred per cent of applications received during the period were sent an initial response within five working days. For 83 per cent of applications for representation, a determination of application pathway was made within 10 working days of receiving material from the Human Rights Commission. Over 80 per cent of matters were substantially progressed within one year. These were new measures so no comparative data is available.

Feedback on the quality of the OHRP's standard of service was a new measure. Feedback was received from 15 applicants. Of these, 13 applicants made positive comments. One applicant was dissatisfied with the result of the Director's decision and one former applicant was dissatisfied with a response to an email. As a result, 87 per cent of applicants were satisfied, falling just short of the identified performance standard of 90 per cent.

The OHRP set a performance standard of 80 per cent satisfaction with the thoroughness of decisions, measured by exception-based reporting. During the period, the OHRP did not receive any feedback from applicants expressing dissatisfaction in the thoroughness of the Director's decision, which is the same result as the previous year.

Similarly, no feedback indicating dissatisfaction was received from the courts, thereby exceeding the performance standard of 95 per cent satisfaction, and meeting the 100% compliance of the previous year.

One hundred per cent compliance was achieved with the Lawyers and Conveyancers Act 2006 during the period, meeting the same result as the previous year. However, full compliance with Tribunal and Court timetables was not achieved. One timetabling order was not met with regard to a direction that copies of pleadings and briefs of evidence be provided to new parties added to a proceeding. The reason for the delay was due to confusion caused when the new parties ceased to instruct counsel and became self-represented; 100% compliance was achieved in the previous year.

Outputs	Performance measure	Standard 2013–14
Undertake legal interventions in instances where there are human rights matters that directly relate to areas of the Commission's expertise	Quantity At least 2 legal interventions undertaken	Quantity measure met
	Quality Commission's legal interventions conform and promote international human rights standards, as assessed by external peer review	External peer review finds that legal interventions conform and promote international human rights standards

Results

The Commission decided that it would undertake at least two legal interventions during 2013–14. The Commission participated as an intervener in six new or ongoing proceedings during the year compared with three in the previous year. Details of these are outlined in the 'Legal interventions' section of this report.

External review of the three substantive legal submissions prepared prior to the end of the reporting period confirmed that the interventions to which these submissions related:

- a fulfilled the Commission's obligation to conform and promote international human rights standards
- b provided a very important contribution to the courts and tribunal determining the matters.

Other legal interventions were not reviewed due to the intervention happening close to the year end.

In the previous year, external peer review by lawyers briefed to work on the cases found that the legal interventions conformed and promoted international human rights standards.

Financial Statements

Tauākī pūtea

Human Rights Commission Statement of Responsibility

for the year ended 30 June 2014

Pursuant to section 155 of the Crown Entities Act 2004, we certify that:

- 1 We have been responsible for the preparation of these financial statements and the statement of service performance and for the judgements in them.
- 2 We have been responsible for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting.
- 3 We are of the opinion that these financial statements and statement of service performance fairly reflect the financial position as at 30 June 2014 and the operating results and cash flows of the Commission for the year ended 30 June 2014.

Approved on behalf of the Board of the Commission,

David Rutherford
Chief Commissioner

Dr Jackie Blue
EEO Commissioner

13 October 2014

Human Rights Commission Statement of Comprehensive Income

for the year ended 30 June 2014

	Notes	Actual 2014 \$000	Budget 2014 \$000	Actual 2013 \$000
Income				
Revenue from the Crown		9,396	9,396	9,696
Interest received		168	109	223
Other income		130	90	202
Gains on disposal of assets		26	-	-
Total income		9,720	9,595	10,121
Expenses				
Personnel costs	2	6,964	6,705	7,546
Travel costs		339	309	420
Overheads and other expenses	3	1,790	1,572	1,777
Projects		554	1,161	847
Depreciation and amortisation		230	303	271
Finance costs		3	-	6
Losses on disposal of assets		-	-	2
Expenses before organisational review costs		9,880	10,050	10,869
Organisational review costs	4	880	389	205
Total expenses		10,760	10,439	11,074
Net deficit		(1,040)	(844)	(953)
Total comprehensive income		(1,040)	(844)	(953)

Explanations of significant variances from budget are detailed in note 22.

The accompanying notes form an integral part of these financial statements

Human Rights Commission Statement of Financial Position

as at 30 June 2014

	Notes	Actual 2014 \$000	Budget 2014 \$000	Actual 2013 \$000
Equity				
Accumulated funds		2,163	2,409	3,203
Total equity		2,163	2,409	3,203
Current assets				
Cash and cash equivalents	5	1,550	2,583	2,487
Short-term deposits	6	1,200	-	1,400
Debtors and other receivables	7	27	27	45
Prepayments		119	37	182
Total current assets		2,896	2,647	4,114
Current liabilities				
Creditors and other payables	8	298	422	440
Finance lease	9	13	16	28
Employee entitlements	10	547	610	780
GST payable		174	119	151
Total current liabilities		1,032	1,167	1,399
Working capital		1,864	1,480	2,715
Non-current assets				
Property, plant and equipment	11	364	769	569
Intangible assets	12	13	222	19
Total non-current assets		377	991	588
Non-current liabilities				
Finance lease	9	-	-	13
Employee entitlements	10	78	62	87
Total non-current liabilities		78	62	100
Net assets		2,163	2,409	3,203

The accompanying notes form an integral part of these financial statements

Human Rights Commission Statement of Changes in Equity

for the year ended 30 June 2014

	Notes	Actual 2014 \$000	Budget 2014 \$000	Actual 2013 \$000
Balance at 1 July		3,203	3,253	4,156
Total comprehensive income		(1,040)	(844)	(953)
Balance at 30 June		2,163	2,409	3,203

The accompanying notes form an integral part of these financial statements

Human Rights Commission Statement of Cash Flows

for the year ended 30 June 2014

	Notes	Actual 2014 \$000	Budget 2014 \$000	Actual 2013 \$000
Cash flows from operating activities				
<i>Cash was provided from:</i>				
Receipts from the Crown		9,396	9,396	9,696
Other sources		157	90	241
Interest received		168	109	205
Goods and services tax (net)		25	-	13
<i>Cash was disbursed to:</i>				
Employees and suppliers		(10,859)	(10,136)	(10,698)
Interest paid		(3)	-	(6)
Net operating cash outflow	13	(1,116)	(541)	(549)
Cash flows from investing activities				
<i>Cash was provided from:</i>				
Maturity of short-term deposits		3,750	-	5,600
Disposal of property, plant and equipment		31	-	-
<i>Cash was disbursed to:</i>				
Short-term deposits		(3,550)	-	(7,000)
Purchase of property, plant and equipment		(17)	(418)	(35)
Purchase of intangible assets		(7)	(208)	(2)
Net investing cash inflow/(outflow)	207	(626)	(1,437)	
Cash flows from financing activities				
<i>Cash was disbursed to:</i>				
Payments of finance lease		(28)	-	(25)
Net financing cash outflow	(28)	-	(25)	
Net decrease in cash		(937)	(1,167)	(2,011)
Cash and cash equivalents at the beginning of the year		2,487	3,750	4,498
Cash and cash equivalents at the end of the year	5	1,550	2,583	2,487

The accompanying notes form an integral part of these financial statements

Human Rights Commission Notes to the Financial Statements

for the year ended 30 June 2014

1. Statement of accounting policies

Reporting entity

The Human Rights Commission (the Commission) was established by the Human Rights Commission Act 1977 and continues under the Human Rights Act 1993.

The Commission is a Crown entity as defined by the Crown Entities Act 2004 and is domiciled in New Zealand. The Commission's ultimate parent is the New Zealand Crown.

The primary objective of the Commission is to provide services to the public rather than making a financial return. Accordingly, the Commission has designated itself as a public benefit entity for the purposes of New Zealand equivalents to International Financial Reporting Standards (NZ IFRS).

These financial statements of the Commission are for the year ended 30 June 2014 and were approved by the Board of the Commission on 13 October 2014.

Basis of preparation

Statement of compliance

The financial statements of the Commission have been prepared in accordance with the requirements of the Crown Entities Act 2004, which includes the requirement to comply with generally accepted accounting practice in New Zealand (NZ GAAP). These financial statements have been prepared in accordance with NZ GAAP and comply with NZ IFRS as appropriate for public benefit entities.

Measurement base

The financial statements have been prepared on an historical cost basis, except for assets and liabilities that have been valued at fair value as identified in their respective accounting policies.

Functional and presentation currency

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest thousand dollars (\$000). The functional currency of the Commission is New Zealand dollars.

Changes in accounting policies

There have been no changes in accounting policies during the financial year.

Standards, amendments and interpretations issued that are not yet effective and have not been early adopted

The Minister of Commerce has approved a new Accounting Standards Framework (incorporating a Tier Strategy) developed by the External Reporting Board (XRB). Under this Accounting Standards Framework the Commission is classified as a Tier 2 reporting entity and will be eligible to apply the reduced disclosure regime of the public sector Public Benefit Entity Accounting Standards (PAS). The effective date for the new standards for public sector entities is reporting periods beginning on or after 1 July 2014. This means the Commission expects to transition to the new standards in preparing its 30 June 2015 financial statements. The Commission does not expect any material changes to reporting requirements or accounting policies.

Due to the change in the Accounting Standards Framework for public benefit entities it is expected that all new NZ IFRS and amendments to existing NZ IFRS will not be applicable to public benefit entities. Therefore, the XRB has effectively frozen the financial reporting requirements for public benefit entities up until the new Accounting Standards Framework is effective. Accordingly, no disclosure has been made about new or amended NZ IFRS that exclude public benefit entities from their scope.

Significant accounting policies

Revenue

Revenue is measured at the fair value of consideration received or receivable.

Revenue from the Crown

The Commission is primarily funded through revenue received from the Ministry of Justice for the provision of outputs set out in the Output Agreement signed by the Chief Commissioner and the Minister of Justice. Revenue from the Crown is recognised as revenue when earned and is reported in the financial period to which it relates.

Other income

Other income is received from the supply of contract work; grants for specific activities; and the provision of advice and educational workshops to third parties. Other income is recognised at the time the product or service is provided to the client or, in the case of grant income, when the conditions of the grant have been met.

Interest

Interest income is recognised using the effective interest method. Interest income on an impaired financial asset is recognised using the original effective interest rate.

Project costs

Costs that are directly attributable to a project activity are reported in the statement of comprehensive income as project expenditure. This includes the cost of staff travel where the primary purpose of the travel relates to the project activity.

Grant expenditure

Discretionary grants are those grants where the Commission has no obligation to award on the receipt of a grant application and are recognised as expenditure when approved by the Commission and the approval has been communicated to the applicant.

Leases

Finance leases

A finance lease is a lease that transfers to the lessee substantially all of the risks and rewards incidental to ownership of an asset whether or not title is eventually transferred.

At the commencement of the lease term, finance leases are recognised as assets and liabilities in the statement of financial position at the lower of the fair value of the leased item or the present value of the minimum lease payments.

The finance charge is charged to the surplus or deficit in the statement of comprehensive income over the lease period so as to produce a constant periodic rate of interest on the remaining balance of the liability.

The amount recognised as an asset is depreciated over its useful life. If there is no certainty as to whether the Commission will obtain ownership at the end of the lease term, the asset is fully depreciated over the shorter of the lease term and its useful life.

Operating leases

An operating lease is a lease that does not transfer substantially all the risks and rewards incidental to ownership of an asset. Lease payments under an operating lease are recognised as an expense on a straight-line basis over the lease term.

Lease incentives received are recognised in the surplus or deficit in the statement of comprehensive income over the lease term as an integral part of the total lease expense.

Foreign currency transactions

Foreign currency transactions are translated into New Zealand dollars using the exchange rates prevailing at the dates of the transactions.

Foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in the surplus or deficit in the statement of comprehensive income.

Financial instruments

Financial assets and financial liabilities are initially measured at fair value plus transaction costs unless they are carried at fair value through surplus and deficit in which case the transaction costs are recognised in the surplus or deficit in the statement of comprehensive income.

Cash and cash equivalents

Cash and cash equivalents include cash on hand and funds on deposit at banks with an original maturity of three months or less.

Short-term deposits

Short-term deposits include funds on deposit at banks with an original maturity of more than three months but not more than twelve months and are initially measured at fair value plus transaction costs.

Debtors and other receivables

Debtors and other receivables are recorded at their face value, less any provision for impairment.

Impairment of a receivable is established when there is objective evidence that the Commission will not be able to collect amounts due according to the original terms of the receivable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy, receivership or liquidation, and default in payments are considered indicators that the debtor is impaired. The amount of the impairment is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted using the original effective interest rate. The carrying amount of the asset is reduced through the use of an allowance account, and the amount of the loss is recognised in the surplus or deficit in the statement of comprehensive income. When the receivable is uncollectible, it is written off against the allowance account for receivables. Overdue receivables that are renegotiated are reclassified as current (that is, not past due).

Property, plant and equipment

Property, plant and equipment consists of motor vehicles, equipment, furniture and fittings, leasehold improvements, and library books.

Property, plant and equipment is measured at cost less any accumulated depreciation and impairment losses.

Additions

The cost of an item of property, plant and equipment is recognised as an asset when it is probable that future economic benefits or service potential associated with the item will flow to the Commission and the cost of the item can be measured reliably.

Work in progress is measured at cost less impairment and is not depreciated.

In most instances, an item of property, plant and equipment is initially recognised at its cost. Where an asset is acquired at no cost, or for a nominal cost, it is recognised at fair value as at the date of acquisition.

Disposals

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are included in the surplus or deficit in the statement of comprehensive income.

Subsequent costs

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Commission and the cost of the item can be measured reliably.

The costs of day-to-day servicing of property, plant and equipment are recognised in the surplus or deficit in the statement of comprehensive income as they are incurred.

Depreciation

Depreciation is provided on a straight-line basis on all property, plant and equipment, at rates that will write off the cost of the assets to their estimated residual values over their useful lives. The useful lives and associated depreciation rates of major classes of property, plant and equipment have been estimated as follows:

Motor vehicles	5 years	20%
Equipment	3–10 years	10–33%
Furniture and fittings	5–10 years	10–20%
Leasehold improvements	5–9 years	11–20%
Library books	5 years	20%

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated remaining useful lives of the improvement, whichever is the shorter.

The residual value and useful life of an asset is reviewed, and adjusted if applicable, at each financial year-end.

Intangible assets

Software acquisition

Acquired computer software licenses are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs associated with maintaining computer software, the development and maintenance of the Commission's website, and staff training costs are recognised as an expense when incurred.

Trademarks

Trademarks are capitalised on the basis of the costs incurred to register the trademark with the Intellectual Property Office of New Zealand.

Amortisation

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date that the asset is derecognised. The amortisation charge for each financial year is recognised in the surplus or deficit in the statement of comprehensive income.

The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as follows:

Computer software	2–5 years	20–50%
Trademarks	10 years	10%

Impairment of property, plant and equipment and intangible assets

Property, plant and equipment and intangible assets that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

Value in use is depreciated replacement cost for an asset where the future economic benefits or service potential of the asset are not primarily dependent on the asset's ability to generate net cash inflows and where the entity would, if deprived of the asset, replace its remaining future economic benefits or service potential.

If an asset's carrying amount exceeds its recoverable amount, the asset is impaired and the carrying amount is written down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit in the statement of comprehensive income. A reversal of the impairment loss is also recognised in the surplus or deficit.

Intangible assets that have an indefinite useful life are not subject to amortisation and are tested annually for impairment. An intangible asset that is not yet available for use at the balance sheet date is tested for impairment annually.

Creditors and other payables

Creditors and other payables are initially measured at fair value and subsequently measured at amortised cost using the effective interest method.

Borrowings

Borrowings are initially recognised at their fair value plus transaction costs. After initial recognition, all borrowings are measured at amortised cost using the effective interest method.

Borrowings are classified as current liabilities if the borrowings are expected to be settled within 12 months of balance date. All other borrowings are classified as a non-current liability.

Employee entitlements

Short-term employee entitlements

Employee benefits that are due to be settled within 12 months after the end of the period in which the employee renders the related service are measured based on accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date and annual leave earned but not yet taken at balance date. A liability and an expense are recognised for bonuses where there is a contractual obligation or where there is a past practice that has created a constructive obligation.

Permanent employees are entitled to actual and reasonable sick leave to recover from genuine illness but entitlements do not accumulate and are recognised as an expense when the absence occurs.

Long-term employee entitlements

Employee benefits that are due to be settled beyond 12 months after the end of the period in which the employee renders the related service, such as long service leave and retirement leave, have been calculated on an actuarial basis. The calculations are based on:

- 1 likely future entitlements accruing to staff, based on years of service, years to entitlement, the likelihood that staff will reach the point of entitlement and contractual entitlements information and
- 2 the present value of the estimated future cash flows.

Presentation of employee entitlements

Accrued salaries and wages, bonuses, annual leave and vested long service leave are classified as a current liability. Non-vested long service leave and retirement leave expected to be settled within 12 months of balance date are classified as a current liability. All other employee entitlements are classified as a non-current liability.

Superannuation schemes

Defined contribution schemes

Obligations for contributions to KiwiSaver and the Government Superannuation Fund are accounted for as defined contribution schemes and are recognised as an expense in the surplus or deficit in the statement of comprehensive income as incurred.

Defined benefit schemes

The Commission currently does not make contributions to defined benefit schemes.

Provisions

A provision is recognised for future expenditure of an uncertain amount or timing when there is a present obligation (either legal or constructive) as a result of a past event, it is probable that an outflow of future economic benefits will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Provisions are measured at the present value of the expenditure expected to be required to settle the obligation using a discount rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to the passage of time is recognised as an interest expense and is included in finance costs.

Commitments

Expenses yet to be incurred on non-cancellable contracts that have been entered into on or before balance date are disclosed as commitments to the extent that there are equally unperformed obligations.

Cancellable commitments that have penalty or exit costs explicit in the agreement on exercising that option to cancel are disclosed at the value of that penalty or exit cost.

Accumulated funds

Accumulated funds are the Crown's investment in the Commission and are measured as the difference between total assets and total liabilities.

Goods and services tax (GST)

All items in the financial statements are stated exclusive of GST, except for receivables and payables, which are stated on a GST inclusive basis. Where GST is not recoverable as input tax it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

Income tax

The Commission is a public authority and consequently is exempt from the payment of income tax.

Budget figures

The budget figures are derived from the Commission's Statement of Intent for the financial year being reported on and were prepared in accordance with NZ GAAP using accounting policies that are consistent with those adopted by the Board in preparing these financial statements. When presentation or classification of items in the financial statements is amended or accounting policies are changed voluntarily, the budget figures are restated to ensure consistency with the current period unless it is impracticable to do so.

Critical accounting estimates and assumptions

In preparing these financial statements the Commission has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. The estimates and assumptions that have a significant risk of causing material adjustment

to the carrying amount of assets and liabilities within the next financial year are discussed below:

Estimating useful lives and residual values of property, plant and equipment and intangible assets

Management has made an estimate as to the useful lives and residual amounts in respect of property, plant and equipment and intangible assets. Assessing the appropriateness of useful life and residual value estimates of property, plant and equipment requires a number of factors to be considered such as the physical condition of the asset, expected period of use of the asset by the Commission, and expected disposal proceeds from the future sale of the asset. An incorrect estimate of the useful life or residual value will affect the depreciation or amortisation expense recognised in the surplus or deficit in the statement of comprehensive income and carrying amount of the asset in the statement of financial position. Notes 11 and 12 detail the carrying amounts of property, plant and equipment and intangible assets respectively

Retirement and long service leave

Note 10 details the critical estimates and assumptions made in relation to retirement and long service leave liabilities.

Comparative information

When presentation or classification of items in the financial statements is amended or accounting policies are changed voluntarily, comparative figures are restated to ensure consistency with the current period unless it is impracticable to do so.

2. Personnel costs

	4 0	2013 \$000
	1	6,985
Employer contributions to defined contribution plans	151	134
Increase/(decrease) in employee entitlements	(242)	118
Other	454	309
Total personnel costs	6,964	7,546

Personnel costs include the Commissioners and Director of Human Rights Proceedings. It should be noted that the Commissioners and Director of Human Rights Proceedings are appointed by warrant of the Governor-General and are therefore not employees.

Employer contributions to defined contribution plans include contributions to KiwiSaver and the Government Superannuation Fund.

3. Overhead and other expenses

	2014 \$000	2013 \$000
Fees to auditor:		
Audit of the financial statements	49	39
Operating lease payments	519	514
Other costs	1,222	1,224
Total overhead and other expenses	1,790	1,777

4. Organisational review costs

	2014 \$000	2013 \$000
Organisational review costs	880	205
Total organisational review costs	880	205

During the year the Commission completed a self-initiated review to become a more effective and aligned organisation, ensure financial sustainability and deliver better human rights outcomes. Organisational review costs include the cost of consultants who provided advice and services related to the review and employee cessation payments made during the year to implement a new organisational structure.

An explanation of the variance from budget is included in note 22.

5. Cash and cash equivalents

	2014 \$000	2013 \$000
Cash at bank and on hand	1,550	2,487
Total cash and cash equivalents	1,550	2,487

Cash and cash equivalents comprise cash at bank and on hand. The carrying value of cash and cash equivalents approximates their fair value.

6. Short-term deposits

Short-term deposits comprise term deposits held at a registered New Zealand bank with maturities of more than three months. The carrying value of short-term deposits approximates their fair value.

7. Debtors and other receivables

	2014 \$000	2013 \$000
Debtors	4	20
Accrued revenue	19	19
Other receivables	4	6
Total debtors and other receivables	27	45

The carrying value of debtors and other receivables approximates their fair value.

The ageing profile of receivables at year end is detailed below:

	2014			2013		
	Gross \$000	Impairment \$000	Net \$000	Gross \$000	Impairment \$000	Net \$000
Not past due	27	-	27	33	-	33
Past due 1–30 days	-	-	-	-	-	-
Past due 31–60 days	-	-	-	-	-	-
Past due over 60 days	-	-	-	12	-	12
Total	27	-	27	45	-	45

All receivables not settled according to the original terms of the transaction are considered to be past due.

All receivables have been assessed for impairment and there is no impairment.

8. Creditors and other payables

	2014 \$000	2013 \$000
Creditors	198	335
Revenue received in advance	25	16
Other payables	75	89
Total creditors and other payables	298	440

Creditors and other payables are non-interest bearing and are normally settled on 30-day terms. The carrying value approximates their fair value.

9. Finance lease

Description of leasing arrangements

The Commission has a finance lease for photocopiers and fax machines.

Security

Finance lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default. The net carrying amount of the leased assets within each class of property, plant and equipment is shown in note 11.

Analysis of finance leases

	2014 \$000	2013 \$000
Minimum lease payments payable		
Not later than one year	13	31
Later than one year but not later than five years	-	13
Later than five years	-	-
Total minimum lease payments	13	44
Future finance charges	-	(3)
Present value of minimum lease payments	13	41
Present value of minimum lease payments		
Not later than one year	13	28
Later than one year but not later than five years	-	13
Later than five years	-	-
Total present value of minimum lease payments	13	41

10. Employee entitlements

	2014 \$000	2013 \$000
Current portion		
Accrued salaries and wages	23	18
Annual leave	494	706
Retirement and long service leave	30	56
Total current portion	547	780
Non-current portion		
Retirement and long service leave	78	87
Total non-current portion	78	87
Total employee entitlements	625	867

The liability for retirement and long service leave entitlements is carried at the present value of estimated future cash flows.

Two key assumptions used in calculating the retirement and long service leave liability include the discount rate and the salary inflation factor. Any changes in these assumptions will impact on the carrying amount of the liability.

A discount rate of 5.5% (2013: 5.5%) was used which reflects the expected long-term interest rate on government bonds. A salary inflation factor of 3.5% (2013: 3.5%) was used which is the long-term annual increase in salaries and wages expected by the New Zealand Treasury.

If the discount rate were to increase or decrease by 1% from that used, with all other factors held constant, the carrying amount of the retirement and long service leave liability would be an estimated \$6,000 (2013: \$7,000) lower or higher respectively.

If the salary inflation factor were to increase or decrease by 1% from that used, with all other factors held constant, the carrying amount of the retirement and long service leave liability would be an estimated \$7,000 (2013: \$8,000) higher or lower respectively.

11. Property, plant and equipment

Movements for each class of property, plant and equipment are as follows:

	Motor Vehicles \$000	Equipment \$000	Furniture & Fittings \$000	Library \$000	Leasehold Improvements \$000	Total \$000
Cost						
Balance, 1 July 2012	74	897	287	115	559	1,932
Additions	-	26	7	-	2	35
Disposals	-	(52)	(4)	-	-	(56)
Balance, 30 June 2013	74	871	290	115	561	1,911
Balance, 1 July 2013	74	871	290	115	561	1,911
Additions	-	17	-	-	-	17
Disposals	-	(118)	(11)	-	-	(129)
Balance, 30 June 2014	74	770	279	115	561	1,799
Accumulated depreciation and impairment losses						
Balance, 1 July 2012	74	539	94	115	316	1,138
Depreciation expense	-	114	38	-	106	258
Eliminate on disposal	-	(50)	(4)	-	-	(54)
Balance, 30 June 2013	74	603	128	115	422	1,342
Balance, 1 July 2013	74	603	128	115	422	1,342
Depreciation expense	-	87	34	-	97	218
Eliminate on disposal	-	(117)	(8)	-	-	(125)
Balance, 30 June 2014	74	573	154	115	519	1,435
Carrying amounts						
At 1 July 2012	-	358	193	-	243	794
At 30 June and 1 July 2013	-	268	162	-	139	569
At 30 June 2014	-	197	125	-	42	364

The net carrying amount of equipment held under finance lease is \$15,000 (2013: \$37,000). Other than equipment held under finance lease there are no restrictions over the title of the Commission's property, plant and equipment, nor are any assets pledged as security for liabilities.

12. Intangible assets

Movements for each class of intangible asset are as follows:

	Software \$000	Trademarks \$000	Total \$000
Cost			
Balance, 1 July 2012	115	4	119
Additions	2	-	2
Disposals	-	-	-
Balance, 30 June 2013	117	4	121
Balance, 1 July 2013	117	4	121
Additions	7	-	7
Disposals	-	-	-
Balance, 30 June 2014	124	4	128
Accumulated amortisation and impairment losses			
Balance, 1 July 2012	88	1	89
Amortisation expense	13	-	13
Balance, 30 June 2013	101	1	102
Balance, 1 July 2013	101	1	102
Amortisation expense	12	1	13
Balance, 30 June 2014	113	2	115
Carrying amounts			
At 1 July 2012	27	3	30
At 30 June and 1 July 2013	16	3	19
At 30 June 2014	11	2	13

There are no restrictions over the title of the Commission's intangible assets, nor are any intangible assets pledged as security for liabilities.

13. Reconciliation of net surplus to net cash from operating activities

	2014 \$000	2013 \$000
Net surplus for the year	(1,040)	(953)
Add/(less) non-cash items:		
Depreciation and amortisation	230	271
(Gains)/losses on disposal of assets	(26)	2
Total non-cash items	204	273
Add/(less) movements in working capital:		
(Increase)/decrease in receivables and prepayments	81	(3)
Increase/(decrease) in employee entitlements	(242)	118
Increase/(decrease) in payables	(119)	16
Net working capital movement	(280)	131
Net operating cash outflow	(1,116)	(549)

14. Capital commitments and operating leases

Capital commitments

There were no capital commitments at the balance sheet date (2013: nil).

Operating leases

The Commission leases office floor space in the normal course of its business.

The future aggregate minimum lease payments to be paid under non-cancellable operating leases are as follows:

	2014 \$000	2013 \$000
Not later than one year	454	510
Later than one year but not later than five years	1,040	1,198
Later than five years	260	502
Total non-cancellable operating leases	1,754	2,210

The Commission has a right to renew its lease of the Auckland office space for a further six year term from July 2020, but does not have any option to purchase any of the assets at the end of the terms of the leases. On 9 May 2014 the Commission exercised its right to terminate the lease of the Wellington office space and the lease will end on 12 April 2015.

There are no restrictions placed on the Commission by any of the operating lease arrangements.

There are no future minimum sublease payments to be received under non-cancellable subleases for office space at the balance sheet date (2013: nil).

15. Contingencies

Contingent liabilities

Make good clause

The Commission is subject to a 'make good' clause in its office lease contract for the Wellington office. This clause, if invoked, would require the Commission to remove all leasehold improvements not owned by the landlord and leave the premises in a state not dissimilar to that received at the time of moving into the premises. The likelihood of this clause being invoked is unknown. The estimated cost to fulfil the clause is \$70,000 (2013: same).

Contingent assets

The Commission has no contingent assets (2013: nil).

16. Related party transactions and key management personnel

The Commission is a wholly-owned entity of the Crown and has been a party to transactions with the Crown and entities related to the Crown during the year.

Significant transactions with government-related entities

The Commission was provided with funding from the Crown through the Ministry of Justice of \$9,396,000 (2013: \$9,696,000) for specific purposes as set out in the Human Rights Act 1993 and the scope of the relevant government appropriations.

The chair of the audit committee for the Commission is also an independent member and chair of the audit and risk committee for the Ministry of Justice. The revenue received from the Ministry of Justice is stated above. There were no amounts outstanding at balance date.

Collectively, but not individually, significant transactions with government-related entities

In conducting its activities, the Commission is required to pay various taxes and levies (such as GST, FBT, PAYE and ACC levies) to the Crown and entities related to the Crown. The payment of these taxes and levies, other than income tax, is based on the standard terms and conditions that apply to all tax and levy payers. The Commission is exempt from paying income tax.

The Commission also purchases goods and services from entities controlled, significantly influenced, or jointly controlled by the Crown. Purchases from these government-related entities for the year ended 30 June 2014 totalled \$233,000 (2013: \$283,000), of which \$17,000 (2013: \$27,000) was payable at balance date. These purchases include the purchase of electricity from Genesis, air travel from Air New Zealand and postal and courier services from New Zealand Post.

Key management personnel compensation

	2014 \$000	2013 \$000
Salaries and other short-term employee benefits	2,444	2,453
Post-employment benefits	33	38
Other long-term benefits	-	-
Termination benefits	77	-
Total key management personnel compensation	2,554	2,491

Key management personnel includes the Commissioners, Director of the OHRP, Executive Director and six other roles in the Management Team (2013: Commissioners, Director of the OHRP, Executive Director and six other roles in the Management Team filled by nine people during the year).

17. Commissioners' and other committee member's total remuneration

Total remuneration includes all benefits paid during the period 1 July 2013 to 30 June 2014.

Position	Member	Amount \$
Chief Commissioner	David Rutherford	312,196
Commissioner (part-time)	Karen Johansen	74,620
Commissioner (part-time)	Richard Tankersley	61,500
Disability Rights Commissioner (part-time)	Paul Gibson	176,914
Equal Employment Opportunities Commissioner	Jackie Blue	219,340
Race Relations Commissioner	Susan Devoy	221,458
Audit Committee Chair	Graeme R Mitchell	2,950

Indemnity insurance

The Commission effected Directors' and Officers' Liability and Professional Indemnity insurance cover during the financial year in respect of the liability or costs of Board members and employees.

18. Employee remuneration

The Commission, as a Crown entity, is required to disclose certain remuneration information in its annual report. In essence, the information to be reported is the number of employees receiving total remuneration, excluding cessation payments, of \$100,000 or more per annum. In compliance, the table below has been produced, which is in \$10,000 bands to preserve the privacy of individuals. Because Commissioners are not employees of the Commission they have been excluded from the table.

Remuneration of employees over \$100,000 p.a.

Total remuneration p.a.	Number of employees	
	2014	2013
\$100,000 – \$110,000	5	4
\$110,001 – \$120,000		4
\$120,001 – \$130,000	2	
\$130,001 – \$140,000	3	3
\$140,001 – \$150,000	1	2
\$150,001 – \$160,000		1
\$160,001 – \$170,000		1
\$170,001 – \$180,000		1
\$180,001 – \$190,000		
\$190,001 – \$200,000		
\$200,001 – \$210,000	1	
\$210,001 – \$220,000		
\$220,001 – \$230,000		1
\$230,001 – \$240,000	1	

Cessation payments

During the year ended 30 June 2014 payments totalling \$494,000 were made to 13 employees in relation to their cessation of employment. Nine received redundancy as a result of the implementation of the new organisational structure and of those two received additional payments for settlement of employment related claims. A further four employees received payments for settlement of employment related claims only. (2013: 2 employees, total \$48,300).

19. Events after the balance sheet date

There have been no significant events after the balance sheet date (2013: the Commission was in a consultation phase of the organisational review and expected to implement a new organisational structure on 1 November 2013).

20. Categories of financial instruments

The carrying amounts of financial assets and financial liabilities in each of the NZ IAS 39 categories are as follows:

	2014 \$000	2013 \$000
<i>Loans and receivables measured at amortised cost</i>		
Cash and cash equivalents	1,550	2,487
Short-term deposits	1,200	1,400
Debtors and other receivables	27	45
Prepayments	119	182
Total loans and receivables measured at amortised cost	2,896	4,114
<i>Financial liabilities measured at amortised cost</i>		
Creditors and other payables	298	440
GST payable	175	151
Finance lease	13	41
Total financial liabilities measured at amortised cost	486	632

21. Financial instrument risks

The Commission manages risks associated with financial instruments and seeks to minimise its exposure to these risks. Legislation does not allow the Commission to enter into any transactions that are speculative in nature without the prior approval of the responsible Minister. The Commission's activities expose it to the following financial instrument risks:

Market risk

Cash flow interest rate risk

Cash flow interest rate risk is the risk that the cash flows from a financial instrument will fluctuate because of changes in market interest rates. Cash held in interest-bearing bank accounts and short-term deposits expose the Commission to cash flow interest rate risk.

During the year the interest rates earned by the Commission on its cash reserves, deposited at New Zealand registered banks, ranged from 2.60% to 4.35%.

Sensitivity analysis

As at 30 June 2014, if these interest rates had been 1% higher or lower, with all other variables held constant, the result for the year would have been \$44,000 (2013: \$61,000) higher or lower. This movement is attributable to increased or decreased interest revenue on deposits.

Credit risk

Credit risk is the risk that a third party will default on its obligation to the Commission, causing the Commission to incur a loss.

In the normal course of business, the Commission is exposed to credit risk from cash and term deposits with banks, and debtors and other receivables. The maximum credit exposure for each class of financial asset is best represented by the total carrying amount of cash and cash equivalents, short-term deposits, and debtors and other receivables (see note 20). The Commission's only concentration of credit risk is in respect of bank deposits held at New Zealand registered banks, which have Standard and Poor's credit ratings ranging from A+ to AA-.

There is no collateral held as security against these financial instruments, including those instruments that are overdue or impaired.

Liquidity risk

Liquidity risk is the risk that the Commission will encounter difficulty raising liquid funds to meet commitments as they fall due. Prudent liquidity risk management implies maintaining sufficient cash and the ability to close out market positions.

The Commission manages liquidity risk by continuously monitoring forecast and actual cash flow requirements.

22. Explanation of major variances from budget

Statement of comprehensive income

Revenue was \$125,000 more than budgeted as a result of higher interest rates earned on deposits, additional income from a research project and proceeds from an insurance claim not anticipated at the time of budget setting.

Excluding costs related to the organisational review, expenses were \$170,000 less than budgeted.

This was because:

- a Spending on projects was \$607,000 less than budgeted, offsetting the additional costs of the organisational review. This saving on projects was primarily following a reduction of the scale, scope or cost of some projects, and the agreement with the Minister to delay the National Plan of Action. The remaining underspend was due to responsive projects which could not be pre-planned, timing differences between budgeted and actual spend, and some cost savings.
- b Depreciation and amortisation was \$73,000 less than budgeted on a lower asset base than expected during the year. The purchase of an electronic content management system was deferred, as were upgrades to IT equipment and a shift to a permanent office in Christchurch.
- c Personnel costs were \$259,000 more than budgeted because the organisational review was not finalised until after the budget had been approved.
- d Overheads were \$218,000 more than budgeted as a result of procuring specialist expertise to provide advice on an IT strategy and related systems, to review the Commission's office footprint, to improve business planning processes and to deliver enhanced human resources services. Legal fees and costs for temporary premises for the Christchurch office were also higher than planned.
- e Travel costs were \$33,000 more than budgeted.

Costs related to the organisational review were \$491,000 more than budgeted. This was due to contract support being required for longer than anticipated and additional resources being procured to mitigate risks during the significant change process. Higher costs were also incurred on staff cessation payments.

Independent Auditor's Report

To the readers of the Human Rights Commission's financial statements and non-financial performance information for the year ended 30 June 2014

The Auditor-General is the auditor of the Human Rights Commission (the Commission). The Auditor-General has appointed me, J.R Smaill, using the staff and resources of Audit New Zealand, to carry out the audit of the financial statements and non-financial performance information of the Commission on her behalf.

We have audited:

- the financial statements of the Commission on pages 72 to 93, that comprise the statement of financial position as at 30 June 2014, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date and notes to the financial statements that include accounting policies and other explanatory information; and
- the non-financial performance information of the Commission that comprises the statement of service performance on pages 42 to 69 and the report about outcomes on pages 14 to 17.

Opinion

In our opinion:

- the financial statements of the Commission on pages 72 to 93:
 - comply with generally accepted accounting practice in New Zealand; and
 - fairly reflect the Commission's:
 - financial position as at 30 June 2014; and
 - financial performance and cash flows for the year ended on that date.
- the non-financial performance information of the Commission on pages 14 to 17 and 42 to 69:
 - complies with generally accepted accounting practice in New Zealand; and
 - fairly reflects the Commission's service performance and outcomes for the year ended 30 June 2014, including for each class of outputs:
 - its service performance compared with forecasts in the statement of forecast service performance at the start of the financial year; and
 - its actual revenue and output expenses compared with the forecasts in the statement of forecast service performance at the start of the financial year.

Our audit was completed on 13 October 2014. This is the date at which our opinion is expressed.

The basis of our opinion is explained below. In addition, we outline the responsibilities of the Commissioners and our responsibilities, and we explain our independence.

Basis of opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the International Standards on Auditing (New Zealand). Those standards require that we comply with ethical requirements and plan and carry out our audit to obtain reasonable assurance about whether the financial statements and non-financial performance information are free from material misstatement.

Material misstatements are differences or omissions of amounts and disclosures that, in our judgement, are likely to influence readers' overall understanding of the financial statements and non-financial performance information. If we had found material misstatements that were not corrected, we would have referred to them in our opinion.

An audit involves carrying out procedures to obtain audit evidence about the amounts and disclosures in the financial statements and non-financial performance information. The procedures selected depend on our judgement, including our assessment of risks of material misstatement of the financial statements and non-financial performance information, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the preparation of the Commission's financial statements and non-financial performance information that fairly reflect the matters to which they relate. We consider internal control in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.

An audit also involves evaluating:

- the appropriateness of accounting policies used and whether they have been consistently applied;
- the reasonableness of the significant accounting estimates and judgements made by the Commission;
- the appropriateness of the reported non-financial performance information within the Commission's framework for reporting performance;
- the adequacy of all disclosures in the financial statements and non-financial performance information; and
- the overall presentation of the financial statements and non-financial performance information.

We did not examine every transaction, nor do we guarantee complete accuracy of the financial statements and non-financial performance information. Also we did not evaluate the security and controls over the electronic publication of the financial statements and non-financial performance information.

We have obtained all the information and explanations we have required and we believe we have obtained sufficient and appropriate audit evidence to provide a basis for our audit opinion.

Responsibilities of the Commissioners

The Commissioners are responsible for preparing financial statements and non-financial performance information that:

- comply with generally accepted accounting practice in New Zealand;
- fairly reflect the Commission's financial position, financial performance and cash flows; and
- fairly reflect its service performance and outcomes.

The Commissioners are also responsible for such internal control as is determined necessary to enable the preparation of financial statements and non-financial performance information that are free from material misstatement, whether due to fraud or error. The Commissioners are also responsible for the publication of the financial statements and non-financial performance information, whether in printed or electronic form.

The Commissioner's responsibilities arise from the Crown Entities Act 2004.

Responsibilities of the Auditor

We are responsible for expressing an independent opinion on the financial statements and non-financial performance information and reporting that opinion to you based on our audit. Our responsibility arises from section 15 of the Public Audit Act 2001 and the Crown Entities Act 2004.

Independence

When carrying out the audit, we followed the independence requirements of the Auditor-General, which incorporate the independence requirements of the External Reporting Board.

Other than the audit, we have no relationship with or interests in the Commission.

J.R Smaill
Audit New Zealand
On behalf of the Auditor-General
Auckland, New Zealand



