



Human Rights Commission
Te Kāhui Tika Tangata

Annual Report

Pūrongo ā Tau

2018 / 19

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 2019

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

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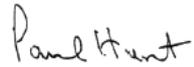
Published November 2019, Aotearoa New Zealand

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 2019.

Yours faithfully

A handwritten signature in black ink that reads "Paul Hunt". The signature is written in a cursive style with a large initial 'P'.

Paul Hunt

Chief Commissioner
Te Amokapua

The Hon. Minister of Justice

Minister

At pages 51 to 55 of this Annual Report, the Director of Human Rights Proceedings reports to the Hon. Minister of Justice on the Director's decisions for the year ended 30 June 2019, pursuant to section 92A(4) of the Human Rights Act 1993.

Yours faithfully



Michael Timmins

Director of Human Rights Proceedings
Tumuaki Whakatau Take Tika Tangata



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Contents

Foreword		
Kupu Whakataki	5	
About the Commission		
Mō te Kāhui	8	
Strategic Objectives		
Whāinga Rautaki	11	
The Year in Numbers		
Tauanga ā-Tau	16	
Disabled People		
Hunga Hauā	17	
Equal Employment Opportunities		
Ōritenga Mahi	19	
Indigenous Rights		
Mana Taketake	23	
Race Relations		
Whakawhanaungatanga ā-lwi	25	
Sexual Orientation, Gender Identity and Expression, and Sex Characteristics		
Takatāpui	27	
International Human Rights Engagement		
Tūtakitanga Tika Tangata o te Ao	29	
Enquiries and Complaints		
Ngā Pātai me ngā Amuamu	33	
Legal Interventions		
Wawaotanga ā-Ture	48	
The Office of Human Rights Proceedings		
Te Tari Whakatau Take Tika Tangata	51	
Response to the Ministerial Review		
He Urupare Arotakenga	56	
Statement of Responsibility for the year ended 30 June 2019		
Tauākī Haepapa mō te tau ki 30 Pipiri 2019	62	
Statement of Performance		
1 July 2018 to 30 June 2019		
Tauākī Whakatutukitanga 1 Hōngongoi 2018 ki 30 Pipiri 2019	63	
Financial Statements		
Tauākī Pūtea	68	
Independent Auditor's Report		
Pūrongo arotake	90	

Foreword

Kupu Whakataki

The 15 March Christchurch mosque attacks were an unprecedented act of terror that sent seismic shocks throughout the country and around the world. They caused unimaginable pain and suffering to our Muslim communities, and drew attention to Islamophobia, racism, anti-Semitism and right-wing extremism in New Zealand. The attacks highlighted a complacency in New Zealand towards important human rights issues and sparked a strong desire by many New Zealanders to build a more inclusive and safe society. The world was moved by the national outpouring of aroha for our Muslim communities.

After the attacks, the Commission provided support and expertise to the Government and its agencies, and civil society organisations. We strongly supported the Muslim community's call for a coordinated, culturally sensitive and community-responsive process and alerted the Government to the need for a more coordinated and people-centred response by social support services to meet the immediate and longer-term needs of the Muslim community. We raised concerns with the Royal Commission of Inquiry about its process and encouraged greater engagement with the affected communities.

We invited Kate Gilmore, the United Nations (UN) Deputy High Commissioner for Human Rights, to visit New Zealand. She was the first major UN official to travel to New Zealand after the attacks. Ms Gilmore's visit provided an opportunity to discuss these issues with an international human rights expert and to learn from her insights into extremism, hate speech and multiculturalism. Her visit reflected the international attention on New Zealand's response to the tragedy, as well as the human rights implications of the mosque shootings.

The Christchurch attacks have reignited public debate about harmful speech and hate crime and how we balance the right to freedom of expression with the need to protect vulnerable people and communities. The attacks also cast light again on the absence of systematically collected data and information on racially and religiously motivated crimes in New Zealand. Without such data it is difficult to have an informed discussion about the prevalence of hate crimes, or to design effective measures to counter them.

As it has done for many years, the Commission continues to advocate for the authorities to gather this information on a systematic basis, including the number of complaints, prosecutions and convictions for crimes motivated by characteristics such as race and religion.

In all its work, the Commission continues to focus on making human rights relevant to the lives of New Zealanders. Taking a human rights approach and putting people at the centre of policies and their implementation will help our country and communities become stronger, safer and more united, and provide a dignified life for all.

This year the Commission finalised its strategic vision for the next four years. Our Strategic Plan 2019–2023 provides a roadmap for our priorities, including a continued emphasis on the practical application of the principles of Te Tiriti o Waitangi to respond effectively to human rights issues within a culturally appropriate and supportive internal environment.

To determine our strategic priorities, the Commission sought input from community groups and the public, through community meetings and fono, and an online survey. Nearly 3,000 people responded to the survey. Staff were closely involved in identifying opportunities and setting priorities for action.

Listening tour

The Chief Commissioner held a series of listening visits across the country. Common themes emerged, including a need for affordable access to basic services such as transport and schools; negative experiences with government agencies; access to a decent, warm, dry, safe home; food insecurity; and the damaging impacts of methamphetamines and Māori youth suicide. These community consultations will inform the Commission's long-term strategic planning, including how the Commission might contribute to reducing social and economic inequality.

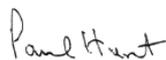
Work to implement the findings of the Ministerial Review¹ has helped to make the Commission a safer, more inclusive and respectful workplace. The Commission is committed to continuously improving our workplace.

This year marked a significant renewal of the Commission's leadership. Michael Timmins was appointed Director of Human Rights Proceedings on 11 March 2019. Saunoamaali'i Karanina Sumeo began as Equal Employment Opportunities Commissioner on 5 November 2018 and Paul Hunt took up the position of Chief Commissioner on 14 January 2019. The Commission is deeply grateful to Disability Rights Commissioner Paula Tesoriero for her dedication and leadership, both as the Acting Chief Commissioner and Acting Race Relations Commissioner from July 2018 to January 2019, in addition to her disability portfolio.

We acknowledge and thank the staff of the Human Rights Commission for their commitment over the past year. Our organisation is built on the skill, passion and dedication of our staff.

We also acknowledge the strong and vital support we have received from the many community organisations and individuals, who are committed to enhancing the human rights of all New Zealanders. Working with Māori as tangata whenua and the diverse range of communities of our country, we will continue to strive to improve human rights outcomes to ensure a dignified life for all New Zealanders.

Nā mātou noa, nā



Paul Hunt

Chief Commissioner
Te Amokapua



Paula Tesoriero MNZM

Disability Rights Commissioner
Kaihautū Tika Hauātanga



Saunoamaali'i Karanina Sumeo

Equal Employment Opportunities Commissioner
Kaihautū Ōritenga Mahi

¹ Retired Judge Coral Shaw's Review Report (15 May 2018) of the Human Rights Commission.

About the Commission Mō te Kāhui

Our vision

Our vision for Aotearoa
New Zealand is “A Dignified
Life for All”

The Human Rights Commission is New Zealand’s national human rights institution (NHRI). We are an independent Crown entity responsible for promoting and encouraging the protection of human rights and harmonious relations between all people in New Zealand.

The Commission is accredited with ‘A’ status by the United Nations (UN) Office of the High Commissioner for Human Rights and the Global Alliance of National Human Rights Institutions. This status is the highest recognition of independence that an NHRI can achieve and provides the Commission with speaking rights at relevant UN Human Rights Council and committee sessions. This means we operate in accordance with the principles relating to the Status of National Institutions, commonly known as the Paris Principles. These principles set out the minimum international standards that must be met for NHRIs to be considered credible and independent.

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

Our functions

The Commission’s primary functions are set out in section 5(1) of the Human Rights Act 1993, and section 5(2) of the Human Rights Act 1993 lists the detailed functions of the Commission.

In addition to the Act, important human rights, and associated principles, are enshrined in New Zealand’s constitutional arrangements or legislation, including the:

- Treaty of Waitangi 1840
- New Zealand Bill of Rights Act 1990
- Crimes of Torture Act 1989.

Commissioners, the Chief Executive and the Director of Human Rights Proceedings all have functions set out in the Human Rights Act and the Crown Entities Act.

As a member of the UN, New Zealand supports the human rights provisions of the UN Charter and the Universal Declaration of Human Rights 1948. New Zealand is obliged under international law to meet its human rights obligations to everyone in New Zealand, as set out in the international human rights treaties New Zealand has ratified.

The Commission also facilitates 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 Review Tribunal and the courts.

Governance

The Commission is governed by a Board consisting of all the Commissioners and chaired by the Chief Commissioner. The Commissioners also act as leaders in areas designated by the Human Rights Act 1993 or by designation of priority area and/or allocation of spheres of responsibility by the Chief Commissioner.

The roles of the Race Relations Commissioner, Equal Employment Opportunities Commissioner and Disability Rights Commissioner are designated under the Human Rights Act 1993.

The table sets out the priority areas and spheres of responsibility for Commissioners designated by statute and additional designations by the Chief Commissioner for 2018/19.

The Race Relations Commissioner role was vacant in the reported period (1 July 2018 to 30 June 2019).

Paul Hunt

Chief Commissioner²

Race Relations⁴
Human rights of indigenous peoples

Paula Tesoriero MNZM

Disability Rights Commissioner

Acting Chief Commissioner⁵
Race Relations⁶

Saunoamaali'i Karanina Sumeo

Equal Employment Opportunities Commissioner³

- Human rights of women
- Human rights for Pacific peoples
- Human rights of lesbian, gay, bisexual, transgender/transsexual and intersex (LGBTI) people

2 Appointed January 2019

3 Appointed November 2018

4 Led Race Relations from January to June 2019 pending appointment of a Race Relations Commissioner

5 Acting Chief Commissioner from July 2018 to January 2019 pending appointment of a Chief Commissioner

6 Led Race Relations from July 2018 to January 2019 pending appointment of a Race Relations Commissioner

Strategic Objectives

Whāinga Rautaki

The Commission seeks to influence and bring about positive change. This often involves long-term work and high levels of engagement with communities and individuals. Our goal is to work with government, civil society and international partners to protect and promote the human rights of everyone in Aotearoa New Zealand.

Our Statement of Intent 2016/17 – 2019/20 outlines the outcomes and impacts we want to achieve. Our outcomes are:

- a peaceful and inclusive New Zealand society in which human dignity and human rights are respected
- discrimination and barriers to inclusion are reduced through education and compliance with human rights standards.

Our strategic impacts are:

- increased adoption of policies and practices to achieve equality of opportunity and non-discrimination
- advancing human rights, including the reduction of barriers to inclusion to facilitate peaceful and inclusive societies
- protecting human dignity and rights through effective mechanisms of redress and increased observance of human rights obligations by decision makers.

We measured our impact by monitoring progress against the following standards:

The New Zealand public has a greater awareness and appreciation of human rights of all the diverse groups of people that make up our society

- The Commission has built up an online and social media audience of 79,789 people for its messages: 72,488 people who have liked the Commission's Facebook page and 7,301 followers on Twitter.
- This audience, which increased by 18.6 percent for the year, represents a core group of New Zealanders who receive human rights information online or through social media.
- This group can be a powerful tool in spreading human rights messages. After the Christchurch mosque attacks a Give Nothing to Racism post on the Commission's Facebook page went viral, reaching 2 million people. It was liked, shared or commented on by 35,000 people. A video of Auckland secondary student Takunda Muzondiwa's powerful performance at the Race Unity Speech Awards went viral, achieving about 1 million views and generated international media coverage.
- In 2018/19, the Commission made significant progress through delivery of its work programmes across all human rights focus areas – civil, political, economic, social and cultural rights.

Central and local government agencies increasingly consider and implement human rights standards and obligations through law, policy and practice

- The Commission continued to influence, law policy and practice through making 41 submissions to Parliamentary Select Committees highlighting the importance of human rights.

Increased positive outcomes for breaches of human rights standards through the provision of effective dispute-resolution services and legal representation

- The Commission received 5666 new human rights enquiries and complaints in 2018/19.
- In addition to many individual outcomes, our dispute resolution service recorded 36 outcomes which have resulted in systemic and social change over the past year.
- The Director of Human Rights Proceedings made 33 decisions on applications for legal representation in the Human Rights Review Tribunal. Of these, the Director granted legal representation to 10 applicants.

Summary of delivery against our six performance outputs:

How we delivered	What we achieved
Output 1: Human rights education, promotion and advocacy programmes that are delivered effectively	
Increasing reach and relevance, as measured by social media research and engagement statistics	<ul style="list-style-type: none"> On average 59,952 people engaged and 726,008 people reached over the past year. Our Give Nothing to Racism campaign has helped to progress positive change through several strategic partnerships, impactful interventions and effective engagements with key stakeholders. We use our profile and public presence to reach communities, raise public awareness and contribute to debate about human rights issues. Our Commissioners play a key leadership role in advocating and promoting respect for, and an understanding and appreciation of human rights.
Increasing reach and relevance, as measured by number of downloads of Commission reports from HRC website	<ul style="list-style-type: none"> Commission reports were downloaded 35,097 times in 2018/19.
Increasing reach and relevance, as measured by media releases	<ul style="list-style-type: none"> 56 media releases issued.

Output 2: Effective engagement with government, civil society and business to protect human rights and reduce barriers to inclusion	
Engagement with government, civil society and business to effect positive human rights changes	<ul style="list-style-type: none"> In 2018/19, 18 significant engagement points with government, civil society and business were measured that resulted in actions progressing human rights priorities (disability, equal employment opportunities, indigenous rights, race relations, and sexual orientation, gender identity and expression and, sex characteristics). After the 15 March Christchurch mosque attacks, the Commission supported the Muslim community in their call for a people-centred response, and through our engagement with Government and its agencies, and the Royal Commission of Inquiry.

Output 3: Legal interventions in courts and tribunals to promote human rights

New legal interventions to promote human rights

Positive outcomes have been achieved over the past year where the Commission has intervened in legal proceedings or where it has made submissions to Select Committees on human rights issues.

Output 4: Recommending, monitoring and reporting on human rights standards to government, civil society and business

Monitoring and reporting

The Commission provided advice, information and analysis to government, international human rights treaty bodies and civil society. Our effective promotion of key human rights issues in our international engagement and advocacy has continued to be influential and has increased awareness and understanding of actions required to comply with New Zealand's international human right obligations.

Output 5: Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards

Human rights enquiries and complaints are handled by a responsive and effective dispute-resolution service

Our dispute resolution service contributes significantly to the Commission's key functions as New Zealand's national human rights institution. The free, informal and confidential service is for anyone enquiring about human rights or complaining of unlawful discrimination or harassment. The Commission's dispute-resolution service (including mediation) increases community knowledge and awareness of rights and responsibilities and facilitates a fair and impartial complaint-handling process that can lead to individual and systemic outcomes.

Of note, 76 percent of enquiries and complaints about unlawful discrimination in 2018/19 were closed within 3 months, while 97 percent of complaints of alleged unlawful discrimination were closed within 12 months.

74 percent of closed complaints of unlawful discrimination were resolved or other assistance was given. We acknowledge the limitations we work within (limitations on what type of complaints we can deal with, that participation is voluntary, and resolution is generally reliant on parties agreeing).

There was a 78 percent satisfaction rate from mediation.

Output 6: Applications for legal representation under the Human Rights Act 1993 and referrals received under the Privacy Act 1993, and associated litigation are progressed within the agreed timeframes and in accordance with expected professional legal standards

Responsive and timely decision making

The Director of Human Rights Proceedings granted legal representation to 10 applicants.

Our Statement of Performance section provides our end-of-year results for each of our outcomes measures, as well as comparative information for the previous year.

The Year in Numbers

Tauanga ā-Tau



Submissions to Parliamentary Select
Committees and relevant agencies

4,387

Complaints received under our
dispute-resolution service



Legal interventions

320

Media enquiries

56

Media releases



Digital engagement

72,488 likes

7,301 followers

216,000 website visitors

1 million page views

1.4 million video views

Disabled People

Hunga Hauā

Our goal

Systematic discrimination and inequalities are eliminated so disabled people report that they live in a fair and just society where their contributions are fully acknowledged and they are respected for who they are

Disabled people remain one of the most disadvantaged groups in New Zealand, experiencing structural and individual discrimination in fundamental areas, such as health, employment, education and having an adequate standard of living.

New Zealand has ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol that aim to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled people. However, information presented to the UN for its upcoming review of New Zealand suggests that little meaningful progress has been made in the implementation of the CRPD over the past 11 years.⁷ Disabled people still face barriers that hinder their ability to participate fully in society.

Impact

The Commission has engaged in a range of activities to advance the rights of disabled people:

- Hosted an Employment Design Day in October 2018 in partnership with the Office for Disability Issues and Disabled People's Organisations to find ways to realise the full employment potential of disabled people using accelerated problem definition and solution design processes. Four priority projects at the Design Day form part of the Government's draft Disability Action Plan 2019–2022. The Commission is assigned to lead one project in collaboration with stakeholders, focused on employer perceptions of disabled people.
- Hosted the event Our Voices Loud and Proud for the purpose of 'enhancing and accelerating positive impact for disabled people' during Disability Pride Week (26 November – 3 December 2018). The event concluded with participants committing to personal action.

⁷ Part of the November 2017 Submission from New Zealand's Independent Monitoring Mechanism to inform the Development of the List of Issues Prior to Reporting for New Zealand's 2nd Periodic Review under the Convention on the Rights of Persons with Disabilities, available at <https://tinyurl.com/upzx3gq>

Key facts⁸

- 23.4 percent of disabled people were employed
 - Unemployment rate for disabled people was 8.6 percent, compared with 3.8 percent for non-disabled people
 - Disabled people earn less on average and are more likely to have no qualifications
- The Disability Rights Commissioner made submissions and engaged in public conversation about the rights of disabled people in the debate over the End of Life Choice Bill. The Bill no longer contains the provisions in relation to 'grievous and irremediable condition'.
 - The Commission made submissions on all major aspects of the education reform programme to promote inclusive education. The Commission engaged in collaborative and co-design work with Ministry of Education staff and inclusive education (disability) stakeholders to ensure that input into education reform made an impact.
 - The Commission's substantial submission on the Learning and Disability Support Action Plan was welcomed by the disability community and cross referenced elsewhere.
 - Advocated with the Ministry of Health for a more cohesive and integrated approach to the right to the highest attainable standard of health with a view to promoting a representative and cohesive disability sector.
 - Provided a disability perspective in Commission submissions to a range of government-led inquiries and reform work, including the mental health inquiry, the health and disability system review, and the child and youth well-being strategy.
 - The Commissioner presented at many conferences and forums on key issues such as education, transport, accessible cities, inclusive societies, and access to health and employment. Forums included the annual international United Nations Conference of States Parties to the Convention on the Rights of Persons with Disabilities (CRPD).
 - During the period the Commissioner chaired New Zealand's Independent Monitoring Mechanism for the CRPD. Engagement with the Ministerial Leadership Group strengthened, and work started on the Shadow Report on New Zealand's progress against the CRPD to present to Parliament later this year and the UN next year.
 - The Commissioner drew attention to the omission of a disability perspective in many new family violence response initiatives and was appointed to the Government's Family Violence Expert Advisory Group.
 - The Commission signed the Accessibility Charter which is a commitment to aspects of accessibility over a five-year period.

8 Labour market statistics (disability): June 2019 quarter <https://tinyurl.com/sgsejmn>

Equal Employment Opportunities

Ōritenga Mahi

Our goal

Barriers to equal employment opportunities for vulnerable groups are eliminated so all people in New Zealand enjoy access to decent and productive work and fairness in the workplace

The Commission continued to advocate for fair and equitable employment for all New Zealand workers. The challenges faced by New Zealand in relation to diversity and inclusion are around ensuring fairness and inclusion when hiring, equality of opportunity for training and promotion, and closing the persistent gender and ethnic pay gaps.

The new EEO Commissioner started in November 2018. Part of the reported year's activities are based on her activities as well as those of the previous EEO Commissioner.

Commissioner Saunoamaali'i engaged with a wide range of stakeholders to establish networks and understand the barriers to equal employment and pay equity for different groups. Those engaged included National Council of Women, Rural Women, PACIFICA, WEPs (Women's Empowerment Principles), Association of Employers and Manufacturers, Small Business Council and unions. The Commissioner also engaged with Members of Parliament and Ministers with portfolios for Pacific peoples, youth, women, seniors, social development, employment and workplace relations.

Ageing workforce

Ageism in the workforce is very real, hindering older people from going back to work, despite holding qualifications and a lifetime of experience relevant to the needs of our economy. Equal employment opportunities are lacking for this group of the population. Discrimination affects the length of time in work and the ability of individuals to save for retirement, especially Māori and Pacific peoples, who we know from the ethnic and gender pay gaps are the lowest earners. This has been a focus for the EEO Commissioner and an area where the Commission will increase its advocacy.

Pay transparency

Pay secrecy and the lack of transparency about progression reinforces biases, and often hides structural inequalities. Improved transparency will benefit all workers – especially those discriminated against because of age, gender, ethnicity, disability and other grounds.

Key facts¹¹

- Pacific women and men have the biggest pay gaps when compared with Pākehā men, who are the highest earners.
- Unemployment rates for Māori and Pacific peoples are at least twice that of the general population.
- Underutilisation rates for Māori and Pacific peoples are over 20 percent
- Number of Māori and Pacific peoples who were underemployed increased by 7,000

One of the barriers to pay equity and closing gender and ethnic pay gaps is the secrecy about pay in New Zealand's workplaces. The gender pay gap remains unchanged at 9.3 percent⁹ since 2017. The lack of pay transparency has allowed women to be underpaid for 45 years since the passing of the Equal Pay Act 1972.

The Commission launched an Ending Pay Secrecy campaign on International Women's Day on 8 March 2019 calling on the Government to implement pay transparency so that companies with more than 100 employees are publicly reporting on their gender pay gap as a step to closing it. The campaign has a video of the EEO Commissioner speaking about her own experience of pay discrimination and includes an online petition asking members of the public to call on the Government to implement a pay transparency regime. The video has been viewed more than 25,000 times on Commission social media platforms.

Unlike the gender pay gap, ethnic pay gaps have not improved over time. This means that Māori, Pacific and ethnic minorities in lower income brackets are likely to remain there without urgent and effective intervention. This has an impact on households, children and communities associated with these low-income workers.

The most recent findings of the Public Service Workforce Data¹⁰ show a pay gap of 21 percent on average between Pacific workers and Pākehā males in the public service. Public service ethnic pay gap trends indicate that Māori, Pacific and Asian ethnicities are not only the lowest paid but are still under-represented in the top three tiers of public service management. The EEO Commissioner has advocated for urgent intervention to improve access to employment opportunities and improvements in the quality of life for Pacific, Māori and Asian workers in the public service, and has contributed to a seminar of public sector CEOs on the issue.

Good Employer Review

The Commission conducted its annual review of the reporting of 'good-employer' obligations by Crown entities. Crown entities continue to generally report good employer obligations well in their annual reports, however the Commission notes that 18 percent of Crown entities need to better demonstrate that they are meeting good-employer obligations.

9 Labour market statistics (income): June 2019 quarter <https://tinyurl.com/wnwj8zz>

10 State Service Commission (2018). Public Service Workforce Data. Retrieved from <https://tinyurl.com/shayy6n>

11 Labour market statistics June 2019 quarter <https://tinyurl.com/y5c4jbhl>

Impact

The Commission has been involved in a range of activities to progress equal employment opportunities:

- The Commission launched an Ending Pay Secrecy campaign in March 2019 calling for the Government to establish an independent body to ensure transparency in reporting about pay equity. The campaign video has been viewed more than 25,000 times on Commission social media platforms.
- We hosted a Preventing Pacific Worker Exploitation in New Zealand fono with the Ministry for Pacific Peoples in May 2019. The EEO Commissioner addressed the fono about the need for recruitment agencies and employers to ensure that ethical procurement and hiring practices are embedded in policies and workplaces to protect workers and prevent human rights abuses in their supply chain. The one-day workshop was attended by members of the public, social services agencies, industry representatives, employers of seasonal workers, Ministry of Business, Innovation and Employment, Police and Oranga Tamariki. Participants talked about their experiences, where they felt law and policy implementation failed to protect vulnerable workers from exploitation, and demanded social services support for those affected, including young people and children forced to work.
- The Commission hosted a workshop on Modern Slavery with large New Zealand businesses which are reporting under Australia's new Modern Slavery Act and incorporating human rights impacts into their supply chains.
- The Business and Human Rights Steering Group, consisting of the Commission, ANZ, Fonterra, Ricoh, Countdown, EY, The Warehouse and Vodafone, are finalists in a Sustainable Business Award for their work on family violence in workplace collaboration, consisting of a model policy for business and a microsite <https://www.businessworkingtoendfamilyviolence.nz/>. The awards ceremony is in November 2019. Important elements of the best-practice policies promoted by the microsite became law when the Domestic Violence – Victims' Protection Act 2018 came into effect on 1 April 2019.
- The Suffrage 125 video, Still Striving for Equality, had its premiere. The video focuses on the serious human rights issues still facing women today – our unprecedented family violence statistics, the gender pay gap and a lack of women in business leadership.
- The Commission facilitated a debate on the use of quotas as a mechanism for getting more women onto private sector boards. The debate was held at Parliament on 31 October 2018 in partnership with the Commonwealth Women Parliamentarians, Global Women and the Ministry for Women. It was well attended and live-streamed to 2,000 viewers through the Commission's Facebook page.

- The EEO Commissioner made an oral submission to the Education and Workplace Relations Committee on the Equal Pay Amendment Bill calling for a new independent body to ensure pay transparency.
- The Commission facilitated an ethnic family violence strategy consultation with Shakti, non-government organisations and ethnic minority communities.
- We chaired three quarterly meetings of the Caring Counts Coalition, which advocates for pay equity for the aged-care sector and includes members from private aged-care providers, New Zealand Nurses Association, Careerforce and Age Concern.
- In March 2019 the Commission launched the Value of Care study, conducted by AUT with funding from the Commission, Careerforce, and the New Zealand Work Institute. The study looks at the impact of the \$2 billion pay equity settlement on the quality of life of workers and managers working in residential care, home and community care, and the disability sector.
- We co-authored a paper with the Female Genital Mutilation (FGM) programme advocating for the expansion of the definition of FGM in the Crimes Act 1961 to align with World Health Organisation guidance. This background paper will inform a private member's bill the Commonwealth Women Parliamentarians are championing which will go in the ballot in September 2019 with cross-party support.
- Quarterly meetings have been established with the Employers and Manufacturers Association (EMA) to advance EEO issues for older workers. The Commission is also a committee member of a group facilitated by the EMA, alongside the Office for Seniors to look at ageing workforce and issues for older workers.

Indigenous Rights

Mana Taketake

Our goal

The human rights dimensions of the Treaty of Waitangi are understood, the rights of Māori as indigenous people are realised and human rights are enjoyed equally by all New Zealanders

The Treaty of Waitangi is New Zealand's own unique statement of human rights. It belongs to, and is a source of rights for, all New Zealanders and includes universal human rights and indigenous rights.

The human rights dimensions of the Treaty are encapsulated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The Commission has continued to work closely with others to promote and monitor the rights of tangata whenua as set out in the UNDRIP. In partnership with the Independent Monitoring Mechanism for the UNDRIP, the Commission held workshops with iwi groups and heard participants' views and experiences on indigenous rights.

The Commission continued to advocate for a national action plan for the UNDRIP, to ensure a strategic and holistic approach to its implementation. Following a successful joint event at the annual session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Commission continued productive discussions with Te Puni Kōkiri and with the Independent Monitoring Mechanism for the UNDRIP, on developing a national plan of action. In March 2019, the Minister for Māori Development announced that the Government will develop a national plan.

Our activities at the EMRIP session attracted strong interest from members, who agreed to visit New Zealand under their new mandate to provide technical advice on the development of a national action plan. The visit was at the joint request of the Commission and the Independent Monitoring Mechanism and was carried out in cooperation with Te Puni Kōkiri. During the visit the Commission hosted two hui, which attracted a high level of community interest. Constitutional issues and the right to self-determination were prominent among the topics raised at the hui, along with the need for solutions to be led by tangata whenua. These themes were reflected strongly in the EMRIP's subsequent Advisory Note offering valuable and practical recommendations for the development of a national action plan for the UNDRIP.

Encouraging community action

The Commission facilitated two workshops to build better understanding of the Treaty of Waitangi and to promote the UNDRIP. More than 95 percent of participants said that they had achieved what they wanted from the workshop. Almost 75 percent said that the workshops increased their understanding of human rights, the Treaty of Waitangi and the UNDRIP, and more than 75 percent said the workshop was valuable and that it would influence their policies and practice.

Impact

The Commission's contributions over this period have included:

- The co-hosting of a side event by Government, the Commission and indigenous peoples' organisations represented a significant step in the ongoing discussions with Government and the Monitoring Mechanism about working together to develop a national action plan for the UNDRIP. The EMRIP members expressed strong interest in this work, and subsequently visited New Zealand under their country engagement mandate. EMRIP members are positive about the progress of this work in New Zealand, noting that the cooperative approach and work towards a national action plan for the UNDRIP represent good practice and are leading developments in this area internationally.
- The visit by EMRIP members in April 2019 was the third-ever country visit undertaken under the EMRIP's new, enhanced mandate. The week-long visit included meetings with Māori leaders, academics, national organisations, community groups and government agencies. The EMRIP delegation commended the organisation of the visit and appreciated the diverse range of people they were able to meet during the week. The resulting Advisory Note offers practical advice to assist with ongoing work to develop a national action plan.
- In partnership with the Independent Monitoring Mechanism for UNDRIP, the Commission held four thematic workshops with iwi groups in Wellington, Kaitia, Napier and Gisborne. The workshops provided information about UNDRIP and international indigenous rights' forums and heard participants' views and experiences on indigenous rights.
- Members of the indigenous rights team were seconded to the Ministry of Justice to support the work of the Independent Panel reviewing the 2014 Family Court reforms. The engagement provided a human rights perspective to the process with a focus on Māori whanau and tamariki, and kaupapa Māori. The HRC presence enabled an accessible, safe and open process for participants.

Race Relations

Whakawhanaungatanga ā Iwi

Our goal

Promote positive race relations in Aotearoa New Zealand for everyone and celebrate cultural diversity

Aotearoa New Zealand regularly ranks as one of the most liveable and peaceful countries in the world. New Zealand also has one of the best human rights records in the world. We are a richly diverse multicultural society based on the Māori-Crown partnership established by the Treaty of Waitangi. Yet, the Christchurch mosque attacks on 15 March 2019 drew attention to Islamophobia, racism, anti-Semitism and right-wing extremism in New Zealand. The attacks highlighted a complacency in New Zealand towards human rights issues and the need for a broader debate about harmful speech.

Despite New Zealand's strong reputation for social justice, inequalities persist, particularly for Māori, Pacific and other minority ethnic groups. Aotearoa New Zealand has more ethnicities than there are countries in the world, according to the 2013 Census.¹² Of the 4.24 million people living in New Zealand, one quarter were born overseas, and the ethnic diversity of our country has increased markedly since the 2006 Census. Census 2013 also revealed considerable changes in the nation's religious diversity. Hindu, Muslim and Sikh communities have all grown significantly and enriched our religious landscape.

These demographic changes present us with new opportunities to adapt, change mindsets, challenge racism, celebrate cultural diversity and promote harmonious relations.

The Commission developed New Zealand's most recent national statement on religious diversity in partnership with Victoria University of Wellington's Religious Studies Programme. The statement offers a commitment to all New Zealanders of whatever faith or ethnical belief to feel free to practise their beliefs in peace and within the law, and to respect the rights of others to do the same.

Response to Christchurch Mosque Attacks

The Chief Commissioner and Commission staff were in Christchurch within hours of the attacks to demonstrate solidarity, to listen and

¹² 2013 Census, Statistics New Zealand: Tatauranga Aotearoa. Accessed at www.stats.govt.nz/Census/2013-census

provide practical support to the Muslim community. We strongly supported the Muslim community's call for a coordinated, culturally sensitive and community-responsive process. We alerted the Government to the need for a more coordinated and people-centred response by social services to meet the immediate and longer-term needs of the Muslim community.

The Commission continues to engage with the Royal Commission of Inquiry into the Attack on Christchurch Mosques. We expressed concerns about its process and encouraged as much engagement as possible with the affected communities. We organised workshops to help those wanting to make a submission. We continue our efforts to more fully mainstream human rights into New Zealand's strategies and policies to help our country and communities recover and become stronger, safer and more united.

In June 2019, the Commission published *It Happened Here: Reports of race and religious hate crime in New Zealand 2004-2012*. This brought together for the first time our annual summaries of the media reports on racially and religiously motivated crime between 2004 and 2012 and aims to deepen understanding and inform discussion about the race and religious hate crimes faced by many New Zealanders.

Impact

- Anti-racism campaign: A social media post on the Commission's Facebook page about our Give Nothing to Racism campaign after the Christchurch mosque attacks, went viral reaching 2 million people. It was liked, shared or commented on by 35,000 people.
- The Commission facilitated the Human Rights and Te Tiriti o Waitangi – the Treaty belongs to us all workshop with 40 interns on the Tupu Tai Pasifika Public Sector Internship Programme. Tupu Tai is an interagency initiative that supports Pasifika students to explore career pathways in the public sector. The EEO Commissioner was the keynote speaker. The Commission's Pasifika Advisor also co-presented with MBIE's Pacific Policy Manager on human rights and Pasifika worker rights in the public service to the TupuToa internship programme of 170 young Māori and Pacific young people.
- The Commission and the Teaching Council of Aotearoa New Zealand wrote to 130,000 teachers promoting Give Nothing to Racism messaging as a useful teaching tool to combat racism and promote inclusivity.
- Over the past 18 years, the Race Unity speech awards have provided young people with a space to deepen their understanding of race relations issues and share their views on how we can all help to promote unity in Aotearoa. The awards are led by the Baha'i Community with support from the Human Rights Commission and others.

Acknowledgements

The Commission is grateful to former Race Relations Commissioner Joris de Bres, for his professional counsel and support¹³ to the Commission after the Christchurch attacks pending the appointment of a Race Relations Commissioner.

13 Temporary Race Relations Advisor from March – August 2019

Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

Takatāpui

Our goal

Promote and protect the human rights of people with diverse sexual orientations, gender identities and expressions, and sex characteristics.

Everyone has a sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). People with diverse sexual orientations, gender identities and expressions, or sex characteristics are in all regions of New Zealand; cover all age, ethnic, disability, and religious demographics; have indigenous, Pacific, and wider heritage; and are parents, children, siblings, and whānau members.

People with a non-heterosexual sexual orientation make up 18 percent¹⁴ of the population, while estimates of people with diverse sex characteristics make up 1.7 percent,¹⁵ and those identifying as transgender 1.2 percent.¹⁶ The stigma and discrimination these groups face from society leads to violations of their civil, political, economic, social, and cultural human rights. The issues affecting these populations are the same as many other minority communities, including healthcare, housing, education, employment, safety and violence. These communities do not have or seek new rights or special rights.

Impact

In this area the Commission:

- Worked with community organisations and representatives to receive New Zealand's first Universal Periodic Review recommendations relating to sexual orientation, gender identity and expression, and sex characteristics in January 2019.
- Hosted a human rights pre-conference during the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) World Conference in March 2019 in Wellington. This brought together more than 50 SOGIESC activists from 14 Pacific nations.

14 <https://www.ncbi.nlm.nih.gov/pubmed/31190681>

15 <https://www.ncbi.nlm.nih.gov/pubmed/11534012>

16 <https://www.fmhs.auckland.ac.nz/assets/fmhs/faculty/ahrg/docs/Youth12-transgender-young-people-fact-sheet.pdf>

- Facilitated six-monthly meetings between the Cross-Parliamentary Rainbow Network and SOGIESC-diverse communities in Wellington and Auckland.
- Contributed to the development of national clinical guidelines for the provision of transgender healthcare as part of an advisory group, published in October 2018.
- Participated in the Ministry of Health's intersex clinical reference group for children and youth alongside intersex people, clinicians, a parent advocate, and midwifery and psychology representatives. A broad work programme has been established through to mid-2020.
- Advised on the University of Waikato's *Counting Ourselves* survey, the first to measure and reflect the health of trans and non-binary people nationally.

International Human Rights Engagement

Tūtakitanga Tika Tangata o te Ao

Our goal

International commitments, engagements and activities have a positive impact in the realisation of human rights

New Zealand has ratified several international treaties that require us to progressively realise a range of economic, social, cultural rights and provide for civil and political rights. The State's performance in implementing the rights in the treaties is examined at regular intervals by the international treaty bodies.

The Commission's international engagement with UN treaty mechanisms has continued to be influential with significant take-up of our analysis and recommendations.

Universal Periodic Review (UPR)

The UPR is a process undertaken by the UN Human Rights Council (UNHRC). The UNHRC periodically reviews and assesses the human rights records of all UN Member States. As part of the UPR, States are given the opportunity to declare what actions they have taken to improve human rights in their countries and fulfil their human rights obligations. New Zealand's third review under the UPR began in 2018. As part of the process, the UNHRC received submissions from the New Zealand Government and the Commission as well as a range of NGOs and civil society groups.

Before lodging their submissions, the Commission and the Government consulted widely with NGOs and community groups.

At the UPR pre-session in December 2018, the Commission presented a statement and engaged with States' Permanent Missions to the UN Office in Geneva. As a result, a large majority of the Commission's 78 recommendations were reflected in the UNHRC's UPR Working Group's draft report on New Zealand, including recommendations in new areas such as SOGIESC rights, climate change, business and human rights, and a national plan of action for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). This indicates that the Commission's submissions and pre-session advocacy work had a demonstrable impact and influence on the eventual UPR recommendations issued by the UNHRC UPR Working Group in January 2019.

The Commission also produced a video statement by the Chief Commissioner to UNHRC for screening at the formal adoption of the UPR recommendations on New Zealand at the 41st session of UNHRC.

The advance copy of the Government's adoption statement to the Human Rights Council informed the Government's position on each of the UPR recommendations. Out of the 194 recommendations, 160 were agreed and 34 noted.

Encouraging community action

A UPR in country pre-session was held in October 2018 in Wellington, the first time an event of this kind has been held in New Zealand. The Commission hosted Geneva-based UPR Info, an international NGO that co-ordinates the pre-session UPR reporting processes. The pre-session itself was moderated by UPR Info and attended by diplomatic representatives from 32 embassies who heard from, and had dialogue with, a panel of 13 civil society and NGOs covering a wide range of human rights issues. Around 60 civil society observers also attended and participated in an open session following the dialogue. In the week leading up to the pre-session, UPR Info and the HRC carried out training sessions in Auckland, Wellington and Christchurch to assist NGOs and civil society representatives to participate effectively in the pre-session process.

Impact

The following activities have contributed to the Commission's international human rights engagement:

- The Commission participated in the 9th examination by the UN Committee on the Elimination of Discrimination Against Women (CEDAW) from 9-13 July 2018 in Geneva. All recommendations made by the Commission were substantively reflected in the Committee's Concluding Observations released on 31 July 2018.
- The Commission participated in the EMRIP annual session and co-hosted a successful joint side event with Te Puni Kōkiri and the Independent Monitoring Mechanism for the UNDRIP. The co-hosting of the event by government, the Commission and indigenous peoples' organisations represented a significant step in the ongoing discussions with the Government and the Monitoring Mechanism in relation to working together to develop a national action plan for the UNDRIP. The EMRIP members expressed strong interest in this work, and subsequently visited New Zealand under their country engagement mandate.

- The visit by EMRIP members in April 2019 was the third-ever country visit undertaken under the EMRIP's new, enhanced mandate. The week-long visit included meetings with Māori leaders, academics, national organisations, community groups and government agencies. The EMRIP delegation commended the organisation of the visit and appreciated the diverse range of people they were able to meet during the week. The resulting Advisory Note offers practical advice to assist with ongoing work to develop a national action plan.
- The Commission facilitated a side event at the UN Commission on the Status of Women (CSW) 63rd session, Access to STEM Education and Infrastructure Careers for Women and Girls in New Zealand. The EEO Commissioner moderated the panel which was live streamed and well received by delegates. While at CSW, the EEO Commissioner also chaired the New Zealand side event on Gender equality and sustainable infrastructure and spoke at the United Nations Association (NZ) parallel event on Access to social security for persons of non-binary gender identities.
- The Disability Rights Commissioner attended the 13th International Conference of the Global Alliance of National Human Rights Institutions (GANHRI) Annual Summit in Marrakech in October. She presented at a meeting about forming a GANHRI Working Group on Disability and presented a draft GANHRI Working Group on Disability Terms of Reference and Draft Workplan. Both documents were approved by the GANHRI bureau.
- The Acting Chief Commissioner Paula Tesoriero was elected to be the Asia Pacific's region alternate member on the Subcommittee on Accreditation at the APF Annual Meeting held on 18–19 September 2018.
- The Chief Legal Adviser attended and presented at a high-level forum in Fiji to discuss the Convention against Torture (CAT) and to encourage CAT ratification by Pacific States. Attendance was at the request of, and supported by, MFAT and the seminar was attended by the Ministers of Justice, Attorney Generals, diplomats, members of the judiciary and civil society representatives from around the Pacific region.
- The Disability Rights Commissioner and a Senior Legal Adviser held bilateral meetings in Geneva with GANHRI, Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP) and the Convention on the Rights of Persons with Disabilities (CRPD) Committee regarding the ongoing development of the GANHRI Disability Working Group (led by the Commission) and implementation of the Joint Declaration made by GANHRI-CRPD-OHCHR at the 2018 GANHRI Conference.
- The Disability Rights Commissioner was appointed inaugural Chair of the GANHRI Disability Working Group in March 2019. In June 2019 she delivered the GANHRI statement to the Conference of States

Parties (COSP) on behalf of GANHRI and chaired a working group meeting at COSP at which the Terms of Reference were finalised and four priority actions for the upcoming year were agreed.

- The Commission contributed to the monitoring of New Zealand's compliance with the Optional Protocol for the Convention against Torture (OPCAT). As New Zealand's central preventive mechanism for OPCAT, the Commission worked with the National Preventive Mechanism (NPM) namely the Office of the Ombudsman, Independent Police Conduct Authority, Office of the Children's Commissioner and the Inspector of Service Penal Establishment 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.
- The Commission participated in the Asia Pacific Forum (APF) Roundtable for National Human Rights Institutions on the Rights of Women and Girls in Apia which was co-hosted by the APF and the Office of the Ombudsman/NHRI Samoa. The Roundtable adopted the Apia Statement for NHRIs on the human rights of women and girls in the Pacific region.

Enquiries and complaints

Ngā Pātai me ngā Amuamu

Key highlights 2018/19

5,666

New enquiries and
complaints

5,550

Enquiries and complaints
closed

EMPLOYMENT

most common area for issues raised
with the Commission

1,001

Part 2 (Private) enquiries
and complaints

411

Part 1A (Public) enquiries
and complaints

DISABILITY

Most cited ground of alleged
unlawful discrimination

The Commission provides a dispute resolution service focused on mediating between parties under sections 76 and 77 of the Human Rights Act for complaints alleging unlawful discrimination.¹⁷ The Commission also provides information to the public about discrimination and broader human rights issues. The dispute-resolution service is central to the Commission's role in protecting and promoting human rights. It is not just about resolving complaints, it is also an opportunity to educate and enable outcomes that address systemic causes (beyond the individual circumstances of a complaint) of discrimination. The dispute-resolution service is also an important source of information to help understand trends that may exist, which can inform education, policy and broader research work.¹⁸

All enquiries and complaints received

In 2018/19, the Commission received 5,666¹⁹ new human rights enquiries and complaints. This is a decrease from the previous year's number of 6,304 but is still the second highest recorded by the Commission. The enquiries and complaints were made up of:

4,387	Requests to intervene in a complaint about a human rights issue <ul style="list-style-type: none"> • 1,282 complaints alleging unlawful discrimination • 3,105 complaints on broader human rights matters²⁰
1,191	Requests for other assistance, such as human rights training, advice or resources, legal intervention and advocacy
195	Requests for Commission's publications
88	Registrations of concern about a human rights issue ²¹

17 Unlawful discrimination includes other forms of discrimination such as sexual and racial harassment, racial disharmony, victimisation, where an employer treats an employee adversely because the employee experienced family violence, and complaints about advertisements.

18 Information used is anonymised and generally of a statistical nature, such as the data in this annual report.

19 Excludes publications.

20 Other than unlawful discrimination – broader human rights issues.

21 When a person wants to alert the Commission to an issue and does not necessarily expect the Commission to act directly on it.

All enquiries and complaints closed

The Commission closed 5,550²² enquiries and complaints over the year. The outcomes were:

4,543 = 82%	Resolved or assistance given.
887 = 16%	Withdrawn or no response from the complainant or enquirer.
120 = 2%	Were unable to be resolved within HRC's dispute resolution service.

Unlawful discrimination enquiries and complaints received

In 2018/19, the Commission received 1,417²³ enquiries and complaints about unlawful discrimination of which 1,282 complaints alleged unlawful discrimination under the Human Rights Act.

Unlawful discrimination enquiries and complaints by sector

The Human Rights Act distinguishes between unlawful discrimination in the public sector under Part 1A and the private sector under Part 2 of the Act.

Part 1A of HRA (public sector)	Deals with complaints about legislation and Government policy or practice
Part 2 of HRA (private sector)	Deals with unlawful discrimination by business and non-Government agencies as well as employment complaints (including pre-employment) in both private and public sectors.

22 The number of enquiries and complaints closed includes complaints received before the 2018/19 year.

23 There were five enquiries and complaints falling under both Part 1A and Part 2.

Chart 1 shows a consistent trend in the annual number of unlawful discrimination enquiries and complaints by sector received since 2016/17. There are at least twice as many enquiries and complaints in the private sector than those in the public sphere.

Chart 1: Unlawful discrimination enquiries and complaints by sector since 2016/17

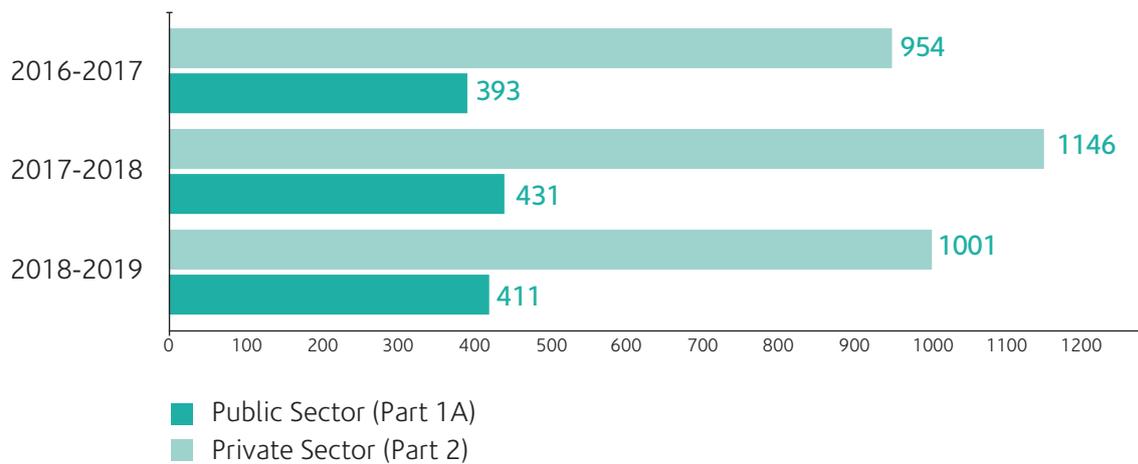


Chart 2 compares the division of complaints related to the private and public sectors for 2018/19 by percentage.

Chart 2: Unlawful discrimination enquiries and complaints by sector 2018/19

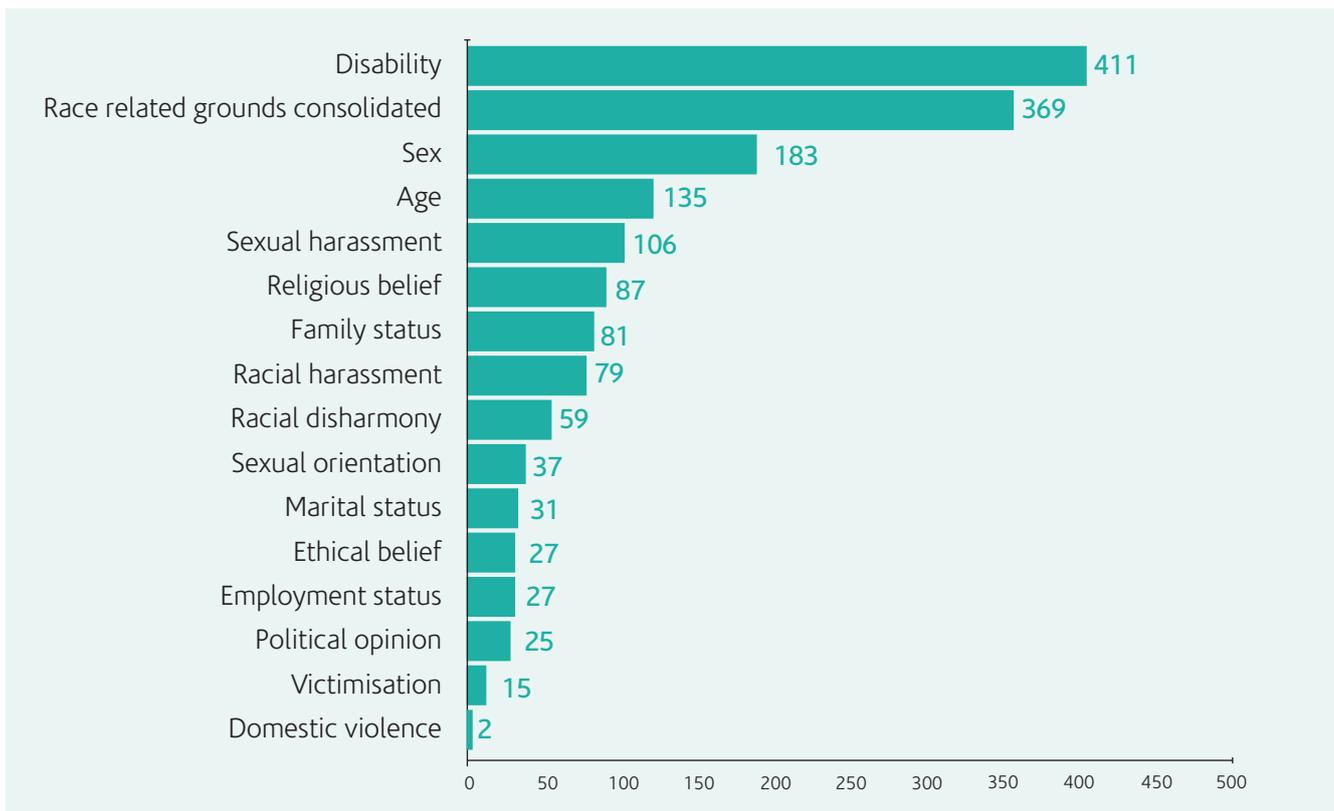


Unlawful discrimination enquiries and complaints by ground

The Human Rights Act makes it unlawful to discriminate on a wide range of grounds and specific personal characteristics. In addition, there are other types of unlawful discrimination such as sexual harassment, racial harassment, victimisation, and if an employer treats an employee adversely because they are affected by family violence or because their employer thinks they might be.²⁴

Chart 3 compares the grounds of unlawful discrimination (including the specific types) in enquiries and complaints raised with the Commission in 2018/19. Race-related consolidated includes race, colour, national and ethnic origin.

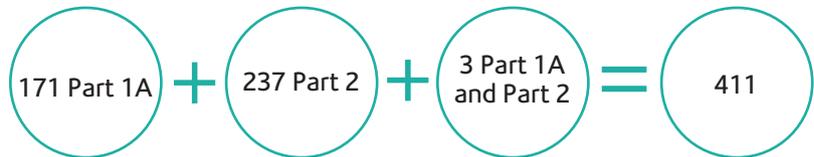
Chart 3 : The alleged grounds of unlawful discrimination in enquiries and complaints raised with the Commission in 2018/19



²⁴ The Domestic Violence Victims' Protection Act 2018 amended the Human Rights Act with the insertion of section 62A.

Disability

Disability continues to be the most prevalent ground of enquiry and complaint under Part 1A. It was cited in 171 complaints.

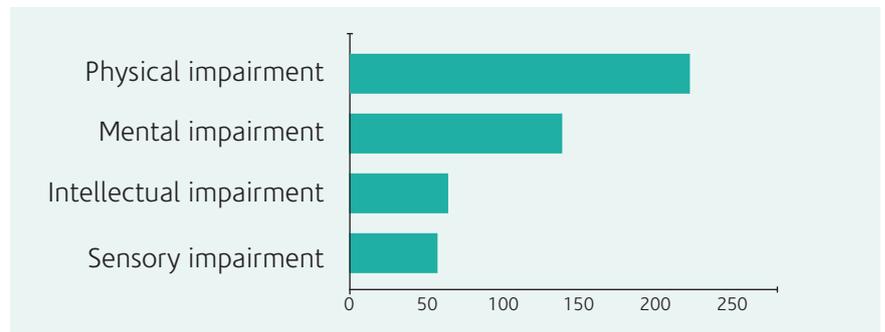


There are four sub-grounds linked to the ground of disability reflecting the four high level categories of disability under the United Nations Convention on the Rights of Persons with Disabilities.²⁵

- Physical impairment
- Mental impairment
- Intellectual impairment
- Sensory impairment.

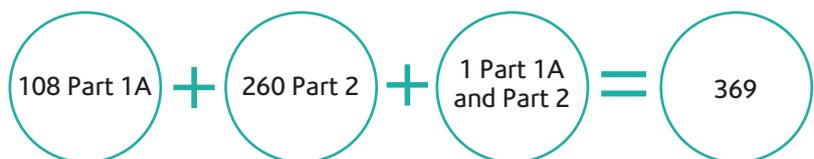
Chart 4 compares the figures of these sub-grounds for the year 2018/19.²⁶

Chart 4: Disability sub-grounds in 2018/19



Race-related

The next most cited ground under Part 1A is 'race-related' complaints (the grounds of race, colour, or ethnic or national origin) at 108. Race-related issues continue to dominate Part 2 (private sector). There were 260 race-related complaints, 56 complaints alleging racial disharmony, and 74 complaints of racial harassment.



²⁵ New Zealand ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 25 September 2008. Refer to Article 1 of the CRPD for the four categories of disability. Available at <https://tinyurl.com/hqq9r4q>

²⁶ Complaints may cite more than one sub-ground. Therefore, the total number of sub-grounds in the table does not reflect the total amount of enquiries and complaints on the ground of disability.

107

sexual harassment enquiries and complaints

Sexual harassment enquiries and complaints

In 2018/19, there was a reduction in the number of enquiries and complaints about sexual harassment. This was to be expected after the high of the previous year, which saw an increase in approaches about sexual harassment following the #MeToo campaign. Table 1 compares the annual number of sexual harassment enquiries and complaints received since 2014/15.

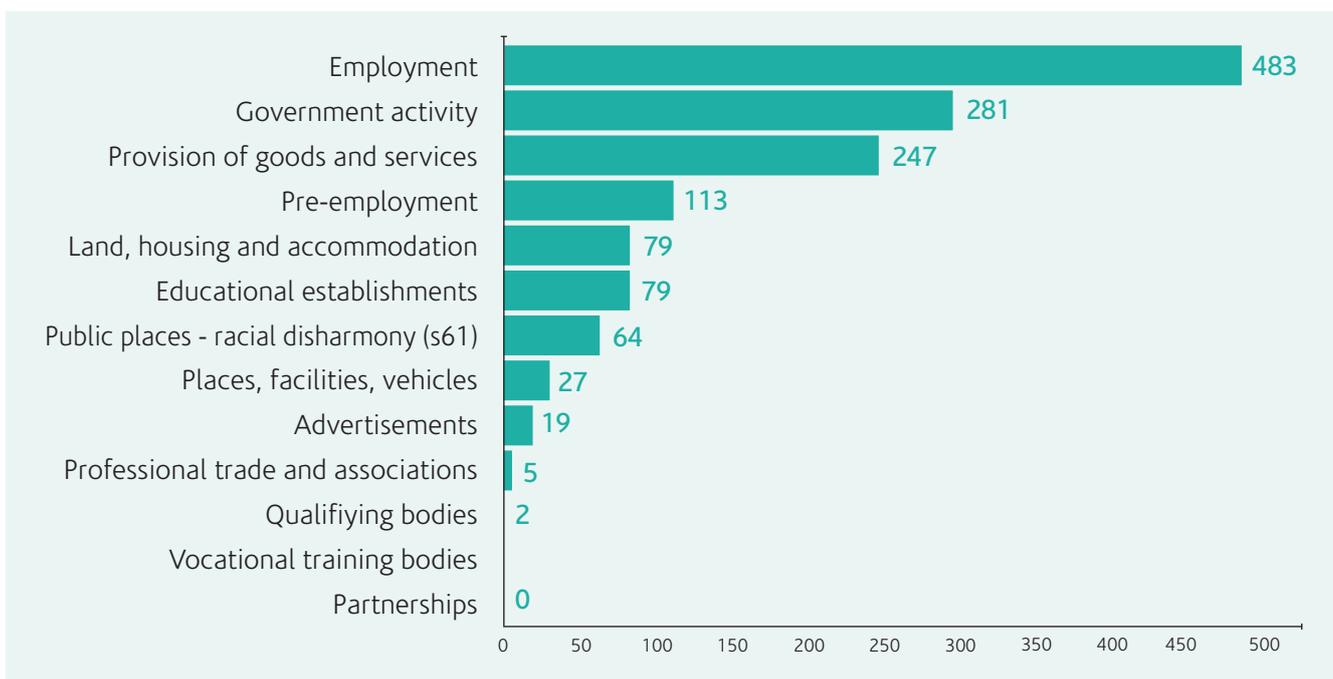
Table 1: Sexual harassment enquiries and complaints since 2014/15

	2018/19	2017/18	2016/17	2015/16	2014/15
Sexual harassment enquiries and complaints	107	123	75	93	78

Unlawful discrimination enquiries and complaints by area

Employment and pre-employment enquiries and complaints accounted for 596 of all unlawful discrimination enquiries and complaints by area as shown in Chart 5.

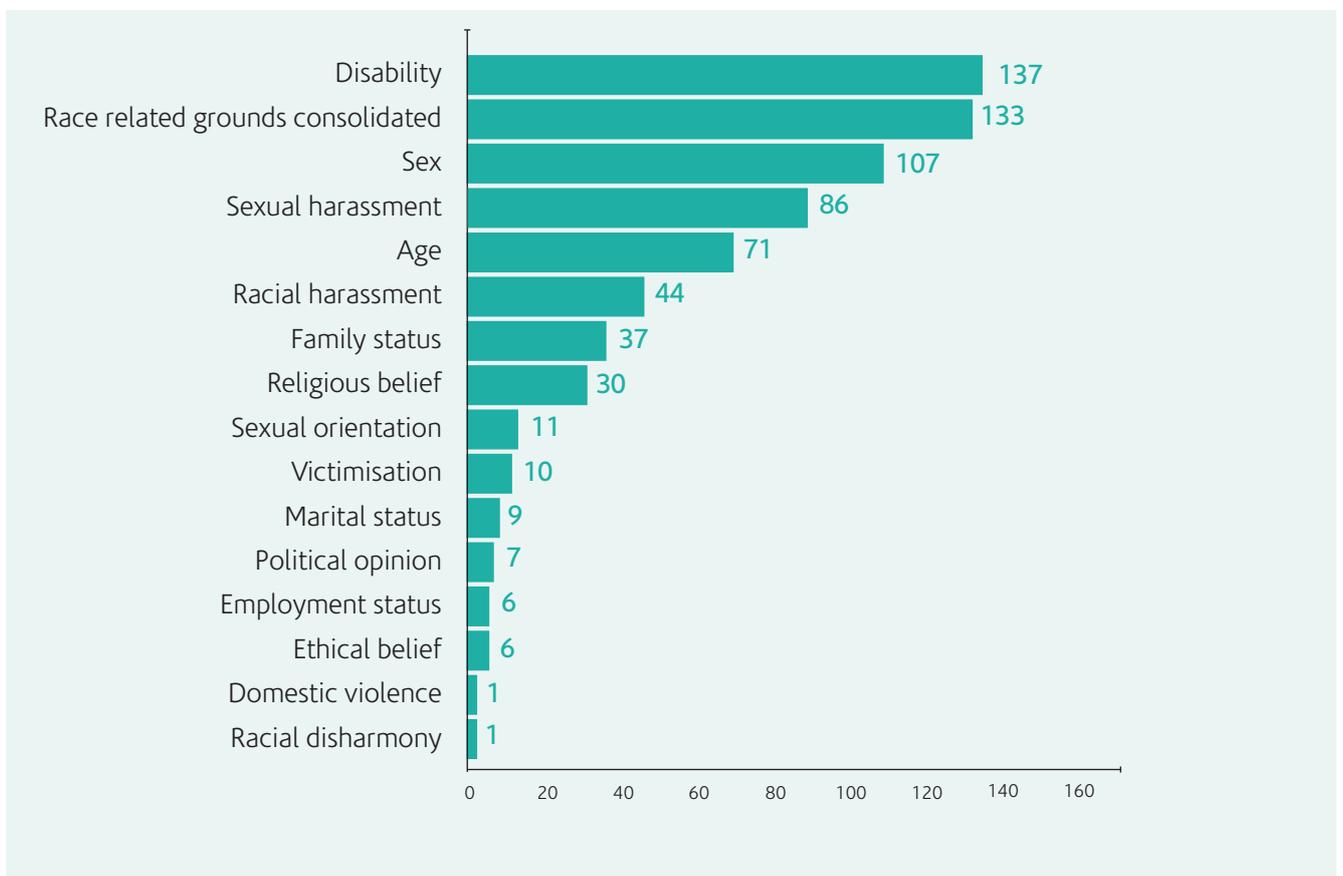
Chart 5: The areas where unlawful discrimination is alleged to have happened in complaints raised with the Commission in 2018/19



Enquiries and complaints about government activity (government services, policies, legislation) are the next most common area of complaint, followed by complaints about the provision of goods and services.

Chart 6 compares the alleged grounds of unlawful discrimination in enquiries and complaints received in 2018/19 in the area of employment and pre-employment.

Chart 6: The alleged grounds of unlawful discrimination in enquiries and complaints received in 2018/19 in the area of employment and pre-employment



Unlawful discrimination enquiries and complaints closed

The Commission closed 1,496 enquiries and complaints about unlawful discrimination in 2018/19. Of these, 76 percent were closed within three months.

Of the 1,496 closed, 1,350 were complaints of alleged unlawful discrimination. Of these, 97 percent were closed within 12 months.

76%

Closed within 3 months

97%

Closed within 12 months

Table 2: Outcomes of closed unlawful discrimination complaints over the past five years

	2018/19	2017/18	2016/17 ²⁷	2015/16	2014/15
Resolved or assistance given	1002 (74%)	1036 (76%)	972 (79%)	969 (76%)	930 (82%)
Withdrawn or discontinued, no action taken	233 (17%)	212 (15%)	156 (13%)	192 (15%)	137 (12%)
Referred to the Human Rights Review Tribunal	115 (9%)	122 (9%)	109 (9%)	120 (9%)	70 (6%)
Total	1350	1370	1237	1281	1137

²⁷ Figures have been rounded up, which accounts for the extra 1%.
Exact decimal places result in 99.99%.

Satisfaction with the mediation process

The Commission's dispute-resolution service is focused on mediation. For the 2018/19 year, 78 percent²⁸ of returned mediation satisfaction questionnaires showed customers were satisfied or very satisfied with the service. This exceeds the 75 percent²⁹ performance target.

A snapshot of our feedback:



28 The mediation satisfaction rate is measured as a simple ratio of the final question in the Google Forms questionnaire, which reads: "Overall, how satisfied were you with the mediation process?" 421 questionnaires were sent out and 88 were returned – a rounded response rate of 21%. The margin of error is ± 9 percentage points at the 95% confidence level. Google Forms has some limitations. Records can be deleted and modified, and the reported result may not be completely free from error.

29 The Ministry of Justice accepted a change of the satisfaction rate required from the Commission as a Specific Performance Expectation for this year (reducing this rate from 90% to 75%).



Systemic outcomes

Dispute resolution in action

The Commission's dispute-resolution service (focused on mediation) is impartial, flexible, free, and is offered for discrimination complaints including sexual harassment, racial harassment, racial disharmony and victimisation for having made a discrimination complaint. From 1 April 2019, people can complain to the Commission if their employer treats them adversely because they are affected by family violence, or because their employer thinks they might be.

Complaints can be made in any language and the Commission arranges a free interpreter or a New Zealand Sign-Language interpreter if needed. Complaints can also be made in person, ensuring the Commission is accessible to the public.

Outcomes recorded for individuals included: compensation, apology, an interview or job reference, accommodation made for a disability, an acknowledgment of the reality of the complainant's situation, reimbursement of lost wages, donation to a charity of choice, coaching in self-resolution,³⁰ and referral to an organisation better placed to help.

The Commission's dispute-resolution service (including mediation) is a powerful tool, not only for resolving complaints for the person who has been discriminated against but also enabling systemic change.³¹ The process is quicker than legislative change and is directed at behaviour, which ultimately drives attitudinal change. The Commission can point to significant (36) outcomes, which have resulted in systemic and social change over the past year.

Examples of systemic outcomes for disabled people

Disability discrimination was the most commonly reported of the complaints to the Commission and this was reflected in the systemic outcomes. The following examples show outcomes for disabled people or people who had mobility issues:

- An accommodation provider recognised the role of disability assist dogs and sought to increase awareness throughout the industry.³²
- An electricity company changed its policy for customers with a medical dependency on an uninterrupted electricity supply.

30 Dispute resolution staff provide conflict coaching so the person feels empowered to attempt to resolve the matter with the other party in a productive and respectful way

31 A systemic outcome has greater application to many other people, beyond the individual circumstances of a complainant.

32 Refer to the following website for more information on disability assist dogs: <https://tinyurl.com/ttovudq>

Providers of services and public places improved accessibility and safety including some of national importance.

- Schools reviewed policies to improve inclusion and provide greater teacher support of disabled children.
- Employers changed recruitment policies to avoid unlawful discrimination.
- A car-parking company sought an independent review of an accessible parking policy and practices.
- A media entertainment company agreed to give its contact centre staff training on disability awareness to enable them to respond to disabled customers in an appropriately sensitive manner.
- A liquor store will make changes to processes and train staff on the responsible sale of alcohol to assist with deciding whether a customer is intoxicated (including considering the possibility that some disabilities may affect customers' speech, balance and appearance).

Examples of systemic outcomes in the area of employment and pre-employment

Most complaints to the Commission are in the areas of employment and pre-employment.

There were a number of systemic outcomes for employees and employers:

- A company agreed to review its recruitment screening questions about an applicant's ability to do the job (relating to medical conditions, injuries or disabilities that might prevent them doing the job, or not be able to meet safety requirements).
- An employer will review its recruitment form using the Commission's A-Z Pre-Employment Guide, so as not to ask inappropriate questions.³³
- A company agreed to update its general behaviour policy with changes related to language at work and acceptable behaviour.

Examples of other systemic outcomes

There were also other systemic outcomes:

- Policies were amended for permanent residents to access the same health service as New Zealand citizens.
- A government department agreed to review a policy that prevented some people using their chiefly titles on their identification.

³³ The Commission's A-Z Pre-Employment Guide is available at: <https://www.hrc.co.nz/resources/pre-employment-guide/>

A Government agency agreed to provide training and mentoring for all staff on accommodating Islamic religious beliefs, including advice on the Halal diet.

An employer agreed to provide training to ensure future job applicants are not asked their age during the job recruitment processes.

A school changed its policy to allow for gender-neutral uniforms.

Mega matters are high-profile issues and prompt a significant number of complaints.

- A government department agreed to change its practice by no longer requiring women to reveal their ears in ID photographs, where contrary to religious beliefs.
- A new statistical standard for gender identity and a framework for sexual orientation is being developed and will be used in the next Census to help recognise sexual and gender diversity.

Mega matters

The Commission received six 'mega matters' over the year, representing over 200 incoming enquiries and complaints. Mega matters are high-profile issues that gain traction in the media and prompt a significant number of enquiries and complaints about the issues raised. These were:

- 16 approaches about an event, which generated debate about freedom of expression and its limits
- 5 approaches about a business which refused to provide goods and services to a same sex couple
- 9 approaches about those placed in aged care without their consent
- 23 approaches about the Commission's statement in reference to the slogan, 'It's OK to be white', being used on T-shirts
- 5 approaches about a safety video
- 144 approaches related to the Christchurch mosque attacks on 15 March 2019.

Christchurch mosque attacks

The approaches relating to the Christchurch mosque attacks, an unprecedented tragedy in New Zealand, covered a broad spectrum including:

- People feeling unsafe because of their Islamic faith
- People alleging racial disharmony under section 61 of the Human Rights Act 1993
- People seeking information about when the line is crossed from freedom of expression to hate speech
- People feeling unfairly targeted for being 'white', their appearance, their beliefs, or being referred to as Pākehā
- People concerned about the impact of the media's extensive coverage of the events
- There were also several requests for information from the Commission.

4,250
Enquiries and complaints received – Section 5

Enquiries and complaints other than unlawful discrimination – broader human rights issues

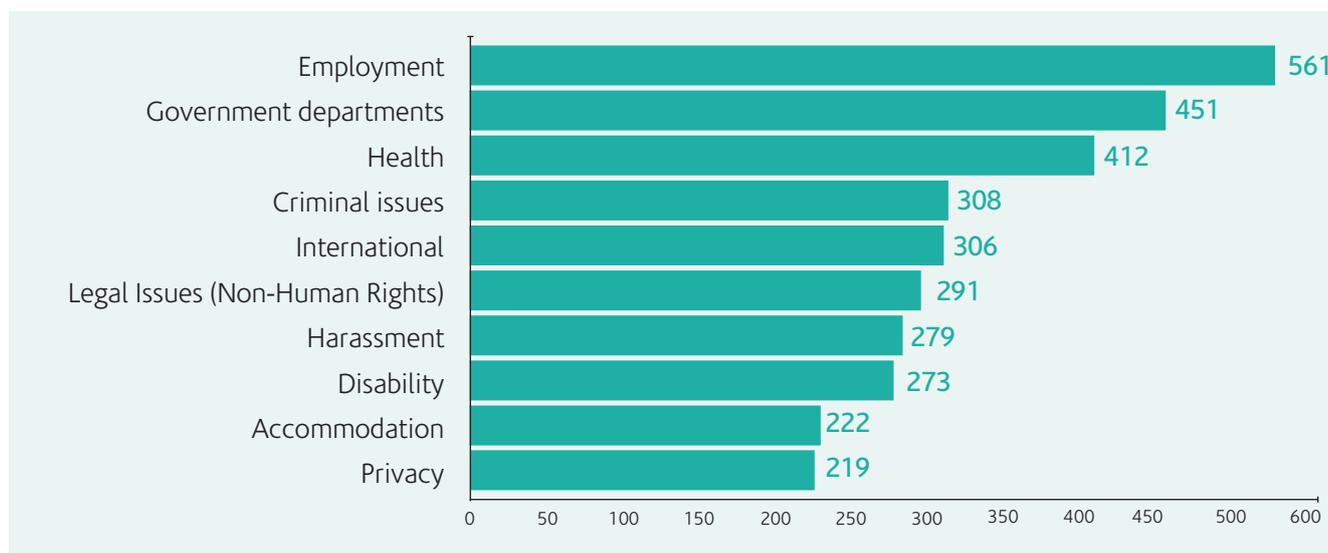
In addition to 1,417 enquiries and complaints of unlawful discrimination, the Commission received 4,250 enquiries and complaints within the scope of section 5 of the Human Rights Act. These other enquiries and complaints are called broader human rights issues.

In 2018/19, the Commission closed 4,053 enquiries and complaints relating to broader human rights issues.³⁴

The breadth of broader human rights enquiries and complaints, to which the Commission responded is wide. Some examples include:

- Concerns about accessible places for disabled people.
- Concerns about a lack of Māori representation on local bodies
- Concerns about the introduction of body scanners at airports
- Concerns about flying flags believed to be racist
- Enquiries about the Commission’s Give Nothing to Racism campaign
- Enquiries about adoption law reform
- Enquiries about gender equality
- Enquiries about housing and the homeless
- Enquiries about greater support for people with mental health concerns
- Requests for information regarding the prevention and management of bullying and sexual harassment complaints.

Chart 7: The 10 most common issues, in broader human rights enquiries and complaints raised with the Commission in 2018-19



³⁴ The number of enquiries and complaints relating to broader human rights issues closed, includes complaints received before the 2018/19 year.

Legal Interventions

Wawaotanga ā-Ture

The Commission has a long and successful history of applying to the Courts to participate in legal cases that have significant human rights implications. Under statute, the Commission has an automatic right to appear in cases before the Human Rights Review Tribunal (HRRT). In other jurisdictions, the Commission relies on section 5(2)(j) of the Human Rights Act to apply to the court to appear as an intervener in proceedings that will assist the Commission to carry out its functions of advocating for, and promoting, human rights. During 2018/19 the Commission was involved in six legal cases in its capacity as intervener.

Attorney-General v Taylor

The Supreme Court judgment in *Attorney-General v Taylor* was issued on 9 November 2018, following a hearing that took place in March 2018. The judgment dismissed the Attorney-General's appeal and confirmed that the higher courts have the jurisdiction to issue a declaration of inconsistency in respect of statutes that breach the New Zealand Bill of Rights. In doing so, it constituted a landmark constitutional and human rights law judgment. The Commission played an important role in both the Court of Appeal and Supreme Court stages of the proceeding in advancing arguments in favour of the remedy and assisting the Courts with analysis of relevant human rights jurisprudence and international human rights obligations.

Wai 2870 – Māori prisoners' voting rights inquiry

The Commission made its first legal intervention in the Waitangi Tribunal. The Commission made submissions and appeared before the Tribunal in respect of Wai 2870, an urgent inquiry by the Tribunal into Māori prisoners' voting rights. The Tribunal's findings were released in August 2019 and reflected the submissions made by the Commission.

Moody v Chamberlain

In March 2019, the Chief Judge of the Employment Court directed service of proceedings on the Commission to intervene in *Moody v Chamberlain*, an important case regarding the funded family care policy and the practice of the Ministry of Health to allocate the disabled person as the legal 'employer' of his or her support providers. The funded family care area is one in which the Commission has been active and provides an opportunity to further develop CRPD-related jurisprudence in the New Zealand courts. The case was expected to be heard before a full bench of the Employment Court in late August 2019 but has settled.

Axiomatic v Auckland Council

The Commission successfully applied to intervene in the case of *Axiomatic v Auckland Council*. This case was brought by the Free Speech Coalition and concerns a challenge against a decision by Auckland Council-related entities to cancel a booking made for the purpose of hosting a speech by Canadians Stephan Molyneux and Lauren Southern. The case involves important questions of law regarding the right to freedom of expression under the New Zealand Bill of Rights Act. It was heard in the Auckland High Court in September 2019.

Lan Chen v R

The Commission participated in the Court of Appeal in *Lan Chen v R*, a case that considered the sentencing tariffs established in *Fatu v R* for methamphetamine-related offences. The Commission provided the Court with a submission concerning a human rights approach to interpreting and applying sentencing legislation.

Hines & Jacobs v Attorney-General

This case regards an application under the Human Rights Act for a declaration that the provisions of the Education Act 1964 allowing state primary schools to hold religious instruction and observances are inconsistent with the right to freedom from discrimination. The case is in the case management stage in the Auckland High Court. The Commission continues to participate as an intervener.

Submissions

The Commission continued to influence law, policy and practice through making more than 40 submissions to relevant agencies and Parliamentary Select Committees highlighting the importance of human rights and encouraging human rights actions.

This work included submissions on the following:

- the End of Life Choice Bill
- the Equal Pay Amendment Bill
- the Misuse of Drugs Amendment Bill
- the Electoral (Entrenchment of Māori Seats) Amendment Bill
- the Criminal Cases Review Commission Bill
- Health & Disability System Review
- the Privacy Bill
- use of DNA in Criminal Investigations
- Abortion Law reform
- State Sector Act reform proposals
- Government Inquiry into Mental Health and Addiction.

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

Report to the Minister on the Director's decisions

The Director of Human Rights Proceedings is required to report annually to the Minister on the Director's decisions on applications for free legal representation in the Human Rights Review Tribunal (Tribunal).³⁵

In March 2019, Robert Kee's term as Director concluded. Michael Timmins has been appointed as the new Director. The Office is grateful for Robert Kee's service over his tenure and expresses appreciation to him for leaving the Office in an excellent position to maintain its mandate.

Summary of decisions made

The Director made 33 decisions on applications for representation in the Tribunal. Of those, the Director decided to grant representation to 10 applicants. Four grants were for representation in the Tribunal, and six were for representation for settlement attempts.

- Twenty-two decisions were made not to provide representation; and one to take no further action.
- Expressed as a percentage, the Director provided representation to 30 percent of applicants overall.

Decisions under the Human Rights Act

Thirty-nine percent of the decisions made concerned complaints under Part 1A of the Human Rights Act 1993 (HRA)³⁶ as against 61 percent that concerned complaints under Part 2 of the HRA.

Percentage of Complaints made under Part 1A and Part 2



Part 1A complaints by entity, ground and decision

The table below shows the public-sector entities or type of public-sector entities complained against, the prohibited grounds of discrimination alleged in respect of those entities, and the Director's decisions.

Public-Sector Entity	Ground ³⁷	Decision
District Health Board (2)	Disability (1) Ethnic/national origins (1)	No (1) No (1)
University/Educational Institute (2)	Disability (1) Sex (1)	No (1) Yes (S) ³⁸ (1)
New Zealand Police (1)	Sex (1)	No (1)
Regional Council (2)	Race (1) Disability (1)	No (1) No (1)
Ministry of Social Development (1)	Ethnic/national origins (1)	No (1)
Department of Corrections (1)	Religious belief (1)	Yes (S)(1)
Ministry of Education (1)	Age (1)	No (1)
Ministry of Justice (1)	Sex (1)	Yes (1)
Registration Board (1)	Religious belief (1)	No (1)
Department of Internal Affairs (1)	Ethnic/national origins (1)	No (1)

35 Under s 92A(4) of the Human Rights Act 1993 (HRA) the Director must report to the Minister at least once each year and without referring to identifiable individuals concerned, on the Director's decisions under s 90(1)(a) (applications for representation in the Human Rights Review Tribunal in respect to enforcing settlement) and s 90(1)(c) (applications for representation in the Tribunal in respect to complaints under the HRA).

36 Part 1A applies to unlawful discrimination complaints against government branches or persons or bodies performing public acts pursuant to law (other than complaints about employment discrimination, racial disharmony, racial harassment, sexual harassment, and victimisation).

37 Where an applicant has relied on several grounds, a single primary ground has been isolated.

38 '(S)' denotes that representation was provided for settlement purposes only.

Part 2 complaints by area, ground, and decision

The following table shows the areas of life, the prohibited grounds of discrimination alleged to be involved, and the Director's decisions in respect of applications involving complaints under Part 2 of the HRA.

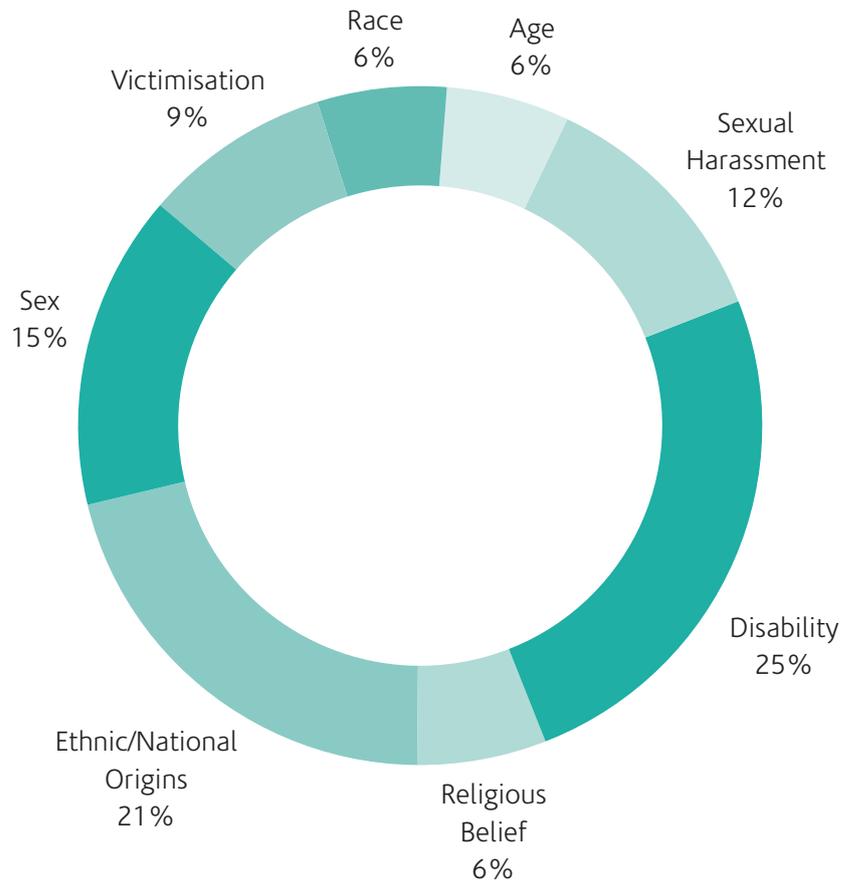
Area	Ground/other ³⁹	Decision
Employment (12)	Ethnic/national origins (2)	No (2)
	Sexual harassment (2)	Yes (S)(2)
	Sex (2)	No (1), Yes (S)(1)
	Victimisation (3)	No (3)
	Disability (2)	Yes (S)(1), No (1)
	Race (1)	NFA ⁴⁰ (1)
Goods & services (7)	Sexual harassment (2)	Yes (1), No (1)
	Age (1)	No (1)
	Disability (3)	Yes (2), No (1)
	Ethnic/national origins (1)	No (1)
Land, housing and other accommodation (1)	Ethnic/national origins (1)	No (1)

³⁹ See n 37.

⁴⁰ 'NFA' denotes that the Director decided to take no further action on the application.

Decisions by ground

The following diagram shows all decisions, whether relating to Part 1A or Part 2, made by reference to the alleged prohibited grounds involved in the complaints, as a percentage.⁴¹



The Director's Privacy Act functions

The Director also has powers, duties and functions under the Privacy Act 1993. Significantly, the Director may bring privacy interference proceedings upon referral from the Privacy Commissioner.

The Director made three decisions on referrals from the Privacy Commissioner this reporting year. He decided to join one party to extant proceedings and to bring proceedings in the remaining two matters.

The Director also made 25 decisions on invitations to intervene in proceedings before the Tribunal pursuant to reg 14⁴² of the Human Rights Review Tribunal Regulations 2002. There were no interventions.

⁴¹ See n 37.

⁴² Reg 14 of the Human Rights Review Tribunal Regulations 2002 requires the Tribunal to serve on the Director any statement of claim filed under the Privacy Act 1993 and ask whether the Director will elect to intervene under s 86 of that Act.

Response to the Ministerial Review

He Urupare Arotakenga

On 21 February 2018, pursuant to section 132 of the Crown Entities Act 2004, the Minister of Justice appointed retired Judge Coral Shaw to review the Human Rights Commission in relation to the handling of internal sexual harassment claims and the Commission's organisational culture. The report on the Ministerial Review was released by the Minister of Justice on 15 May 2018.

The Commission has taken seriously its obligations to respond to the 31 recommendations. We invested in a team of two senior seconded personnel together with a response team, Te Rōpū Arotake (Review Group) of 11 staff, and we established a response programme. Te Rōpū Arotake provided the Chief Executive with robust advice and input in addressing the Ministerial Review recommendations.

The response programme grouped the 31 recommendations into three programme categories:

- Leadership and culture
- Governance
- Organisational processes and systems.

The recommendations encompassed revised policies, practices and procedures (particularly relating to sexual harassment), improved Commissioner induction, training, review of Commissioner support resourcing, policy consultation, and general training for all in human rights in the context of the workplace.

Of the 31 recommendations, all but one (assigned to the Ministry of Justice) have started and virtually all have been completed. We have developed an effective and genuinely consultative approach for reviewing all our workplace policies, which we will continue to use. Those workplace policies explicitly identified for urgent review have been completed and implemented.

An independent quality assurance review was undertaken in December 2018 and a final review in June 2019. The review found that the Commission has responded in an appropriate, positive and substantive manner consistent with the Ministerial Review intent.

Te Rōpū Arotake's Haere Kotahi (forward together) action plan and principles of maintaining open communication, connecting and caring for each other and engaging in purposeful collaboration will ensure we continue building a strong, open and trusting culture. Our June 2019 internal survey results suggest that the Commission is moving in the right direction and the work environment is moving towards being more inclusive and open.

Transforming the organisation

A significant focus of the Commission for the past year and future years is to continue to build a collaborative, vibrant working culture where people feel valued, connected and engaged.

The conclusion of the Ministerial Review response programme in June 2019 marked an important period in the Commission's history. We are now embedding the response programme so it is secure and sustained across the Commission. We seek to be a safe, supportive, respectful and diverse workplace that reflects and respects our values and the Treaty of Waitangi in all we do, ensuring the Commission is an innovative and flexible workplace.

In the latter part of 2018/19, the Commission also initiated work on a new four-year strategy for the organisation. To support the four-year plan, there will be continued emphasis on becoming a Treaty-based organisation and a human rights exemplar with a focus on the practical application of the principles of Tiriti o Waitangi to respond effectively to human rights issues within a culturally appropriate and supporting internal environment.

Good employer

Our 2018/19 activities this year are summarised against the seven good-employer key elements:

Leadership, accountability and culture

- Asia Pacific Forum high-level dialogue undertaken by Commissioners and management team on institutional accountability and effective strategies
- Three workshops provided to management team on 'soft skills' training
- Governance training undertaken by Commissioners and management team
- An all-staff hui on our strategic planning
- Continuing work on our Treaty-based cultural capability programme and our aim to be a Treaty-based organisation and a human rights exemplar
- Stronger leadership accountabilities strengthened through a focus on our new strategic priorities

Recruitment, selection and induction

- New recruitment guidelines developed to ensure that all legal, contractual and policy considerations for recruitment are met
- Working towards incorporating an accessibility charter into the recruitment and appointments process
- Continuous improvement process to the induction programme to support new staff and Commissioners

Remuneration, recognition and conditions

- Ongoing staff-recognition programme acknowledging individual contributions
- Annual remuneration review for 2018/19 has now enabled all eligible staff to move into a zone that is within 3 percent of the mid-point
- We continue to maintain a strong working partnership with the PSA

Flexibility and work design

- Organisation-wide flexible work design
- New flexible work policy under development
- Business continuity plan updated

Employee development, promotion and exit

- Staff undertook a range of professional development opportunities
- Development opportunities provided through promoting internally, where possible
- Two staff members were seconded to the Ministry of Justice to support the work of the Independent Panel reviewing the 2014 Family Court reforms

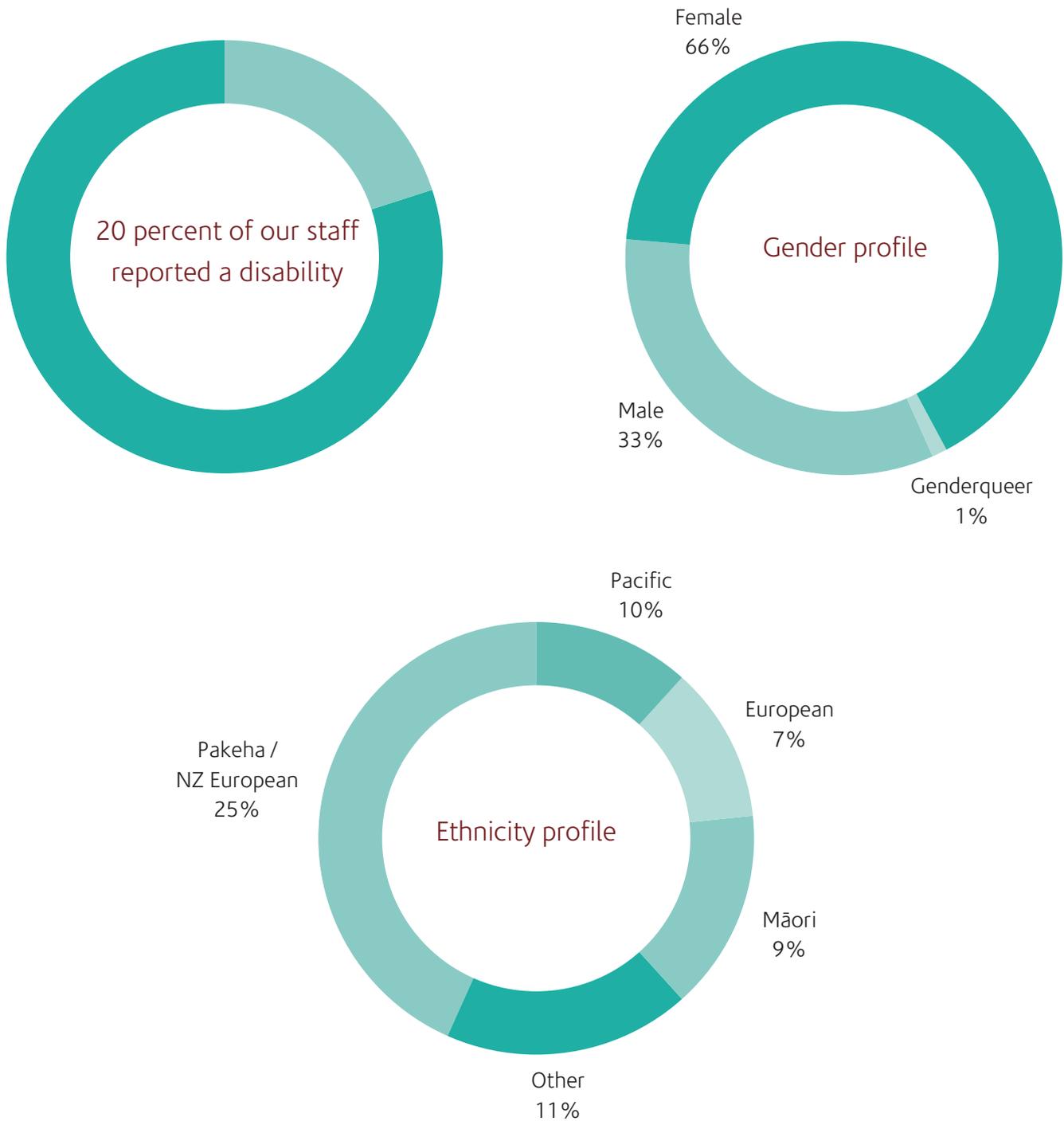
Harassment and bullying prevention

- Awarded the DVFREE (Domestic Violence Free) Tick from Shine, New Zealand's specialist domestic violence non-for-profit organisation
- New family violence policy implemented, and key staff and managers trained as "first responders" to respond to family violence disclosures and provide ongoing support for staff affected by family violence

Safe and healthy environment

- Personal safety and security training by external provider
- New health and safety and wellbeing policies developed
- New health and safety guidelines developed:
 - Health and safety induction checklist
 - Emergency response card
 - Procedures to log and manage a health and safety incident
 - EasiPay system – health and safety incident reporting process
 - Personal safety when working in a public place
 - Managing threats to harm self or others
 - Accessible engagements and meetings
 - Incident response procedures
- Quarterly health and safety meetings
- Wellbeing initiatives – Employee Assistance Programme (EAP), ergonomic workstation assessments and onsite flu vaccinations

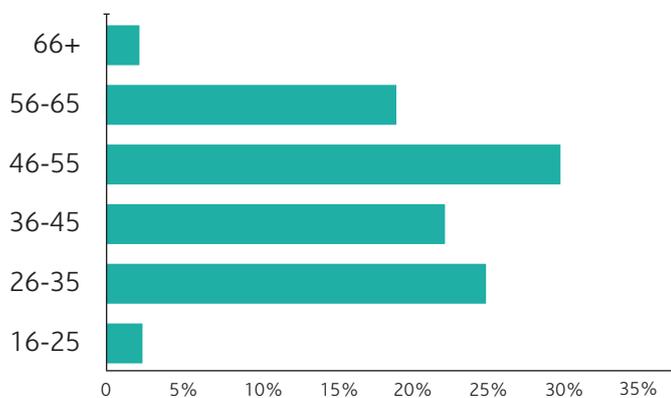
Workplace profile⁴³



The 'other' category is comprised of the total number of staff members identifying as ethnicities that were not repeated by any other staff member. Respondents were able to identify with more than one ethnic group, so may be present in more than one category.

⁴³ Excluding Commissioners

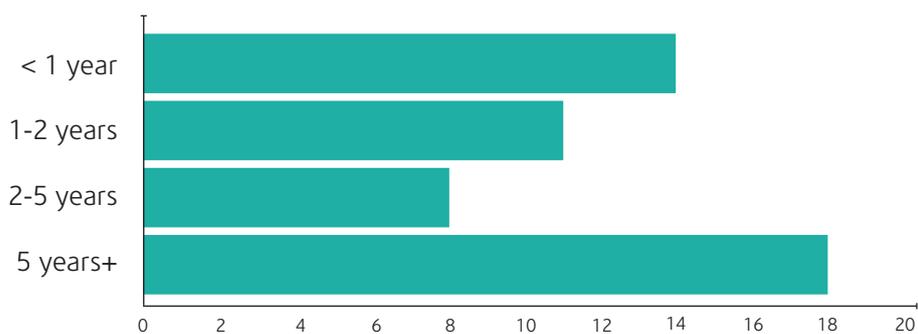
Age profile



Gender pay gap

	Average	Male	Female
Support	\$35.43	\$31.85	\$36.63
Supervisory and Professional	\$43.84	\$40.22	\$44.21
Operational Leadership and Senior Professional	\$55.54	\$56.79	\$54.92
Executive, management, and expert professional	\$78.15	\$80.46	\$76.99

Length of service



Human Rights Commission Statement of Responsibility

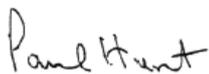
for the year ended 30 June 2019

Tauākī Haepapa mō te tau ki 30 Pipiri 2019

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

- We have been responsible for the preparation of these financial statements and the statement of performance and for the judgments in them.
- We have been responsible for any end-of-year performance information provided by the Commission under section 19A of the Public Finance Act 1989, whether or not that information is included in this annual report.
- 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.
- We are of the opinion that these financial statements and Statement of Performance fairly reflect the financial position as at 30 June 2019 and the operating results and cash flows of the Commission for the year ended 30 June 2019.

Approved on behalf of the Board of the Commission



Paul Hunt
Chief Commissioner
Te Amokapua



Paula Tesoriero MNZM
Disability Rights Commissioner
Kaihautū Tika Hauātanga

30 October 2019

Statement of Performance

1 July 2018 to 30 June 2019

Tauākī Whakatutukitanga 1 Hōngongi 2018 ki 30 Pipiri 2019

The Statement of Performance is a report on the Commission's performance against key activities, standards and measures set out in its Statement of Performance Expectations for 2018/19. Results have also been included for the performance measures included in the non-departmental appropriation for Vote Justice for 2018/19 where the Commission has been identified as the reporting agency.

Reporting results

Progress made towards achieving the identified standards and performance measures are reported under the Commission's six output areas outlined in the *Statement of Performance Expectations*.

Output class statement – services from the Human Rights Commission

	Actual 2019 \$000	Budget 2019 \$000	Actual 2018 \$000
Revenue			
Crown	9,396	9,396	9,696
Other	555	548	389
Total revenue	9,951	9,944	10,085
Total expenses	10,131	10,251	10,136
Net surplus/(deficit)	(180)	(307)	(51)

Output performance 2018/19

Output 1: Human rights education, promotion, and advocacy programmes that are delivered effectively

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
Increased reach and relevance	The number of downloads and access to Commission digital information ⁴⁴	50,080	7% increase from previous year (53,586)	Not Achieved (35,097)
	Percentage of civil society and government stakeholders that provide positive feedback about key HRC external events ⁴⁵	90%	70%	Achieved 86%
Increase the understanding of the human rights dimensions of the Treaty of Waitangi (Te Mana i Waitangi)	Percentage of engaged civil society and government stakeholders that provide positive feedback on the effectiveness of Te Mana i Waitangi training, promotion, and education	90%	70%	Achieved 82%

Output 2: Effective engagement with government, civil society and business to protect human rights and reduce barriers to inclusion

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
Engagement with government, civil society and business to effect positive human rights changes	Percentage of planned engagements ⁴⁶ that result in actions that progress positive change	88%	77%	Achieved 82%

44 This measure is included in the services from the Human Rights Commission's non-departmental appropriation for Vote Justice for 2018/19.

45 Measured through formal feedback solicited at key external events.

46 Includes face-to-face and written engagement including, but not limited to, facilitation of events. Engagements occur in line with the strategic objectives and advocacy areas as defined in the Commission's business plan.

47 The Commission intervenes in legal proceedings in courts and tribunals when there are significant human rights issues involved and where our participation will contribute positively to the development of jurisprudence, policies or practice that will enhance observance of human rights in New Zealand. Legal interventions require significant preparatory work, input and time commitment due to the nature of key human-rights-issue cases brought before the courts and can span multiple reporting years.

Output 3: Legal interventions in courts and tribunals promote human rights

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
Legal interventions to promote human rights	Number of new legal interventions ⁴⁷ the Commission engages in related to significant human rights matters ⁴⁸	3	2	Achieved 4

Output 4: Recommending, monitoring and reporting on human rights standards to government, civil society and business

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
Monitoring and analysing progress in improving equal employment opportunities in New Zealand and reporting on the outcomes	Number of Crown entities per year improving on their previous compliance rating ⁴⁹	Achieved 32	Increase from previous year	Not Achieved 13
Coordination of monitoring mechanisms and publication of reports associated with CRPD, OPCAT and EMRIP/UNDRIP ⁵⁰	Thematic report(s) completed and published	Achieved OPCAT NPM Annual report published	1 report published	Achieved OPCAT NPM Annual Report published
	Number of national preventative mechanism (NPM) ⁵¹ meetings arranged and held	Achieved 3 meetings held	2 meetings per year	Achieved 2 meetings held
	Number of UNDRIP, CRPD independent monitoring mechanism (IMM) ⁵² meetings arranged and held	Achieved 2 meetings of UNDRIP IMM held and participation in 4 meetings of the CRPD IMM	2 meetings per year	Achieved 2 meetings of UNDRIP IMM held and participation in 4 meetings of the CRPD IMM

48 This measure is included in the services from the Human Rights Commission's non-departmental appropriation for Vote Justice for 2018/19.

49 Relates to Crown entities that are progressing towards 100% compliance. *Limitations: The Commission limits its analysis to what is reported in Annual Reports of Crown entities to ensure compliance with the Crown Entities Act 2004. Any additional website information or internal policy documents that are not reported in annual reports are not considered. This approach has been consistent since the Commission began monitoring good-employer compliance and has been regularly communicated to chief executives of Crown entities.*

50 The Commission, reporting to United Nation treaty-monitoring and other bodies, works with government and civil society, providing reports, advice and technical assistance in response to periodic compliance examinations.

51 The Commission's role as National Preventive Mechanism (NPM) mandates the Commission to monitor places of detention and produce annual reports on its activities, issues and recommendations made.

52 The Commission's role as monitoring mechanism (IMM) mandates it to monitor and report on the Government's performance against the obligations in the Convention on the Rights of Persons with Disabilities.

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
NPA monitors the Government's actions to address UPR and other international treaty recommendations	Number of updates to the NPA tool to reflect changes to actions ⁵³	Achieved 2 updates	2	Achieved 2 updates undertaken
	Report produced on the status of human rights based on the NPA ⁵⁴	Achieved NPA Annual Report produced	Annually	Achieved NPA Annual Report produced
International commitments, engagements and activities have a positive impact in the realisation of human rights	Percentage of international interactions that have a positive impact ⁵⁵	Achieved 100%	70%	Achieved 100%
Independence, credibility and effectiveness in discharging the functions of a NHRI	Maintaining International A-status accreditation as National Human Rights Institution (NHRI) ⁵⁶	Achieved	Achieved	Achieved A-status accreditation maintained
	NZ's compliance with ratified human rights treaties is reported on through timely monitoring reports to UN bodies	Achieved	Achieved	Achieved

53 This measure is included in the services from the Human Rights Commission's non-departmental appropriation for Vote Justice for 2018/19.

54 The New Zealand Government's human rights record was reviewed by the United Nations as part of the Universal Periodic Review (UPR). The NPA monitors the Government's actions on the 121 recommendations it accepted. The Commission works with government and civil society on how to successfully address the identified issues and monitor progress. An indicators framework that measures the outcomes from those actions and progress against UN treaty body recommendations has been developed and a report is produced annually on the status of human rights based on the actions that will progress the UPR recommendations accepted by the Government.

55 The Commission participates in several international commitments and engagements, which aim to have a positive impact in the realisation of human rights, not only locally but also in the international sphere. Impact is measured by inclusion or acceptance of the Commission's contributions into the advice, guidelines and directives by international institutions and guiding bodies that contribute to the advancement of human rights.

56 The Commission has an A-status accreditation as a National Human Rights Institution with the Global Alliance of National Human Rights Institutions (GANHRI). This status is the highest recognition of the independence a national human rights institution can achieve. NHRIs awarded A status are recognised for their credibility and professionalism. It shows that the NHRI "is legitimate, relevant and effective in promoting human rights at the national level" (OHCHR, 2012). A-status also provides formal participation in the United Nations Human Rights Council and engagement with other UN treaty bodies. Re-accreditation occurs every five years involving a sub-committee of GANHRI, and approval of the organisation on behalf of the United Nations.

Output 5: Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
Human rights enquiries and complaints are handled by a responsive and effective dispute-resolution service	Percentage of customers satisfied with the mediation process ⁵⁷	Not achieved	75% ⁵⁸	Achieved 78% ⁵⁹
	Responsive and timely resolution of enquiries and complaints as measured by the percentage of complaints of unlawful discrimination closed within one year ⁶⁰	Achieved 98%	80%	Achieved 97%

Output 6: Applications for legal representation under the Human Rights Act 1993 and referrals received under the Privacy Act 1993, and associated litigation are progressed within the agreed timeframes and in accordance with expected professional legal standards

Objective	Measure	2017/18 Result	2018/19 Standard	2018/19 Result
Responsive and timely decision making	Percentage of applications decided within four months ⁶¹	Achieved 91%	80%	Not achieved 64% ⁶²

57 This measure is included in the services from the Human Rights Commission's non-departmental appropriation for Vote Justice for 2018/19

58 The method for measuring satisfaction changed in 2018/19. The new process brings the satisfaction rate in line with industry standards, that is 75% rather than 90%.

59 See n. 28.

60 This measure is included in the services from the Human Rights Commission's non-departmental appropriation for Vote Justice for 2018/19.

61 This measure is included in the services from the Human Rights Commission's non-departmental appropriation for Vote Justice for 2018-19.

62 The decrease in meeting the planned target of determining 80% of applications within four months of receiving the section 82 material is due to two factors. First, the complexity of the applications where further information may be required from the applicant or a potential respondent. Second, the resources of the Office. For most of the reporting year the Office was down one full-time equivalent. The Office is recruiting at the time of writing to fill this gap.

Financial Statements Tauākī Pūtea

Human Rights Commission Statement of Comprehensive Revenue and Expense

for the year ended 30 June 2019

	Notes	Actual 2019 \$000	Budget 2019 \$000	Actual 2018 \$000
Revenue				
Revenue from the Crown		9,396	9,396	9,696
Interest received		82	121	108
Other revenue		473	427	281
Total revenue	2	9,951	9,944	10,085
Expenses				
Personnel costs	3	7,143	6,995	7,325
Other expenses	4	1,386	1,631	1,495
Projects and programmes		1,042	997	610
Travel costs		403	470	552
Depreciation and amortisation		157	158	154
Total expenses		10,131	10,251	10,136
Net surplus / deficit		(180)	(307)	(51)
Other comprehensive revenue and expense		-	-	-
Total comprehensive revenue and expense		(180)	(307)	(51)

The accompanying notes form part of the financial statements.

Human Rights Commission Statement of Financial Position

as at 30 June 2019

	Notes	Actual 2019 \$000	Budget 2019 \$000	Actual 2018 \$000
Equity				
Accumulated funds		1,497	1,427	1,677
Total equity		1,497	1,427	1,677
Current assets				
Cash and cash equivalents		550	432	125
Term deposits		1,000	1,000	1,700
Receivables	5	4	46	70
Prepayments		62	56	118
Total current assets		1,616	1,534	2,013
Current liabilities				
Payables	6	412	359	617
GST payable		112	118	135
Employee entitlements	7	280	298	359
Total current liabilities		804	775	1,111
Working capital		812	759	902
Non-current assets				
Property, plant and equipment	8	823	796	919
Intangible assets	9	-	5	1
Total non-current assets		823	801	920
Non-current liabilities				
Payables	6	40	41	60
Employee entitlements	7	98	92	85
Total non-current liabilities		138	133	145
Net assets		1,497	1,427	1,677

The accompanying notes form part of the financial statements.

Human Rights Commission Statement of Changes in Equity

for the year ended 30 June 2019

	Notes	Actual 2019 \$000	Budget 2019 \$000	Actual 2018 \$000
Balance at 1 July		1,677	1,734	1,728
Total comprehensive revenue and expense		(180)	(307)	(51)
Balance at 30 June		1,497	1,427	1,677

The accompanying notes form part of the financial statements.

Human Rights Commission Statement of Cash Flows

for the year ended 30 June 2019

	Notes	Actual 2019 \$000	Budget 2019 \$000	Actual 2018 \$000
Cash flows from operating activities				
Receipts from the Crown		9,396	9,396	9,696
Receipts from other sources		305	418	431
Interest received		116	121	88
Payments to commissioners and employees		(5,726)	(10,272)	(6,230)
Payments to suppliers		(4,282)	-	(4,098)
Goods and services tax (net)		(23)	(11)	(24)
Net cash flow from operating activities		(214)	(348)	(89)
Cash flows from investing activities				
Maturity of term deposits		2,500	3,700	3,190
Sales of property, plant and equipment		-	-	10
Placement of term deposits		(1,800)	(3,000)	(3,250)
Purchases of property, plant and equipment		(61)	(47)	(96)
Purchases of intangible assets		-	(2)	-
Net cash flow from investing activities		639	651	(146)
Net increase/(decrease) in cash		425	303	(235)
Cash and cash equivalents at the beginning of the year		125	129	360
Cash and cash equivalents at the end of the year		550	432	125

The accompanying notes form part of the financial statements.

Human Rights Commission Notes to the Financial Statements

for the year ended 30 June 2019

1 Statement of accounting policies

Reporting entity

The Human Rights Commission is a Crown entity as defined by the *Crown Entities Act 2004*. The Commission's functions and responsibilities are set out in the *Human Rights Act 1993* and *Crimes of Torture Act 1989* and it has designated itself as a public benefit entity (PBE) for financial reporting purposes.

The financial statements of the Commission are for the year ended 30 June 2019 and were approved by the Board of the Commission on 30 October 2019.

Basis of preparation

The financial statements have been prepared on a going-concern basis and the accounting policies have been applied consistently throughout the period.

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 Tier 2 PBE accounting standards as appropriate for public sector entities. The Commission is eligible to apply Tier 2 PBE accounting standards because it does not have public accountability, as defined in the PBE accounting standards, and its total expenses are less than \$30 million.

These financial statements comply with PBE accounting standards.

Presentation currency and rounding

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

Standard early adopted

In line with the Financial Statements of the Government, the Commission has elected to early adopt PBE IFRS 9 *Financial Instruments*. PBE IFRS 9 replaces PBE IPSAS 29 *Financial Instruments: Recognition and Measurement*. Information about the adoption of PBE IFRS 9 is provided in Note 18.

Summary of significant accounting policies

Revenue

Revenue is measured at the fair value of consideration received or receivable. The specific accounting policies for significant revenue items are explained below:

Revenue from the Crown

The Commission is primarily funded by revenue received from the Crown through the Ministry of Justice for the provision of outputs. This funding is dedicated to the Commission meeting the objectives specified in the *Human Rights Act 1993* and *Crimes of Torture Act 1989* and the scope of the relevant appropriations of the funder. The Commission considers there are no conditions attached to the funding and it is recognised as non-exchange revenue at the point of entitlement. The fair value of revenue from the Crown has been determined to be equivalent to the amounts due in the funding arrangements.

Interest received

Interest revenue is recognised using the effective interest method.

Rental revenue

Lease receipts under an operating sublease are recognised as revenue on a straight-line basis over the lease term.

Provision of services

Services provided to third parties on commercial terms, such as the provision of advice and educational workshops, are exchange transactions.

Revenue from these services is recognised in proportion to the stage of completion at balance date.

Grants received

Grants are recognised as revenue when they become receivable unless there is an obligation in substance to return the funds if conditions of the grant are not met. If there is such an obligation, the grants are initially recorded as grants received in advance and recognised as revenue when conditions of the grant are satisfied.

Project and programme costs

Costs, other than staff and general travel costs, that are directly attributable to a project or programme activity are reported in the statement of comprehensive revenue and expense as project and programme costs.

Leases

Operating leases

An operating lease is a lease that does not transfer substantially all the risks and rewards incidental to ownership of an asset to the lessee.

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 revenue and expense as a reduction in rental expense over the lease term.

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. While cash and cash equivalents at 30 June 2019 are subject to the expected credit loss requirements of PBE IFRS 9, no loss allowance has been recognised because the estimated loss allowance for credit losses is trivial.

Term deposits

Term deposits include funds on deposit at banks with an original maturity of more than three months and are initially measured at the amount invested. Term deposits that will be recovered more than three but

no more than 12 months after the reporting date are classified as current. Term deposits that will be recovered more than 12 months after the reporting date are classified as non-current and the amount expected to be recovered after more than 12 months is disclosed.

Receivables

Short-term receivables are recorded at the amount due, less an allowance for credit losses. The Commission applies the simplified expected credit loss model of recognising lifetime expected credit losses for receivables.

In measuring expected credit losses, short-term receivables have been assessed on a collective basis as they possess shared credit risk characteristics. They have been grouped based on the days past due.

Short-term receivables are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include the debtor being in liquidation.

Previous accounting policy for impairment of receivables

In the previous year, the allowance for credit losses was based on the incurred credit loss model. An allowance for credit losses was recognised only when there was objective evidence that the amount due would not be fully collected.

Property, plant and equipment

Property, plant and equipment consists of equipment, furniture and fittings, and leasehold improvements. Property, plant and equipment are 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 through a non-exchange transaction, it is recognised at its fair value 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 reported as a net amount in the surplus or deficit in the statement of comprehensive revenue and expense.

Subsequent costs

Costs incurred after 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 revenue and expense 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

Equipment	2–12 years	8.3–50%
Furniture and fittings	5–17 years	5.9–20%
Leasehold improvements	9–12 years	8.3–11.1%

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

When configuring and implementing software solutions, the Commission assesses whether related expenditure creates an item that can be identified and separated from the Commission, is under the control of the Commission, and will provide future economic benefits or service potential. Acquired computer software is capitalised based on the costs incurred to acquire and bring to use the specific software. Where such criteria are not met, costs to configure software are expensed.

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.

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 revenue and expense.

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

Acquired software	3–5 years	20–33%
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Impairment of property, plant and equipment and intangible assets

Cash-generating assets

The Commission does not hold any property, plant and equipment or intangible assets that are cash-generating. Assets are considered cash-generating where their primary objective is to generate a commercial return, otherwise they are considered non-cash generating.

Non-cash-generating 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 service amount. The recoverable service amount is the higher of an asset's fair value less costs to sell and value in use.

Value in use is determined using an approach based on a depreciated replacement cost, or restoration cost. The most appropriate approach used to measure value in use depends on the nature of the impairment and availability of information.

If an asset's carrying amount exceeds its recoverable service amount, the asset is regarded as 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 revenue and expense. The reversal of an impairment loss is also recognised in the surplus or deficit in the statement of comprehensive revenue and expense.

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 date is tested for impairment annually.

Payables

Short-term payables are recorded at their face value. Leasehold incentives with an unexpired portion beyond 12 months are recorded at face value and 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 and are classified as current liabilities. 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 and a reliable estimate of the obligation can be made.

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 and are classified as non-current liabilities. 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.

Superannuation schemes

Defined contribution schemes

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

Commitments

Expenses yet to be incurred on non-cancellable lease and capital 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 net surpluses and deficits that have accumulated over time and represent the Crown's investment in the Commission. Accumulated funds 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, Inland Revenue (IRD) is presented 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. Accordingly, no provision has been made for income tax.

Budget figures

The budget figures are derived from the Statement of Performance Expectations approved by the Board at the beginning of the financial year. The budget figures have been prepared in accordance with New Zealand GAAP using accounting policies that are consistent with those adopted by the Board in preparing these financial statements.

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

At each balance date, the useful lives and residual values of property plant and equipment and intangible assets are reviewed. Assessing the appropriateness of useful life and residual value estimates of property, plant and equipment and intangible assets requires several 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 revenue and expense, and the carrying amount of the asset in the statement of financial position.

Notes 8 and 9 detail the carrying amounts of property, plant and equipment and intangible assets respectively.

Retirement and long service leave

Note 7 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. There have been no restatements of comparative information in the financial statements.

2 Revenue

	2019 \$000	2018 \$000
Revenue from non-exchange transactions		
Revenue from the Crown	9,396	9,696
Other revenue	220	39
Total revenue from non-exchange transactions	9,616	9,735
Revenue from exchange transactions		
Interest received	82	108
Other revenue	253	242
Total revenue from exchange transactions	335	350
Total revenue	9,951	10,085

3 Personnel costs

	2019 \$000	2018 \$000
Salaries and wages	5,499	6,141
Employer contributions to defined contribution plans	125	114
Increase/(decrease) in employee entitlements	38	(246)
Other ⁶³	1,481	1,316
Total personnel costs	7,143	7,325

Personnel costs include the Commissioners and Director of Human Rights Proceedings, who are appointed by warrant of the Governor-General and are therefore not employees.

Employer contributions to defined contribution plans include contributions to KiwiSaver.

Personnel costs were \$182,000 lower than last year due to the vacant Race Relations Commissioner position for the year.

Note 7 details employee entitlements owing at balance date.

⁶³ Relates to short-term contractors, recruitment and professional development.

4 Other expenses

	2019 \$000	2018 \$000
Operating lease expense	456	458
Information and communications technology	273	258
Other operating costs	657	779
Total other expenses	1,386	1,495

5 Receivables

	2019 \$000	2018 \$000
Receivables under exchange transactions		
Accrued revenue	3	37
Debtors	1	3
Total receivables under exchange transactions	4	40
Receivables under non-exchange transactions		
Debtors	-	30
Total receivables under non-exchange transactions	-	30
Total receivables	4	70

Receivables are deemed immaterial with any expected credit loss rates affecting the amounts disclosed not considered significant. The impact of macroeconomic factors on expected credit loss rates is not considered significant. The carrying value of receivables approximates their fair value.

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

6 Payables

	2019 \$000	2018 \$000
Current portion		
<i>Payables under exchange transactions</i>		
Creditors	316	337
Revenue received in advance	-	100
Lease incentive	19	19
Total current payables under exchange transactions	336	456
<i>Payables under non-exchange transactions</i>		
Revenue received in advance	7	80
PAYE tax payable	69	81
Total current payables under non-exchange transactions	76	161
Total current portion	412	617
Non-current portion		
<i>Payables under exchange transactions</i>		
Lease incentive	40	60
Total non-current payables under exchange transactions	40	60
Total non-current portion	40	60
Total payables	452	677

7 Employee entitlements

	2019 \$000	2018 \$000
Current portion		
Accrued salaries, redundancy and one-time payments	41	145
Annual leave	211	192
Retirement and long service leave	28	22
Total current portion	280	359
Non-current portion		
Retirement and long service leave	98	85
Total non-current portion	98	85
Total employee entitlements	378	444

Employee entitlements payable at 30 June 2019 were \$66,000 lower than last year because of the settlement of cessation payments in 2018. The liability for retirement and long-service leave entitlements is carried at the present value of estimated future cash flows, calculated based on several factors determined on an actuarial basis.

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. Expected future payments are discounted using forward discount rates derived from the yield curve of New Zealand government bonds. The salary inflation factor has been determined based on the long-term annual increase in salaries and wages expected by the New Zealand Treasury. A discount rate of 2.23 percent (2018: 3.55 percent) and an inflation factor of 3.1 percent (2018: 3.1 percent) were used.

Because the carrying amount of the retirement and long-service leave liability is small, the impact of either the discount rate or salary inflation factor differing by one percentage point from that used is negligible.

8 Property, plant and equipment

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

	Equipment \$000	Furniture & Fittings \$000	Leasehold Improvements \$000	Total \$000
Cost				
Balance at 1 July 2017	514	322	773	1,609
Additions	83	5	8	96
Disposals	(166)	-	-	(166)
Balance at 30 June 2018	431	327	781	1,539
Balance at 1 July 2018	431	327	781	1,539
Additions	63	1	-	64
Disposals	(9)	-	-	(9)
Balance at 30 June 2019	485	328	781	1,594
Accumulated depreciation and impairment losses				
Balance at 1 July 2017	333	186	60	579
Depreciation expense	73	15	65	153
Eliminate on disposal	(112)	-	-	(112)
Balance at 30 June 2018	294	201	125	620
Balance at 1 July 2018	294	201	125	620
Depreciation expense	75	16	66	157
Eliminate on disposal	(6)	-	-	(6)
Balance at 30 June 2019	363	217	191	771
Carrying amounts				
At 1 July 2017	181	136	713	1,030
At 30 June and 1 July 2018	137	126	656	919
At 30 June 2019	122	111	590	823

There are no restrictions over the title of the Commission's property, plant and equipment, nor are any assets held under finance leases or pledged as security for liabilities (2018: nil).

9 Intangible assets

Movements for each class of intangible asset are as follows:

	Acquired Software \$000	Trademarks \$000	Total \$000
Cost			
Balance at 1 July 2017	88	4	92
Disposals	-	-	-
Balance at 30 June 2018	88	4	92
Balance at 1 July 2018	88	4	92
Disposals	-	-	-
Balance at 30 June 2019	88	4	92
Accumulated amortisation and impairment losses			
Balance at 1 July 2017	87	3	90
Amortisation expense	1	-	1
Eliminate on disposal	-	-	-
Balance at 30 June 2018	88	3	91
Balance at 1 July 2018	88	3	91
Amortisation expense	-	1	1
Eliminate on disposal	-	-	-
Balance at 30 June 2019	88	4	92
Carrying amounts			
At 1 July 2017	1	1	2
At 30 June and 1 July 2018	-	1	1
At 30 June 2019	-	-	-

There are no restrictions over the title of the Commission's intangible assets, nor are any intangible assets pledged as security for liabilities (2018: nil).

10 Capital commitments and operating leases

Capital commitments

At the balance date there were no capital commitments (2018: nil).

Operating leases

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

	2019 \$000	2018 \$000
Not later than one year	311	311
Later than one year and not later than five years	1,244	1,244
Later than five years	1,265	1,577
Total non-cancellable operating leases	2,820	3,132

A significant portion of the total non-cancellable operating lease expense relates to the lease of one floor of an office building in Auckland, part of which is subleased to the Energy Efficiency and Conservation Authority (EECA). The initial term ends in August 2022 with an option to renew for a further six years and final expiry date of August 2028. The Commission has assumed it will exercise the renewal.

The remainder of the non-cancellable operating lease expense relates to the lease of a small portion of floor space in the Christchurch Integrated Government Accommodation campus. During the 2018 year the portion of floor space leased was reduced. The lease expires in November 2027.

The Commission does not have the option to purchase the assets at the end of the lease terms and there are no restrictions placed on the Commission by any of the leasing arrangements.

The Commission also occupies office space in Wellington, on a shared services arrangement with EECA.

11 Contingencies

Contingent liabilities

Make-good obligations

If the Commission does not exercise the option to renew the lease of its Auckland office space, then, upon expiry of the lease, it must make-good the premises. The make-good obligations require all chattels and leasehold improvements be removed and the premises reinstated. The Commission has assumed it will exercise the option to renew (2018: same).

Contingent assets

The Commission has no contingent assets (2018: nil).

12 Related party transactions and key management personnel

The Commission is a wholly owned entity of the Crown.

Related party disclosures have not been made for transactions with related parties that are within a normal supplier or client/recipient relationship on terms and conditions no more or less favourable than those it is reasonable to expect the Commission would have adopted in dealing with a party at arm's length in the same circumstances. Further, transactions with other government agencies (for example, government departments and Crown entities) are not disclosed as related party transactions when they are consistent with the normal operating arrangements between government agencies and undertaken on the normal terms and conditions for such transactions.

Key management personnel compensation

	2019	2018
Commissioners and Director of Human Rights Proceedings		
Total remuneration	\$973	\$1,376
Full-time equivalent members	3.5	5.1
Senior Management Team		
Total remuneration ⁶⁴	\$1,569	\$1,455
Full-time equivalent members	7.3	7.9
Total key management personnel compensation	\$2,542	\$2,831
Total full-time equivalent personnel	10.8	13.0

Full-time equivalent values have been pro-rated for positions that were not part of the senior management team for the full year.

Over the year, the number of Commissioners in office changed from two full-time Commissioners to three full-time Commissioners. The structure of the senior management team also changed and resulted in a net reduction of four positions.

64 Includes cessation payments made to key management personnel who ceased employment during the year

13 Commissioners' and other committee member's total remuneration

Total remuneration includes all benefits paid or payable to each Commissioner, Director and Committee Member during the financial year. There were no accrued leave entitlements paid to Commissioners vacating office during the year (2018: 2 Commissioners).

Position	Member	Term started	Term ended	2019 \$	2018 \$
Chief Commissioner	Paul Hunt	14 Jan 19	-	165	-
Director of Human Rights Proceedings	Michael Timmins	11 Mar 19	-	74	-
Acting Chief Commissioner	Paula Tesoriero	24 May 18	14 Jan 19	185	28
Disability Rights Commissioner	Paula Tesoriero	31 Jul 17	-	117	195
Equal Employment Opportunities Commissioner	Karanina Sumeo	5 Nov 18	-	160	-
Audit Committee Chair	Graeme Mitchell	-	-	2	3
Chief Commissioner	David Rutherford	1 Sep 11	30 Jun 18	-	361
Director of Human Rights Proceedings	Robert Kee	15 Oct 12	21 Mar 19	186	234
Equal Employment Opportunities Commissioner	Jackie Blue	4 Jun 13	25 Oct 18	86	240
Race Relations Commissioner	Susan Devoy	1 Apr 13	30 Jun 18	-	262
Commissioner (part-time)	Karen Johansen	31 Jan 08	30 Jul 17	-	16
Commissioner (part-time)	Richard Tankersley	1 Sep 08	30 Jul 17	-	14
Disability Rights Commissioner (part-time)	Paul Gibson	29 Sep 11	30 Jul 17	-	26

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 commissioners, the Director, and employees.

14 Employee remuneration

As a Crown entity, the Commission is required to disclose in its annual report the number of employees receiving total remuneration of \$100,000 or more per annum. Total remuneration includes end-of-contract payments such as contractual notice pay and accrued-leave entitlements but excludes cessation payments. In compliance, the table below has been produced, which is in \$10,000 bands to preserve the privacy of individuals. Because Commissioners and the Director are not employees of the Commission they are not included in the table.

Remuneration of employees over \$100,000 per annum

Total remuneration p.a.	Number of employees	
	2019	2018
\$100,000 - \$110,000	6	6
\$110,001 - \$120,000	1	3
\$120,001 - \$130,000	5	-
\$130,001 - \$140,000	-	1
\$140,001 - \$150,000	3	2
\$150,001 - \$160,000	-	1
\$160,001 - \$170,000	-	2
\$170,001 - \$180,000	1	1
\$180,001 - \$190,000	1	-
\$190,001 - \$200,000	-	-
\$200,001 - \$210,000	1	-
\$210,001 - \$220,000	-	-
\$220,001 - \$230,000	-	-
\$230,001 - \$240,000	-	-
\$240,001 - \$250,000	-	-
\$250,001 - \$260,000	-	-
\$260,001 - \$270,000	-	1

Cessation payments

During the year ended 30 June 2019, payments totalling \$223,800 were made to two employees in relation to their cessation of employment (2018: five employees, total \$230,000).

15 Events after the balance date

There were no significant events after the balance date.

16 Categories of financial instruments

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

	2019 \$000	2018 \$000
Financial assets measured at amortised cost (2018: loans and receivables)		
Cash and cash equivalents	550	125
Term deposits	1,000	1,700
Receivables	4	70
Total financial assets measured at amortised cost	1,554	1,895
Financial liabilities measured at amortised cost		
Payables (excluding revenue in advance and taxes payable)	316	337
Total financial liabilities measured at amortised cost	316	337

17 Explanation of major variances from budget

Revenue

Interest revenue was less than budgeted due to lower interest rates during the period combined with a decrease in term deposits placed to allow for sufficient liquidity for operational purposes. This was offset by a general increase across a range of minor income sources.

Expenses

In preparation for the financial year, the budget for other expenses included an amount to act as contingency. This amount was to respond to expected actions from the Ministerial Review. The actual costs of these actions were allocated to the personnel, projects and programmes expense categories.

Statement of comprehensive revenue and expense

Expenses

The events of the year necessitated a shift in focus from planned activities to responsive activities. A significant event requiring this shift was the response to the 15 March Christchurch mosque attacks. Several programmes in progress were placed on hold in order to support those directly affected by the events and the wider community. Accordingly, resources were diverted within and between all expenditure categories to best serve the priorities of the Commission.

Statement of financial position

Cash and cash equivalents are higher than budgeted due in part to timing of payments and receipts at year end, as well the lower than expected net deficit for the period. The higher than expected payables balance is reflective of the increase in activity toward the end of the period to progress those activities affected by the Christchurch mosque attacks.

Several computer devices were purchased in advance of the asset replacement schedule, to better support the needs of users. This has resulted in a higher than budgeted property, plant and equipment balance at year end.

Statement of cash flows

Payments to Commissioners and employees were less than budgeted due to several employment vacancies and the timing of payments of employee entitlements. Payments to suppliers were less than budgeted due to the decrease in expenditure activity throughout the year.

Term deposits placed and term deposits that reached maturity during the year were both lower than budgeted. Liquidity was desirable during the year, in preparation for expected responsive activities.

18 Adoption of PBE IFRS 9 Financial Instruments

In accordance with the transitional provisions of PBE IFRS 9, the Commission has elected not to restate the information for previous years to comply with PBE IFRS 9. No adjustments arise from the adoption of PBE IFRS 9.

Accounting policies have been updated to comply with PBE IFRS 9. The main updates are:

- Note 5 Receivables: This policy has been updated to reflect that the impairment of short-term receivables is now determined by applying an expected credit loss model.

On the date of initial application of PBE IFRS 9, being 1 July 2018, the classification of financial instruments under PBE IPSAS 29 and PBE IFRS 9 has not changed.

The measurement categories and carrying amounts for financial liabilities have not changed between the closing 30 June 2018 and opening 1 July 2018 dates as a result of the transition to PBE IFRS 9.

Independent Auditor's Report

Pūrongo arotake

To the readers of the Human Rights Commission's financial statements and performance information for the year ended 30 June 2019

The Auditor-General is the auditor of the Human Rights Commission. The Auditor-General has appointed me, JR Smail, using the staff and resources of Audit New Zealand, to carry out the audit of the financial statements and the performance information, including the performance information for an appropriation, of the Human Rights Commission on his behalf.

Opinion

We have audited:

- the financial statements of the Human Rights Commission on pages 68 to 89, that comprise the statement of financial position as at 30 June 2019, the statement of comprehensive revenue and expense, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements including a summary of significant accounting policies and other explanatory information; and
- the performance information of the Human Rights Commission on pages 11 to 15 and 63 to 67.

In our opinion:

- the financial statements of the Human Rights Commission on pages 68 to 89:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2019; and
 - its financial performance and cash flows for the year then ended; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Standards Reduced Disclosure Regime; and

- the performance information on pages 11 to 15 and 63 to 67:
 - presents fairly, in all material respects, the Human Rights Commission's performance for the year ended 30 June 2019, including:
 - for each class of reportable outputs:
 - its standards of delivery performance achieved as compared with forecasts included in the statement of performance expectations for the financial year; and
 - its actual revenue and output expenses as compared with the forecasts included in the statement of performance expectations for the financial year; and
 - what has been achieved with the appropriation; and
 - the actual expenses or capital expenditure incurred compared with the appropriated or forecast expenses or capital expenditure; and
 - complies with generally accepted accounting practice in New Zealand.

Our audit was completed on 30 October 2019. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Board and our responsibilities relating to the financial statements and the performance information, we comment on other information, and we explain our independence.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of the Board for the financial statements and the performance information

The Board is responsible on behalf of the Human Rights Commission for preparing financial statements and performance information that are fairly presented and comply with generally accepted accounting practice in New Zealand. The Board is responsible for such internal control as it determines is necessary to enable it to prepare financial statements and performance information that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements and the performance information, the Board is responsible on behalf of the Human Rights Commission for assessing the Human Rights Commission's ability to continue as a going concern. The Board is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to merge or to terminate the activities of the Human Rights Commission, or there is no realistic alternative but to do so.

The Board's responsibilities arise from the Crown Entities Act 2004 and the Public Finance Act 1989.

Responsibilities of the auditor for the audit of the financial statements and the performance information

Our objectives are to obtain reasonable assurance about whether the financial statements and the performance information, as a whole, are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or

omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of these financial statements and the performance information.

For the budget information reported in the financial statements and the performance information, our procedures were limited to checking that the information agreed to the Human Rights Commission's statement of performance expectations.

We did not evaluate the security and controls over the electronic publication of the financial statements and the performance information.

As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the financial statements and the performance information, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- We obtain an understanding of internal control relevant to the audit 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 Human Rights Commission's internal control.
- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board.
- We evaluate the appropriateness of the reported performance information within the Human Rights Commission's framework for reporting its performance.

- We conclude on the appropriateness of the use of the going concern basis of accounting by the Board and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Human Rights Commission’s ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor’s report to the related disclosures in the financial statements and the performance information or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor’s report. However, future events or conditions may cause the Human Rights Commission to cease to continue as a going concern.
- We evaluate the overall presentation, structure and content of the financial statements and the performance information, including the disclosures, and whether the financial statements and the performance information represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Board is responsible for the other information. The other information comprises the information included on pages 1 to 10 and 16 to 62, but does not include the financial statements and the performance information, and our auditor’s report thereon.

Our opinion on the financial statements and the performance information does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

In connection with our audit of the financial statements and the performance information, our

responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the financial statements and the performance information or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independence

We are independent of the Human Rights Commission in accordance with the independence requirements of the Auditor-General’s Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1 (Revised): Code of Ethics for Assurance Practitioners issued by the New Zealand Auditing and Assurance Standards Board.

Other than in our capacity as auditor, we have no relationship with, or interests, in the Human Rights Commission.



JR Smail
 Audit New Zealand
 On behalf of the Auditor-General
 Auckland, New Zealand



Human Rights Commission
Te Kāhui Tika Tangata