

1 December 2023

Hon Paul Goldsmith  
Minister of Justice

## HUMAN RIGHTS COMMISSION / TE KĀHUI TIKA TANGATA

### Purpose

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1. This paper:
  - 1.1 provides an overview of appointments to the Human Rights Commission
  - 1.2 seeks your agreement to recommend the reappointment of Dr Saunoamaali'i Karanina Sumeo as the Equal Employment Opportunities Commissioner
  - 1.3 updates you on the vacant Race Relations Commissioner position
  - 1.4 seeks your direction on next steps to be taken for the appointment of a new Race Relations Commissioner.
  - 1.5 seeks your direction on the review of the appointment of the Chief Commissioner.

### Background

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2. The Human Rights Commission/Te Kāhui Tika Tangata (the Commission) is an independent Crown entity established under the Human Rights Act 1993 (the Act).
3. The Commission works with Government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.
4. The Commission's main functions are to:
  - advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
  - encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
  - lead, evaluate, monitor and advise on equal employment opportunities
  - provide information to members of the public who have questions about unlawful discrimination and facilitate resolution of disputes relating to unlawful discrimination on the grounds of sex, marital status, religious belief, ethical belief (lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation or sexual harassment or racial harassment in the areas of employment, education, access to public places, the provision of goods and services, housing and accommodation, partnerships, qualifying bodies, organisations of employees and employers, vocational training and trade and professional associations, government or public sector activities.

5. Section 8 of the Act provides:

- (1) The Commission consists of the following Human Rights Commissioners:
  - (a) the Chief Commissioner; and
  - (b) not less than 3 and not more than 4 other Commissioners.
- (1A) There must be a Commissioner, other than the Chief Commissioner, appointed to lead the work of the Commission in each of the following priority areas:
  - (a) disability rights (the Disability Rights Commissioner);
  - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
  - (c) race relations (the Race Relations Commissioner).
- (2) The Commissioners are the board for the purposes of the Crown Entities Act 2004.
- (3) The Chief Commissioner holds office as chairperson of the board for the purposes of the Crown Entities Act 2004.

6. The current members of the Commission together with the expiry dates of their appointments are as follows:

<u>Position</u>	<u>Appointee</u>	<u>Expiry</u>
Chief Commissioner	Professor Paul Hunt	13 January 2024
EEO Commissioner	Dr Karanina Sumeo	21 October 2023
Disability Rights Commissioner	Prudence Walker	18 June 2028
Race Relations Commissioner	Vacant	

7. s9(2)(f)(iv)

8. Section 11(1) of the Act provides that in recommending persons for appointment as Commissioners the Minister must have regard to the need for Commissioners to have among them:

- (a) knowledge of, or experience in:
  - (i) different aspects of matters likely to come before the Commission
  - (ii) New Zealand law, or the law of another country, or international law, on human rights
  - (iii) the Treaty of Waitangi and rights of indigenous peoples
  - (iv) current economic, employment, or social issues
  - (v) cultural issues and the needs and aspirations (including life experiences) of different communities of interest and population groups in New Zealand society.
- (b) skills in, or experience in:
  - (i) advocacy or public education
  - (ii) business, commerce, economics, industry, or financial or personnel management
  - (iii) community affairs
  - (iv) public administration, or the law relating to public administration.

9. Further, section 16 of the Act provides:
- (1) A Commissioner who is appointed or designated to lead the work of the Commission in a priority area under section 8 has the following additional functions:
    - (a) to lead discussions of the Commission in relation to that priority area of work
    - (b) to provide advice and leadership on matters in that priority area of work that arise in the course of activities undertaken in the performance of the Commission's functions, both when engaging in those activities and when consulted
    - (c) to contribute to the public debate on matters in that priority area of work
    - (d) any other functions or duties conferred or imposed upon him or her by or under this Act or any other enactment.
10. Section 29(2) of the Crown Entities Act 2004 provides a responsible Minister —
- (a) may only appoint or recommend a person who, in the responsible Minister's opinion, has the appropriate knowledge, skills, and experience to assist the statutory entity to achieve its objectives and perform its functions
  - (b) subject to subsection (1), in appointing or recommending an appointment, must take into account the desirability of promoting diversity in the membership of Crown entities.

### **Paris Principles**

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11. In addition to the statutory requirements relating to the appointment of Commissioners, the process to identify all Commissioners needs to comply with the Paris Principles<sup>1</sup> in order for New Zealand to keep A status accreditation of the Global Alliance of National Human Rights Institutions.
12. Under the Paris Principles, the A status accreditation requires there is a transparent process for selecting and appointing the governing body; that the criteria for appointment are set out in the Act; that the responsible Ministry advertises nationally for nominations and expressions of interest and that an independent review panel, including representatives of civil society, make recommendations to the Minister, who in turn, advises the Government.

### **Commissioner Appointments**

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#### Equal Employment Opportunities Commissioner

13. The appointment of Dr Saunoamaali'i Karanina Sumeo as the Equal Employment Opportunities Commissioner expired on 21 October 2023.
14. s9(2)(a)

<sup>1</sup> The Paris Principles were adopted by the United Nations Human Rights Commission by Resolution 1992/54 of 1992, and by the UN General Assembly in its Resolution 48/134 of 1993.

15. Dr Sumeo has been the Equal Employment Opportunities Commissioner since October 2018. Her main areas of advocacy have been in supporting pay transparency policies designed to close the gender pay gap for workers and supporting the rights of workers in the Recognised Seasonal Employer Scheme.
16. Prior to her appointment Dr Sumeo was Principal Practice Adviser – Pacific at Oranga Tamariki Ministry of Children. She completed a Bachelor of Science at the University of Auckland and continued with a Master of Philosophy in Social Policy at Massey University. She then completed a PhD at Auckland University of Technology (under the supervision of Hon Dr Marilyn Waring) looking at the rights of women, fa'afafine and fakaleiti to land under traditional tenure in urban centres of Samoa and Tonga. She was a board member of Safe Networks from 2014 to 2017 and chairperson of the Auckland Restorative Justice Trust from 2012 to 2014.
17. s9(2)(a)

Race Relations Commissioner

21. The position of Race Relations Commissioner is vacant following the resignation of Meng Foon in July 2023.
22. At the direction of the then responsible Minister, the process for the recruitment of a new Race Relations Commissioner started with approximately 100 community organisations and individuals being emailed and asked to encourage suitable candidates to put themselves forward. The recipients of the email were mostly identified from the contact list for the Ministry of Justice's international human rights reporting.
23. To date 10 expressions of interest have been received. (Brief biographical details of the candidates are attached).
24. The closing date was 3 November 2023.

25. The response has been limited (compared to 41 applications in 2018) and calling for expressions of interest around an election is likely to have been a disrupting factor.
26. You may wish to consider options for expanding the pool of candidates in which case I would suggest the following possibilities:
  - re-advertise
  - invitation to members of the government coalition caucuses
27. The option to advertise in the media has not been pursued to date. Advertising in the print media is very expensive and increasingly less effective in reaching a target audience, and the main on-line platforms are not generally suitable for this kind of senior statutory role. s9(2)(g)(i)
28. Following a process that is consistent with the Paris Principles means that a key decision is the establishment of the panel that will report to you with its assessment of the candidates.
29. While the final decision on who to recommend for appointment will be yours, the panel will have a significant influence on the selection process. Establishing a panel that has your confidence and public credibility is central to the process.
30. A panel would characteristically comprise either three or potentially four members. In addition to meeting the requirement for at least one member of the panel to be from civil society, I consider three important considerations are having a chair with high public standing, having Māori participation on the panel, and ensuring the panel has expertise in governance.
31. I note the Iwi Chair Forum has expressed interest in being involved in the selection process and the Forum has been closely involved with the National Action Plan Against Racism. The Ministry sees this as a strong option.
32. Set out below are names you may wish to consider (I have not canvassed their availability with any of them).

Chair

- s9(2)(a)
- Hon Terrence Arnold (former Supreme Court Judge)
- s9(2)(a)

Members

- Iwi Chair Forum nominee
- s9(2)(a)

33. I have not included the Chief Commissioner in the list of possible names for the panel but Professor Hunt is a viable option for chair if you favour recommending his reappointment. (See below). Otherwise, I would see his involvement being limited to having the opportunity to comment on the panel's shortlist recommendations and its final report recommendations.

Chief Commissioner

34. The appointment of Professor Paul Hunt as the Chief Commissioner expires on 13 January 2024. Professor Hunt has signalled that he is available to be considered for reappointment and seeks an early indication on whether or not you are prepared to recommend his reappointment.

35. Professor Hunt was appointed Chief Commissioner in 2019. He is a New Zealand and British national, and is a human rights expert who specialises in economic, social and cultural rights. He has formerly held roles as a Senior Lecturer at the University of Waikato and as a Professor of Law at the Human Rights Centre, University of Essex. He has also held senior United Nations human rights appointments, including Member of the UN Committee on Economic, Social and Cultural Rights, UN Special Rapporteur on the right to the highest attainable standard of health and Senior Human Rights Advisor to the Assistant World Health Organisation Director-General, Flavia Bustreo. He has published extensively on human rights and has been awarded two Honorary Doctorates in recognition of his scholarship. In 2021 he was awarded the Ann-Dysart Distinguished Service Award by the civil society organisation, Multicultural New Zealand.

36. s9(2)(g)(i)

37. Again, I will provide a follow-up briefing on process matters if your preference is to seek a replacement. I raise at this point, however, that if a new Chief Commissioner is being sought, it would make practical sense to use the same panel established for the Race Relations Commissioner position. You may want to bear this in mind in your panel selection.

38. I have attached a draft letter thanking Professor Hunt for his services if your decision is to seek a replacement Chief Commissioner.

Disability Rights Commissioner

39. Prudence Walker took up a five-year appointment as the Disability Rights Commissioner on 19 June 2023. Her appointment is scheduled to run until 2028 and no action is required at this time.

**Recommendations**

40. I recommend that you:

<b>Equal Employment Opportunities Commissioner</b>		
40.1	s9(2)(a)	YES / NO
<b>Race Relations Commissioner</b>		
40..2	<p><b>Indicate</b> whether you wish to pursue any of the following approaches to identifying additional candidates:</p> <ul style="list-style-type: none"> <li>• Invite nominations from members of coalition government Caucuses</li> <li>• Make a public statement calling for expressions of interest and readvertise</li> </ul>	<p>YES / NO</p> <p>YES / NO</p>
40.3	<p>(i) <b>Note</b> the need to establish a panel (under the Paris Principles) to assess candidates for the position of Race Relations Commissioner (and Chief Commissioner if applicable), and</p> <p>(ii) <b>Indicate</b> any selection you have for the panel.</p> <hr/> <hr/> <hr/> <hr/>	

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Chief Commissioner		
40.4	<b>indicate</b> whether you wish to recommend Professor Hunt for reappointment as the Chief Commissioner (noting that I will provide a further briefing on this position if you decide not to reappoint).	YES / NO
40.5	If "No" above, sign, the attached letter to Professor Hunt advising him that you will be seeking a replacement Chief Commissioner and thanking him for his services.	

Jeff Orr  
Chief Legal Counsel

APPROVED / SEEN / NOT AGREED

\_\_\_\_\_  
Hon Paul Goldsmith  
Minister of Justice

Date:

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12 December 2023

Hon Paul Goldsmith  
Minister of Justice

## HUMAN RIGHTS COMMISSION

### Purpose

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1. This paper asks you to confirm your agreement to:
  - 1.1 commence a process to recruit a new Chief Human Rights Commissioner
  - 1.2 commence a process to recruit a new Equal Employment Opportunities Commissioner
  - 1.3 approve action to expand the field of candidates who may be considered for appointment as the Race Relations Commissioner (including writing to the members of the Government caucuses).

### Structure

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2. Te Kāhui Tika Tangata / The Human Rights Commission consists of the Chief Commissioner; and not less than three and not more than four other Commissioners.
3. The Human Rights Act 1993 (the Act) requires a Commissioner, other than the Chief Commissioner, to be appointed to lead the work of the Commission in each of the following priority areas:
  - (a) disability rights (the Disability Rights Commissioner);
  - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
  - (c) race relations (the Race Relations Commissioner).
4. Section 77 of the Crown Entities Act provides that vacancies in the membership of a board do not affect the powers and functions of a statutory entity. A quorum for a meeting of the Board is a majority of members. The Act also provides for boards operating with only one member available to act.

### Commissioner Appointments

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#### Chief Commissioner

5. The appointment of Professor Paul Hunt as the Chief Commissioner will expire on 13 January 2024. You have indicated that you wish to advertise for a replacement as soon as possible.

6. Attached for your approval is the position description for this role. It reflects the legislative requirements for the position.
7. With your agreement, we will repeat the process used when calling for expressions of interest for the Race Relations Commissioner. This involves advertising the position on the Ministry of Justice website and emailing approximately 100 community organisations and individuals identified from the contact list for the Ministry of Justice's international human rights reporting, asking them to encourage suitable candidates to put themselves forward.
8. Given the leadership component of the Chief Commissioner's role, you may consider it appropriate that we extend that invitation to Business NZ which may provide access to candidates with strong governance experience.
9. Nominations can also be sought from the Government caucuses. A letter is attached for your signature, if approved.
10. s9(2)(g)(i)

#### Equal Employment Opportunities Commissioner

11. The appointment of Dr Saunoamaali'i Karanina Sumeo as the Equal Employment Opportunities Commissioner expired on 21 October 2023.
12. You have indicated that this position should be advertised as soon as possible.
13. Attached for your approval is the position description for this role. Again, the position description reflects the legislative requirements for the role.
14. I recommend advertising for this position should be run in tandem with the Chief Commissioner position and that the process should be the same.
15. Again, you may wish to invite nominations from members of the Government caucuses.
16. s9(2)(g)(i)

#### Race Relations Commissioner

17. The position of Race Relations Commissioner is vacant following the resignation of Meng Foon in July 2023.
18. A process to recruit a new Race Relations Commissioner commenced in September 2023. The closing date was 3 November 2023.
19. I have previously briefed you on the 10 expressions of interest that have been received. You have indicated that you consider the process would benefit from a

wider field of candidates. In addition to re-advertising with an extended deadline, you have indicated that you wish to take the opportunity to write to the Government caucuses to invite nominations.

20. I propose that re-advertising for the Chief Commissioner, the EEO Commissioner and the Race Relations Commissioner should be combined and I attach a draft letter on the basis that you will wish to consult caucus members on all three positions.
21. With your agreement, I propose the extended deadline for expressions of interest to be 19 January 2024. (With the Christmas break looming, it seems sensible to have the closing date in the latter half of January).

### **Advertisement**

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22. A draft advertisement for the three positions is attached for your approval.

### **Press Statement**

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23. You may wish to consider the option of making a public statement about the review of the three Commissioner positions. The advantage of issuing a statement is that it may be a means for encouraging applications and taking a timely approach to addressing media interest in the process.
24. I have attached the outline of a draft press release for your consideration.

### **Shortlisting**

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25. While there is a strong expectation that an independent panel will interview a shortlist of candidates, there is flexibility about how the shortlisting is done.
26. In 2018 when the same three positions were under review, shortlisting was conducted by the assessment panel. Again, in 2022 the same approach was followed when the Disability Rights Commissioner was appointed. The advantage of the panel shortlisting is that this is seen to provide a more independent and transparent process. The disadvantages are that it is likely to slow down the process and will incur significant additional panel costs.
27. When Commissioner appointments were made prior to 2018, shortlists were regularly approved by the Minister of Justice based on an assessment of the candidates made by the Ministry.
28. It is for you to decide how you want the shortlisting to be managed.

### **Panel**

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29. A panel would characteristically comprise either three or four members. In addition to meeting the requirement for at least one member of the panel to be from civil society, I consider three important considerations are having a chair with high

public standing, having Māori participation on the panel, and ensuring the panel has expertise in both subject matter and governance.

30. Set out below are names you may wish to consider (I have not canvassed their availability with any of them).

Chairperson

- s9(2)(a)
- Sir Terence Arnold (retired Supreme Court Judge)

Leadership/Governance/Employment/Business

- Paul Rishworth KC (barrister - human rights litigation)
- s9(2)(a)

Diversity/Human Rights

- Iwi Chair Forum nominee (selected from Lorraine Toki, s9(2)(a))

31. You may of course have other individuals in mind or I can compile a list of additional names for your consideration.

### Recommendations

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32. I recommend that you:

32.1	<b>approve</b> commencement of a process to recruit a new Chief Commissioner.	YES / NO
32.2	<b>approve</b> the position description for the Chief Commissioner.	YES / NO
32.3	<b>indicate</b> if you would like to the Business NZ to be added to the list of organisations invited to encourage applications.	YES / NO
32.4	<b>approve</b> commencement of a process to recruit a new Equal Employment Opportunities Commissioner.	YES / NO
32.5	<b>approve</b> the position description for the Equal Employment Opportunities Commissioner.	YES / NO
32.6	<b>approve</b> a closing date of 19 January 2024 for the three positions. (an extended closing date in the case of the Race Relations Commissioner).	YES / NO

32.7	<b>sign</b> the attached letter to members of the Government Caucuses advising them of the action underway and inviting nominations for these positions.	YES / NO
32.8	<b>note</b> that once Professor Hunt and Dr Sumeo depart, the Commission will have only one Commissioner, the Disability Rights Commissioner.	YES / NO
32.9	<b>Approve</b> the attached advertisement for the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner.	YES / NO
32.10	<b>indicate</b> whether or not you wish to issue a press statement. (A draft is attached).	YES / NO
32.11	<b>indicate</b> whether you preferred to be advised on shortlisting options by: <ul style="list-style-type: none"> <li>• the panel</li> <li>• the Ministry</li> </ul>	YES / NO YES / NO
32.12	<b>indicate</b> your selections for the panel:  .....  .....  .....  .....	

Jeff Orr  
Chief Legal Counsel

APPROVED / SEEN / NOT AGREED

Hon Paul Goldsmith  
**Minister of Justice**

Date:

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Cameron Burrows  
Chief of Staff, National Party  
Parliament Buildings  
WELLINGTON 6160  
s9(2)(a)

Dear Mr Burrows

**HUMAN RIGHTS COMMISSION**

I am writing to advise you that the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner will shortly be publicly advertised and to invite you to nominate any persons whom you think would be suitable to serve in these roles.

The Human Rights Commission is an independent Crown entity. Its mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

The appointments are required by section 8 of the Human Rights Act 1993. In addition to the Chief Commissioner, the Act requires a Commissioner to be appointed in each of the following priority areas:

- (a) disability rights (the Disability Rights Commissioner);
- (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
- (c) race relations (the Race Relations Commissioner).

Candidates will need relevant professional qualifications or experience, an appreciation of human rights issues, governance skills and relationship management ability. Ideally, they should also have an understanding of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions.

The positions are full-time. The legislation provides for an appointment term of up to five years. Remuneration for the position is set by the Remuneration Authority.

Nominations should be forwarded to **s9(2)(a)**  
**February 2024** **s9(2)(a)**

Ministerial Advisor in my Office, by **7**

Yours sincerely



Hon Paul Goldsmith  
**Minister of Justice**

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Darroch Ball  
Chief of Staff, New Zealand First  
Parliament Buildings  
WELLINGTON 6160

s9(2)(a)

Dear Mr Ball

## HUMAN RIGHTS COMMISSION

I am writing to advise you that the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner will shortly be publicly advertised and to invite you to nominate any persons whom you think would be suitable to serve in these roles.

The Human Rights Commission is an independent Crown entity. Its mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

The appointments are required by section 8 of the Human Rights Act 1993. In addition to the Chief Commissioner, the Act requires a Commissioner to be appointed in each of the following priority areas:

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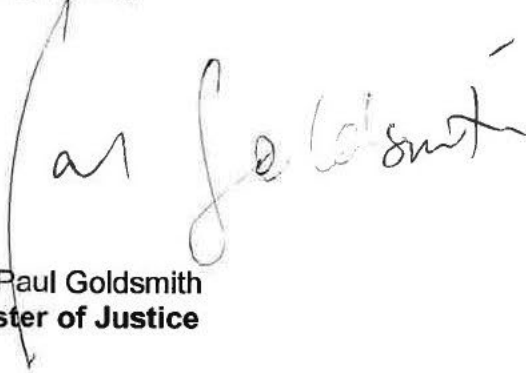
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Nominations should be forwarded to  
**February 2024** s9(2)(a)

Ministerial Advisor in my Office, by 7

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul Goldsmith". The signature is written in a cursive style with a large initial "P".

Hon Paul Goldsmith  
**Minister of Justice**

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Andrew Ketels  
Chief of Staff, ACT Party  
Parliament Buildings  
WELLINGTON 6160

s9(2)(a)

Dear Mr Ketels

**HUMAN RIGHTS COMMISSION**

I am writing to advise you that the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner will shortly be publicly advertised and to invite you to nominate any persons whom you think would be suitable to serve in these roles.

The Human Rights Commission is an independent Crown entity. Its mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

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The positions are full-time. The legislation provides for an appointment term of up to five years. Remuneration for the position is set by the Remuneration Authority.

Nominations should be forwarded to <sup>s9(2)(a)</sup>  
**February 2024** s9(2)(a)

Ministerial Advisor in my Office, by 7

Yours sincerely

A handwritten signature in blue ink, appearing to read "Paul Goldsmith", written over a light blue rectangular highlight.

Hon Paul Goldsmith  
**Minister of Justice**

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23 February 2024

Sir Terrence Arnold  
Thorndon Chambers  
Third Floor, Old Government Buildings  
55 Lambton Quay  
WELLINGTON

Tena koe Sir Terrence

### **HUMAN RIGHTS COMMISSION: ASSESSMENT OF CANDIDATES**

Thank you for agreeing to chair the panel tasked with advising the Minister of Justice, Hon Paul Goldsmith, on the appointments to the following Human Rights Commission positions:

- Chief Commissioner
- Equal Employment Opportunities Commissioner
- Race Relations Commissioner

The Minister is anxious to ensure that the selection process for these appointments is robust and transparent and he is grateful that you are willing to contribute your time and expertise to the task of assessing the candidates who have put themselves forward for consideration.

Your fellow panel members will be Hon Christopher Finlayson KC, Mr Paul Rishworth KC and Ms Lorraine Toki (Iwi Chair Forum representative).

Their contact details are:

Hon Chris Finlayson KC  
s9(2)(a)  
[christopher.finlayson@bankside.co.nz](mailto:christopher.finlayson@bankside.co.nz)

Paul Rishworth KC  
s9(2)(a)  
[paul@paulrishworthkc.co.nz](mailto:paul@paulrishworthkc.co.nz)

Lorraine Toki  
s9(2)(a)  
s9(2)(a)

The panel's first job will be to confirm the shortlists for the three positions.

The Minister has directed that the Ministry and panel should work in tandem to assess the candidates. Attached for your review is a tabulated summary of the Ministry's assessment of the candidates who have put themselves forward for consideration. The assessments are made against the competencies set out in the respective position descriptions. Copies of the positions descriptions and candidates CVs are also attached.

If the panel is comfortable with the approach, I suggest members can review the applications against the Ministry's assessments, then hold an AVL meeting to compare thinking and finalise the shortlists to be recommended to the Minister. This approach is proposed bearing in mind busy schedules and the Minister's wish for the selection process to proceed expeditiously.

The panel's substantive task will then be to conduct interviews and report to the Minister.

The expectation is that the interviews will be in-person in Wellington, although it may be possible for either a panel member or candidate to use an AVL link if in-person attendance is not possible.

Phil Gini from the Ministry will be responsible for supporting the panel with arrangements for setting up meetings and interviews, and for assisting with drafting the panel report. Phil will contact you shortly about next steps but if you need to contact him his DDI is (04) 494 4729 and his email address is [phil.gini@justice.govt.nz](mailto:phil.gini@justice.govt.nz).

The assignment you have accepted will no doubt be challenging. Again, I thank for your willingness to assist.

Yours sincerely



Jeff Orr  
Chief Legal Counsel

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23 February 2024

Hon Christopher Finlayson KC  
P O Box 211  
WELLINGTON 6140

Tena koe Mr Finlayson

### **HUMAN RIGHTS COMMISSION: ASSESSMENT OF CANDIDATES**

Thank you for agreeing to be on the panel tasked with advising the Minister of Justice, Hon Paul Goldsmith, on the appointments to the following Human Rights Commission positions:

- Chief Commissioner
- Equal Employment Opportunities Commissioner
- Race Relations Commissioner

The Minister is anxious to ensure that the selection process for these appointments is robust and transparent and he is grateful that you are willing to contribute your time and expertise to the task of assessing the candidates who have put themselves forward for consideration.

Sir Terrence Arnold will be chairing the panel. The other member is Mr Paul Rishworth KC and Ms Lorraine Toki who is an Iwi Chair Forum representative.

The panel's first job will be to confirm the shortlists for the three positions.

The Minister has directed that the Ministry and panel should work in tandem to assess the candidates. Attached for your review is a tabulated summary of the Ministry's assessment of the candidates who have put themselves forward for consideration. The assessments are made against the competencies set out in the respective position descriptions. Copies of the positions descriptions and candidates CVs are also attached.

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The assignment you have accepted will no doubt be challenging. Again, I thank for your willingness to assist.

Yours sincerely

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Jeff Orr  
Chief Legal Counsel

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23 February 2024

Mr Paul Rishworth KC  
Britomart Chambers  
Level 15  
152 Quay Street  
AUCKLAND 1010

Tena koe Mr Rishworth

### **HUMAN RIGHTS COMMISSION: ASSESSMENT OF CANDIDATES**

Thank you for agreeing to be on the panel tasked with advising the Minister of Justice, Hon Paul Goldsmith, on the appointments to the following Human Rights Commission positions:

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- Race Relations Commissioner

The Minister is anxious to ensure that the selection process for these appointments is robust and transparent and he is grateful that you are willing to contribute your time and expertise to the task of assessing the candidates who have put themselves forward for consideration.

Sir Terrence Arnold will be chairing the panel. The other member is Hon Christopher Finlayson KC and Ms Lorraine Toki who is an Iwi Chair Forum representative.

The panel's first job will be to confirm the shortlists for the three positions.

The Minister has directed that the Ministry and panel should work in tandem to assess the candidates. Attached for your review is a tabulated summary of the Ministry's assessment of the candidates who have put themselves forward for consideration. The assessments are made against the competencies set out in the respective position descriptions. Copies of the positions descriptions and candidates CVs are also attached.

If the panel is comfortable with the approach, I suggest members can review the applications against the Ministry's assessments, then hold an AVL meeting to compare thinking and finalise the shortlists to be recommended to the Minister. This approach is proposed bearing in mind busy schedules and the Minister's wish for the selection process to proceed expeditiously.

The panel's substantive task will then be to conduct interviews and report to the Minister.

The expectation is that the interviews will be in-person in Wellington, although it may be possible for either a panel member or candidate to use an AVL link if in-person attendance is not possible.

Phil Gini from the Ministry will be responsible for supporting the panel with arrangements for setting up meetings and interviews, and for assisting with drafting the panel report. Phil will



contact you shortly about next steps but if you need to contact him his DDI is (04) 494 4729 and his email address is [phil.gini@justice.govt.nz](mailto:phil.gini@justice.govt.nz).

The assignment you have accepted will no doubt be challenging. Again, I thank for your willingness to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jeff Orr".

Jeff Orr  
Chief Legal Counsel

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23 February 2024

Mrs Lorraine Toki  
s9(2)(a)

Tena koe Mrs Toki

### **HUMAN RIGHTS COMMISSION: ASSESSMENT OF CANDIDATES**

Thank you for agreeing to be on the panel tasked with advising the Minister of Justice, Hon Paul Goldsmith, on the appointments to the following Human Rights Commission positions:

- Chief Commissioner
- Equal Employment Opportunities Commissioner
- Race Relations Commissioner

The Minister is anxious to ensure that the selection process for these appointments is robust and transparent and he is grateful that you are willing to contribute your time and expertise to the task of assessing the candidates who have put themselves forward for consideration.

Sir Terrence Arnold will be chairing the panel. The other member is Hon Christopher Finlayson KC and Mr Paul Rishworth KC.

The panel's first job will be to confirm the shortlists for the three positions.

The Minister has directed that the Ministry and panel should work in tandem to assess the candidates. Attached for your review is a tabulated summary of the Ministry's assessment of the candidates who have put themselves forward for consideration. The assessments are made against the competencies set out in the respective position descriptions. Copies of the positions descriptions and candidates CVs are also attached.

If the panel is comfortable with the approach, I suggest members can review the applications against the Ministry's assessments, then hold an AVL meeting to compare thinking and finalise the shortlists to be recommended to the Minister. This approach is proposed bearing in mind busy schedules and the Minister's wish for the selection process to proceed expeditiously.

The panel's substantive task will then be to conduct interviews and report to the Minister.

The expectation is that the interviews will be in-person in Wellington, although it may be possible for either a panel member or candidate to use an AVL link if in-person attendance is not possible.

Phil Gini from the Ministry will be responsible for supporting the panel with arrangements for setting up meetings and interviews, and for assisting with drafting the panel report. Phil will

contact you shortly about next steps but if you need to contact him his DDI is (04) 494 4729 and his email address is [phil.gini@justice.govt.nz](mailto:phil.gini@justice.govt.nz).

The assignment you have accepted will no doubt be challenging. Again, I thank for your willingness to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jeff Orr".

Jeff Orr  
Chief Legal Counsel

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Hon Paul Goldsmith, Minister of Justice

**HUMAN RIGHTS COMMISSION**

<b>Date:</b>	6 March 2024	<b>File Number:</b>	MAP 09
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**Action Sought**

**Timeframe**

<p><b>Approve</b> a shortlist of candidates to be interviewed for the positions of</p> <ul style="list-style-type: none"> <li>• Chief Commissioner</li> <li>• Equal Employment Opportunities Commissioner</li> <li>• Race Relations Commissioner</li> </ul>	<b>URGENT</b>
---	---------------

**Contacts for telephone discussion (if required)**

Name	Position	Telephone		1 <sup>st</sup> Contact
Jeff Off	Chief Legal Counsel, Office of Legal Counsel	494 9755 (wk)	s9(2)(a)	✓
Phil Gini	Senior Advisor, Statutory Appointments	494 9730 (wk)		

**Minister's office to complete**

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	Not seen by Minister
<b>Minister's office comments</b>		

6 March 2024

Hon Paul Goldsmith  
Minister of Justice

## HUMAN RIGHTS COMMISSION

### Purpose

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1. This paper seeks your approval for the shortlists proposed by an independent assessment panel for the following Human Rights Commissioner positions:
  - Chief Commissioner
  - Equal Employment Opportunities Commissioner
  - Race Relations Commissioner

### Background

---

2. The position of Chief Commissioner is vacant following the departure of Professor Paul Hunt on 13 January 2024 at the conclusion of his five-year term of appointment. The Race Relations Commissioner position has been vacant since the resignation of Mr Meng Foon in June 2023. The appointment of the incumbent Equal Employment Opportunities (EEO) Commissioner, Saunoamaali'i Karanina Sumeo, expired in October 2023 and remains in force under carry-over provisions.
3. At your direction all three positions were publicly advertised. Nominations were also invited from members of Caucus and the leaders of the coalition parties. In addition, the Ministry wrote to a wide variety of relevant NGO's, interest groups and academic institutions to encourage expressions of interest.
4. The total number of expressions of interest and nominations was as follows:
  - Chief Commissioner 12
  - EEO Commissioner 9
  - Race Relations Commissioner 18
5. In accordance with the established procedures for appointments to the Human Rights Commission (established in accordance with the Paris Principles), you approved the formation of an independent assessment panel comprising Sir Terrence Arnold, Hon Christopher Finlayson KC, Mr Paul Rishworth KC and Mrs Lorraine Toki.
6. The Ministry undertook an initial assessment of the candidates, made against the key competencies in the position profiles for the three positions together with criteria set out in the governing legislation. The panel then made its assessment using the same criteria.

## Shortlists

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7. The candidates recommended by the panel for shortlisting are as follows:

### Chief Commissioner

1.	s9(2)(a)
2.	
3.	
4.	
5.	

### EEO Commissioner

1.	s9(2)(a)	
2.		
3.	PACHECO, Dr Gail (Auckland)	Professor of Economics

### Race Relations Commissioner

1.	s9(2)(a)
2.	
3.	
4.	
5.	

8. The full results of the panel considerations of the candidates are tabulated in Appendix I.

## Next Steps

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9. With your agreement, the panel can now proceed to conduct interviews. It has set aside the 20<sup>th</sup> and 21<sup>st</sup> of March for that task.

- 10. The panel will provide you with its report as soon as practicable once it has finished interviewing and conducted any required referee checking.

**Recommendations**

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11. I recommend that you:

11.1 **Approve** the following candidates, who in the assessment of the panel most fully meet the criteria for appointment as the Chief Commissioner, and should be interviewed:

- s9(2)(a) YES / NO
- YES / NO
- YES / NO
- YES / NO
- YES / NO

11.2 **Approve** the following candidates, who in the assessment of the panel most fully meet the criteria for appointment as the EEO Commissioner, and should be interviewed:

- s9(2)(a) YES / NO
- YES / NO
- **Dr Gail PACHECO** YES / NO

11.3 **Approve** the following candidates, who in the assessment of the panel most fully meet the criteria for appointment as the Race Relations Commissioner, and should be interviewed:

- s9(2)(a) YES / NO
- YES / NO
- YES / NO
- YES / NO
- YES / NO

AGREED / SEEN / NOT AGREED

Jeff Orr  
Chief Legal Counsel

Hon Paul Goldsmith  
**Minister of Justice**

Date:

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## HUMAN RIGHTS COMMISSIONER INTERVIEWS

Wednesday 20 March 2024

**Venue:** Ministry of Justice, Justice Centre, 19 Aitken Street, Wellington.  
Reception is on level 3.

**Panel:** Sir Terrence Arnold (Chair)  
Hon Christopher Finlayson KC  
Paul Rishworth KC  
Lorraine Toki

**Notetaker:** Phil Gini – s9(2)(a)

8.45 pm – 9.00 pm	<i>Panel discussion</i>	
9.00 am – 10.00 am	s9(2)(a)	<b>Chief Commissioner</b>
10.00 am – 11.00 am	<b>Dr Stephen RAINBOW</b>	<b>Chief Commissioner</b>
11.00 am – 11.15 pm	<i>Break</i>	
11.15 pm – 12.15 pm	s9(2)(a)	<b>Chief Commissioner</b>
12.15 pm – 1.15 pm	s9(2)(a)	<b>Chief Commissioner</b>
1.15 pm – 2.00 pm	<i>Lunch</i>	
2.00 pm – 3.00 pm	s9(2)(a)	<b>Chief Commissioner</b>
3.00 pm – 4.00 pm	<b>Dr Gail PACHECO</b>	<b>EEO Commissioner</b>
4.00 pm – 5.00 pm	s9(2)(a)	<b>EEO Commissioner</b>



## HUMAN RIGHTS COMMISSIONER INTERVIEWS

Thursday 21 March 2024

**Venue:** Ministry of Justice, Justice Centre, 19 Aitken Street, Wellington.  
Reception is on level 3.

**Panel:** Sir Terrence Arnold (Chair)  
Hon Christopher Finlayson KC  
Paul Rishworth KC  
Lorraine Toki

**Notetaker:** Phil Gini – s9(2)(a)

8.30 am – 8.45 am	<i>Panel discussion</i>	
8.45 am – 09.45 am	s9(2)(a)	<b>Race Relations Commissioner</b>
09.45 am – 10.45 am	s9(2)(a)	<b>Race Relations Commissioner</b>
10.45 am – 11.45 am	s9(2)(a)	<b>Race Relations Commissioner</b>
11.45 am – 12.30 pm	<i>Lunch</i>	
12.30 pm – 01.30 pm	s9(2)(a)	<b>EEO Commissioner</b>



Hon Paul Goldsmith, Minister of Justice

## HUMAN RIGHTS COMMISSION

Date	26 March 2024	File reference	MAP 19
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### Action Sought

### Timeframe/Deadline

**Your directions** on the candidates to be appointed to the following positions:

- Chief Commissioner
- Equal Employment Opportunities Commissioner
- Race Relations Commissioner.

### Contacts for telephone discussion (if required)

Name	Position	Telephone		1st contact
		(work)	(a/h)	
Jeff Orr	Chief Legal Counsel, Office of Legal Counsel	494 9755	s9(2)(a)	✓
Phil Gini	Senior Advisor, Statutory Appointments	494 9730		

### Minister's office to complete

- Noted       Approved       Overtaken by events  
 Seen       Withdrawn       Not seen by Minister

### Minister's office comments

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26 March 2024

Hon Paul Goldsmith, Minister of Justice

## HUMAN RIGHTS COMMISSION

### Purpose

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1. This paper attaches for your consideration a report from a panel established to provide you with an assessment of five candidates for the following positions:
  - Chief Commissioner
  - Equal Employment Opportunities Commissioner
  - Race Relations Commissioner.

### Background

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2. The positions of Chief Commissioner and Race Relations Commissioner are both currently vacant.
3. The term of appointment of the Equal Employment Opportunities Commissioner, Dr Saunoamaali'i Karanina Sumeo, expired in October 2023 but she remains in office under carry over provisions. Dr Sumeo is not under consideration for reappointment.
4. At your direction expressions of interest were sought for these positions via public advertising. Nominations were also invited from members of Caucus and the leaders of the coalition parties.
5. You also approved the establishment of the assessment panel comprising:
  - Sir Terence Arnold (retired Supreme Court Judge) - Chairperson
  - Hon Christopher Finlayson KC (barrister/former Attorney-General)
  - Paul Rishworth KC (human rights lawyer)
  - Lorraine Toki (Iwi Chair Forum representative).
6. Attached is a report providing an assessment on the candidates shortlisted for these positions.

### Panel report

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7. The panel has rated each of the candidates under consideration as:
  - **Highly appointable** (The candidate is assessed as meeting the criteria for appointment and being well matched to the current needs of the Commission).
  - **Appointable** (The candidate is assessed as meeting all or most of the criteria for appointment)
  - **Not Recommended** (The candidate is assessed as not meeting sufficient appointment criteria to be a viable appointment option).

8. The panel's recommendations are replicated below with provision for you to indicate your selection.

**Next step**

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9. Once you have indicated your selection, I propose that reference checking is completed on the proposed appointee.
10. The next step after that will be to refer a recommendation for the proposed appointment to the Cabinet Appointments and Honours Committee.

**Recommendation**

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s9(2)(g)(i), s9(2)(a)

APPROVED / SEEN / NOT AGREED

Jeff Orr  
Chief Legal Counsel

---

Hon Paul Goldsmith  
Minister of Justice

Date:

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# APH Organisation Form

All sections must be completed.

## Organisation and Responsible Portfolio

**HUMAN RIGHTS COMMISSION**

## Brief Outline of the Functions and Responsibilities of the Organisation

The Commission works with Government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.

## Current Membership

Name	Gender Identity*	Region	Ethnicities (and Iwi if applicable)	Date of original appointment	Expiry date of present term
CHIEF COMMISSIONER <b>Position Vacant</b> (Dr Karanina SUMEO acting)					
EEO COMMISSIONER <b>Dr Karanina SUMEO</b>	F	Auckland	Samoan	22 Oct 2018	21 Oct 2023
DISABILITIES RIGHTS COMMISSIONER <b>Prudence WALKER</b>	F	Christchurch	NZ European / Pākehā	19 Jul 2023	18 Jul 2028
RACE RELATIONS COMMISSIONER <b>Position Vacant</b> (Dr Karanina SUMEO acting)					

Use further pages, if required, to provide the information requested

# Candidate CV Form

Sections with \* must be completed.

This form should be completed by, or in consultation with, the candidate where possible.

<b>Name*</b> (family name in upper case; include title if appropriate)	<b>Dr Stephen Laurence RAINBOW</b>
--	------------------------------------

## The Position

<b>Organisation/Entity*</b>	Human Rights Commission
<b>Position *</b> (chair/member etc.)	Chief Commissioner
<b>Term*</b>	Five years from date of appointment
<b>Payment*</b> (per day /per year)	Set by the Remuneration Authority

## How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position*</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	<p>Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He was a lecturer for five years at Victoria University of Wellington in International Environmental Politics.</p> <p>Dr Rainbow will bring good judgement and approachability to the Chief Commissioner role. He has excellent communications skills and has the ability to build bridges across the political divide. He has identified the Te Tiriti as the major political issue of the day but also wants to focus the Commission on establishing greater relationships with local government and the private sector. He also accords with the view that human rights should be seen as being for everyone and not only just to protect the rights of minorities.</p>
<b>Possible conflicts of interest*</b>	Appropriate enquiries concerning conflicts of interest have been carried out in accordance with Public Service Commission appointment guidelines, to identify any conflict of interest that could reasonably be identified, and no conflicts of interest have been identified.
<b>Proposals for conflict management</b> (if applicable)	Not applicable

## The Candidate

<b>Name*</b> (family name in upper case; include title if appropriate)	Dr Stephen Laurence RAINBOW
<b>Address</b>	s9(2)(a)
<b>Ethnicity(s)</b>	NZ European / Pākehā
<b>Age range*</b>	60 +
<b>Gender*</b>	Male
<b>Current or most recent Employment*</b> (specify position and employer, include years)	Senior Adviser, Nelson City Council, 2023 to present Stakeholder Engagement manager, Auckland Transport, 2019 – 2022 Community Engagement Manager, Hunter Water Corporation, Newcastle, NSW, 2017 - 2018 Head of Strategy at Waterfront Auckland, 2014 – 2016 General Manager Transport at Auckland City Council, 205 - 2008 Director of Urban Strategy at Wellington City Council, 2002 – 2005 National Manager, NZ Historic Places Trust, 1996 - 1999.
<b>Government board appointments held*</b> (current and previous, include years)	
<b>Private and/or voluntary sector board appointments held*</b> (current and previous, include years)	Chair of the Board of Outline Member, of the Board of the NZ Aids Foundation
<b>Qualifications and experience</b> (include significant work history and community involvement)	Dr Rainbow holds a PhD and a BA(Hons) in Political Studies and a BA in History and Politics.

Use further pages, if required.

**Date:** June 2024

Ethnicity, age and gender information is collected for statistical collation by Te Kawa Mataaho - Public Service Commission, Ministry for Women, and the Ministry for Ethnic Communities.

# Candidate CV Form

Sections with \* must be completed.

This form should be completed by, or in consultation with, the candidate where possible.

<b>Name*</b> (family name in upper case; include title if appropriate)	<b>Dr Gail PACHECO</b>
--	------------------------

## The Position

<b>Organisation/Entity*</b>	Human Rights Commission
<b>Position *</b> (chair/member etc.)	Equal Employment Opportunities Commissioner
<b>Term*</b>	Five years from date of appointment
<b>Payment*</b> (per day /per year)	Set by the Remuneration Authority

## How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position*</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. She has extensive experience leading large-scale, multi-institutional funded projects, including work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission. Dr Pacheco was a Commissioner at the Productivity Commission from 2019 to 2022 and was President of the NZ Association of Economics from 2021 to 2023. She holds a PhD in Economics as well as a M.Com, B Com(Hons), B Com and BA degrees, all from Auckland University.
<b>Possible conflicts of interest*</b>	Appropriate enquiries concerning conflicts of interest have been carried out in accordance with Public Service Commission appointment guidelines, to identify any conflict of interest that could reasonably be identified, and no conflicts of interest have been identified.
<b>Proposals for conflict management</b> (if applicable)	Not applicable



## The Candidate

<b>Name*</b> (family name in upper case; include title if appropriate)	Dr Gail PACHECO
<b>Address</b>	s9(2)(a)
<b>Ethnicity(s)</b>	Indian / Portuguese
<b>Age range*</b>	40 - 50
<b>Gender*</b>	F
<b>Current or most recent Employment*</b> (specify position and employer, include years)	Professor of Economics, 2016 - current Co-Chair, Performance Based Research Fund, 2023 to 2027
<b>Government board appointments held*</b> (current and previous, include years)	Commissioner, NZ Productivity Commission, 2019 to 2022
<b>Private and/or voluntary sector board appointments held*</b> (current and previous, include years)	President, NZ Association of Economists Trustee, Ethnic Research Aotearoa, 2024 – current Director, NZ Work Research Institute, AUT, 2015 - current
<b>Qualifications and experience</b> (include significant work history and community involvement)	Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. She holds a PhD in Economics as well as a M.Com, B Com(Hons), B Com and BA degrees, all from Auckland University.

Use further pages, if required.

**Date:** June 2024

Ethnicity, age and gender information is collected for statistical collation by Te Kawa Mataaho - Public Service Commission, Ministry for Women, and the Ministry for Ethnic Communities.

# Candidate CV Form

Sections with \* must be completed.

This form should be completed by, or in consultation with, the candidate where possible.

<b>Name*</b> (family name in upper case; include title if appropriate)	<b>Dr Melissa Jane DERBY</b>
--	------------------------------

## The Position

<b>Organisation/Entity*</b>	Human Rights Commission
<b>Position *</b> (chair/member etc.)	Equal Employment Opportunities Commissioner
<b>Term*</b>	Five years from date of appointment
<b>Payment*</b> (per day /per year)	Set by the Remuneration Authority

## How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position*</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	<p>Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills.</p> <p>Dr Derby combines first rate intellectual ability with an approachable personality. She has a sound of knowledge on the human rights dimensions of Te Tiriti and a balanced approach to broader social issues. Further, while she was on a Fulbright scholarship at Columbia University, she had the opportunity to spend time at the United Nations learning about ethnic rights from an international perspective. She is a confident and engaging communicator and has useful experience dealing with the media.</p>
<b>Possible conflicts of interest*</b>	Appropriate enquiries concerning conflicts of interest have been carried out in accordance with Public Service Commission appointment guidelines, to identify any conflict of interest that could reasonably be identified, and no conflicts of interest have been identified.
<b>Proposals for conflict management</b> (if applicable)	Not applicable

## The Candidate

<b>Name*</b> (family name in upper case; include title if appropriate)	Dr Melissa Jane DERBY
<b>Address</b>	s9(2)(a)
<b>Ethnicity(s)</b>	NZ European./ Māori (Ngāti Ranginui)
<b>Age range*</b>	Not Stated
<b>Gender*</b>	F
<b>Current or most recent Employment*</b> (specify position and employer, include years)	Senior Lecturer in Child Development, University of Waikato, Tauranga, 2022 to present Lecturer in Child Development, University of Waikato, Tauranga, 2021 - 2022 Lecturer in History, Auckland University of Technology, Auckland, 2019 - 2020 Relationship Manager, University Relations, Auckland University of Technology, Auckland, 2011 - 2015
<b>Government board appointments held*</b> (current and previous, include years)	Ministerial Advisory Board, Office of the Minister of Education, 2024 Deputy Chair, Division of Education Ethics Committee, 2024
<b>Private and/or voluntary sector board appointments held*</b> (current and previous, include years)	Member, New Zealand Psychological Society Ngāi Tamarāwaho Tribal Trust Authority Education Reference Group, 2012 to present
<b>Qualifications and experience</b> (include significant work history and community involvement)	Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her scholarship has been recognised through a range of awards, including a Fulbright-Ngā Pae o te Māramatanga Graduate Award. She is co-director of the Early Years Research Centre at the University of Waikato, and co-editor of the New Zealand Association for Research in Education's blog, Ipu Kererū. She sits on a number of advisory groups for education and literacy, including the Cabinet-appointed Ministerial Advisory Group advising the Minister of Education. She is also on the Board of Trustees at Matua School in Tauranga, New Zealand and the Board of Directors for Inspired Kindergartens in Tauranga.

Use further pages, if required.

**Date:** June 2024

Ethnicity, age and gender information is collected for statistical collation by Te Kawa Mataaho - Public Service Commission, Ministry for Women, and the Ministry for Ethnic Communities.

7 June 2024

Hon Paul Goldsmith  
Minister of Justice

## HUMAN RIGHTS COMMISSION

### Purpose

1. This paper:
  - 1.1 seeks your direction on the next step(s) to be taken to appoint a new Chief Commissioner.
  - 1.2 seeks confirmation of your agreement to recommend the appointment of Dr Gail Pacheco as the Equal Employment Opportunities Commissioner with effect from 7 November 2024.
  - 1.3 attaches an addendum to the report on the Human Rights Commission appointments forwarded to you on 26 March 2024. The update follows the panel's interview of Dr Melissa Derby who is under consideration for the position of Race Relations Commissioner.

### Chief Commissioner

2. s9(2)(f)(iv)
3. You have asked for advice on possible next steps in respect of this position.
4. s9(2)(g)(i)
5. I have noted your feedback about the need for the candidate to have broad support within parliamentary circles, and also your concern that the appointee must be an able communicator.
6. In this regard to these key concerns, you may wish to review the panel's assessment of Dr Stephen Rainbow. The panel wrote:

s9(2)(g)(i)

s9(2)(g)(i)

7. The full report is attached for you reference if required.

s9(2)(g)(i)

9. The panel report makes the point strongly that a number of the appointment criteria indicate the role may be more naturally suited to a lawyer, but that is not a requirement of the legislation. Two of the last four Chief Commissioners were not lawyers: Paul Hunt (2019 -23) and David Rutherford (2011 – 2018) were legally qualified while Roslyn Noonan (2001 – 2011) and Pamela Jeffries (1993 – 2000) were not.
10. Commissioners do not, or at least should not, give themselves legal advice so the Chief Commissioner has to navigate any legal issues in concert with others. Dr Rainbow is not a lawyer but he clearly has an able intellect and his experience as a legislator gives him a useful background for considering legal issues.
11. I also note that while it would be helpful if the board of the Commission includes a member with a legal background, the board is able get legal advice from its own staff or, if necessary, from external lawyers.

#### **Equal Employment Opportunities Commissioner**

12. You have previously agreed to recommend Dr Gail Pacheco as the Equal Employment Opportunities Commissioner.

s9(2)(a)

s9(2)(a)

s9(2)(f)(iv)

**Race Relations Commissioner**

- 17. You asked for the panel to interview Dr Melissa Derby for the position of Race Relations Commissioner. Dr Derby was a late applicant whom you agreed should be interviewed  
s9(2)(g)(i)
- 18. Arrangements for this interview have been affected by difficulties in aligning the panel's availability with Dr Derby's availability. This problem has been exacerbated by the fact  
s9(2)(a)
- 19. The panel has now completed the interview and its report is attached.

**Recommendations**

- 20. In respect of the Chief Commissioner position, I seek your direction on whether you now wish to:

20.1	<b>recommend</b> s9(2)(a) for appointment as the Chief Commissioner	<b>YES / NO</b>
OR		
20.2	<b>recommend</b> one of the other candidates from the panel report.	<b>YES / NO</b>
OR		
20.3	<b>re-advertise</b>	<b>YES / NO</b>

- 21. In respect of the Equal Employment Opportunities Commissioner, I ask you to:

21.1	<b>note</b> the arrangement outlined above for s9(2)(a)	
21.2	<b>confirm</b> that you wish to proceed with a recommendation for the appointment of Dr Gail Pacheco as the Equal Employment Opportunities Commissioner with effect from 7 November.	<b>YES / NO</b>

22. In respect of the Race Relations Commissioner, I ask you to:

22.1	<b>note</b> the attached report from the assessment panel, made following its interview of Dr Melissa Derby.	
22.2	<b>indicate</b> if you wish to recommend Ms Derby for appointment as Race Relations Commissioner.	<b>YES / NO</b>

Edrick Child  
**Acting Chief Legal Counsel**

APPROVED / SEEN / NOT AGREED

Hon Paul Goldsmith  
**Minister of Justice**  
 Date:

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



12 August 2024

Dr Melissa Derby  
s9(2)(a)

Dear Dr Derby

**RACE RELATIONS COMMISSIONER**

I write regarding your proposed appointment as the Race Relations Commissioner under section 8(1A)(c) of the Human Rights Act 1993.

Under section 31 of the Crown Entities Act 2004, before a person is appointed as a member of a statutory entity, the person must—

- (a) consent in writing to being a member; and
- (b) certify that he or she is not disqualified from being a member; and
- (c) disclose to the responsible Minister the nature and extent (including monetary value, if quantifiable) of all interests that the person has at that time, or is likely to have, in matters relating to the statutory entity.

I have appended for your reference the provisions set out in section 30 of the Act which relate to persons who are disqualified from appointment as a member of a statutory entity.

It would assist the timeliness of processing an appointment if I could have from you a written statement satisfying the requirements of section 31 so that this can be passed onto the Minister of Justice. I have attached a draft letter for your signature.

You can send a scanned copy of the letter to me at [philip.gini@Justice.govt.nz](mailto:philip.gini@Justice.govt.nz).

Yours sincerely

Phil Gini  
for Secretary for Justice

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**CROWN ENTITIES ACT 2004****30. Qualifications of members—**

- (1) A natural person who is not disqualified by this section may be a member of a statutory entity.
- (2) The following persons are disqualified from being members:
  - (a) a person who is an undischarged bankrupt:
  - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under section 382, section 383, or section 385 of the Companies Act 1993:
  - (c) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988:
  - (d) a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's—
    - (i) competence to manage his or her own affairs in relation to his or her property; or
    - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare:
  - (e) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person:
  - (f) a member of Parliament:
  - (g) a person who is disqualified under another Act.
- (3) However, subsection (2)(f) does not disqualify a person who is elected (rather than appointed) to office as a member under any other Act.

13 August 2024

Hon Paul Goldsmith  
Minister of Justice  
PARLIAMENT BUILDINGS

Dear Minister

**RACE RELATIONS COMMISSIONER**

In accordance with section 31 of the Crown Entities Act 2004, I hereby advise as follows:

- (a) I am pleased to consent to being appointed as the Race Relations Commissioner under section 8(1A)(c) of the Human Rights Act 1993.
- (b) I certify that I am not disqualified from being appointed to that position.
- (c) I have no interests in matters relating to the Human Rights Commission that pose, or are likely to pose, a conflict of interest.

Yours sincerely



Dr Melissa Derby

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13 August 2024

Hon Paul Goldsmith  
Minister of Justice  
PARLIAMENT BUILDINGS

Dear Minister

**CHIEF COMMISSIONER**

In accordance with section 31 of the Crown Entities Act 2004, I hereby advise as follows:

- (a) I am pleased to consent to being appointed as the Chief Commissioner under section 8(1A)(a) of the Human Rights Act 1993.
- (b) I certify that I am not disqualified from being appointed to that position.
- (c) I have no interests in matters relating to the Human Rights Commission that pose, or are likely to pose, a conflict of interest.

Yours sincerely



Dr Stephen Rainbow

13 August 2024

Hon Paul Goldsmith  
Minister of Justice  
PARLIAMENT BUILDINGS

Dear Minister

**EQUAL EMPLOYMENT OPPORTUNITIES COMMISSIONER**

In accordance with section 31 of the Crown Entities Act 2004, I hereby advise as follows:

- (a) I am pleased to consent to being appointed as the Equal Employment Opportunities Commissioner under section 8(1A)(b) of the Human Rights Act 1993.
- (b) I certify that I am not disqualified from being appointed to that position.
- (c) I have no interests in matters relating to the Human Rights Commission that pose, or are likely to pose, a conflict of interest.

Yours sincerely



Gail Pacheco, PhD

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## HUMAN RIGHTS COMMISSION: WARRANTS FOR GOVERNOR-GENERAL

<b>MINISTER: Hon Paul Goldsmith, Minister of Justice</b>			
<b>Date:</b> 13 August 2024	<b>Timeframe/Deadline:</b>	<b>File Reference:</b> MAP 15-01	
<b>DESCRIPTION OF ENTITY:</b>			
The Human Rights Commission is an independent Crown entity which works with government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.			
<b>Appointee</b>	<b>Position</b>	<b>Term</b>	<b>Type</b>
Dr Stephen RAINBOW	Chief Commissioner	5 years	Appointment
Dr Melissa DERBY	Race Relations Commissioner	5 years	Appointment
Dr Gail PACHECO	EEO Commissioner	5 years	Appointment
<b>APPOINTMENT MADE BY: GOVERNOR-GENERAL</b>			
<b>Step</b>	<b>Documentation</b>		
<b>Step 1: refer to Governor-General</b>	<ul style="list-style-type: none"> <li>Sign and refer letter to the Governor-General</li> <li>Sign and refer advice sheet</li> <li>Refer warrants of appointment</li> </ul>		
<b>Step 2: once returned from Governor-General</b>	<ul style="list-style-type: none"> <li>Sign letters to appointees</li> <li>Sign letter to Acting Chief Commissioner</li> </ul>		
<b>Step 3: refer documents to Ministry</b>	<ul style="list-style-type: none"> <li>Original warrants</li> <li>Letters to appointees and Acting Chief Commissioner</li> </ul>		
APPROVED / SEEN / NOT AGREED			
			
Jeff Orr <b>Chief Legal Counsel</b>		Hon Paul Goldsmith <b>Minister of Justice</b> Date:	
<b>Attachments</b>	<ul style="list-style-type: none"> <li>Letter to Governor-General</li> <li>Advice sheet to the Governor-General</li> <li>Warrants of appointment</li> </ul>		<ul style="list-style-type: none"> <li>Letters to appointees</li> <li>Letter to Chief Commissioner</li> </ul>

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Your Excellency

### **Appointments of Human Rights Commissioners**

I attach papers for the following appointments to the Human Rights Commission to be made pursuant to section 8 of the Human Rights Act 1993 and section 28 of the Crown Entities Act 2004:

- Dr Stephen Rainbow as the Chief Commissioner
- Dr Gail Pacheco as the Equal Employment Opportunities Commissioner
- Dr Melissa Derby as the Race Relations Commissioner.

The Human Rights Commission (the Commission) is an independent Crown entity which works with government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.

The Commission consists of the Chief Commissioner; and not less than three and not more than four other Commissioners.

The Human Rights Act 1993 requires a Commissioner, other than the Chief Commissioner, to be appointed to lead the work of the Commission in each of the following priority areas:

- (a) disability rights (the Disability Rights Commissioner);
- (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
- (c) race relations (the Race Relations Commissioner).

Section 31 of the Crown Entities Act 2004, the Act under which these appointments are made, requires that before a person is appointed as a member of a statutory entity, the person must—

- (a) consent in writing to being a member; and
- (b) certify that he or she is not disqualified from being a member; and
- (c) disclose to the responsible Minister the nature and extent (including monetary value, if quantifiable) of all interests that the person has at that time, or is likely to have, in matters relating to the statutory entity.

I can confirm that the proposed appointees have completed the prescribed requirements of consent, certification and disclosure.

Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, Stakeholder Engagement Manager for Auckland Transport, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He has been active in promoting LGBT rights and is on the board of NZ Aids.

Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. The majority of her research focuses on utilising linked administrative data to inform policy debate. She has extensive experience leading large-scale, multi-institutional funded projects, including work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission.

Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills. She combines first rate intellectual ability with an approachable personality. She has a sound knowledge on the human rights dimensions of the Treaty of Waitangi and a balanced approach to broader social issues.

I am satisfied that each of these candidates possess the skills and attributes required for the proposed appointment.

Yours sincerely

Hon Paul Goldsmith  
**Minister of Justice**

Wellington ..... 2024

Her Excellency the Governor-General is respectfully advised to sign, pursuant to

**Dr Stephen Laurence RAINBOW**

of Mapua, as the Chief Commissioner of the Human Rights Commission for a term of five years commencing on 11 November 2024, and

**Dr Gail Anne PACHECO**

of Auckland, as the Equal Employment Opportunities Commissioner for a term of five years commencing on 11 November 2024, and

**Dr Melissa Jane DERBY**

of Tauranga, as the Race Relations Commissioner for a term of five years commencing on 4 November 2024.

Hon Paul Goldsmith  
Minister of Justice

Appointed:

Governor-General  
/ / 2024

**APPOINTMENT OF CHIEF COMMISSIONER**

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**GOVERNOR-GENERAL**

Pursuant to section 8(1)(a) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, I, The Right Honourable Dame Cindy Kiro, Governor-General of New Zealand hereby appoint:

**Dr Stephen Laurence RAINBOW**

of Mapua, as the Chief Commissioner of the Human Rights Commission for a term of five years commencing on 11 November 2024.

Given under the hand of Her Excellency the Governor-General and issued on this  
day of 2024.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

**APPOINTMENT OF EQUAL EMPLOYMENT OPPORTUNITIES  
COMMISSIONER**

**GOVERNOR-GENERAL**

Pursuant to sections 8(1)(b) and (1A)(b) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, I, The Right Honourable Dame Cindy Kiro, Governor-General of New Zealand hereby appoint:

**Dr Gail Anne PACHECO**

of Auckland, as the Equal Employment Opportunities Commissioner for a term of five years commencing on 11 November 2024.

Given under the hand of Her Excellency the Governor-General and issued on this

day of 2024.

## APPOINTMENT OF RACE RELATIONS COMMISSIONER

### GOVERNOR-GENERAL

Pursuant to sections 8(1)(b) and (1A)(c) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, I, The Right Honourable Dame Cindy Kiro, Governor-General of New Zealand hereby appoint:

**Dr Melissa Jane DERBY**

of Tauranga, as the Race Relations Commissioner for a term of five years commencing on 4 November 2024.

Given under the hand of Her Excellency the Governor-General and issued on this

day of 2024.

Dr Stephen Rainbow  
s9(2)(a)

s9(2)(a)

Dear Dr Rainbow

**Chief Commissioner**

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to section 8(1)(a) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, appointed you as the Chief Commissioner of the Human Rights Commission for a term of five years with effect from 11 November 2024.

Attached for your record is the Notice of Appointment as required under the Crown Entities Act 2004.

I am sure the Acting Chief Commissioner, Dr Saunoamaali'i Karanina Sumeo, will be in touch with you about arrangements for taking up your appointment.

Please accept my warm congratulations on your appointment and my best wishes for your work in this challenging and demanding office.

Yours sincerely

Hon Paul Goldsmith  
**Minister of Justice**

Mr Gail Pacheco  
s9(2)(a)

s9(2)(a)

Dear Dr Pacheco

**Equal Employment Opportunities Commissioner**

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to 8(1)(b) & (1A)(b) of the Human Rights Act 1993, and section 28(1)(b) of the Crown Entities Act 2004, appointed you as the Equal Opportunities Commissioner for a term of five years with effect from 11 November 2024.

Attached for your record is the Notice of Appointment as required under the Crown Entities Act 2004.

I am sure the Acting Chief Commissioner, Dr Saunoamaali'i Karanina Sumeo, will be in touch with you about arrangements for taking up your appointment.

Please accept my warm congratulations on your appointment and my best wishes for your work in this challenging and demanding office.

Yours sincerely

Hon Paul Goldsmith  
**Minister of Justice**

Dr Melissa Derby  
s9(2)(a)

s9(2)(a)

Dear Dr Derby

**Race Relations Commissioner**

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to section 8(1)(b) and (1A)(c) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, appointed you as the Race Relations Commissioner for a term of five years with effect from 4 November 2024.

Attached for your record is the Notice of Appointment as required under the Crown Entities Act 2004.

I am sure the Acting Chief Commissioner, Dr Saunoamaali'i Karanina Sumeo, will be in touch with you about arrangements for taking up your appointment.

Please accept my warm congratulations on your appointment and my best wishes for your work in this challenging and demanding office.

Yours sincerely

Hon Paul Goldsmith  
**Minister of Justice**

Dr Saunoamaali'i Karanina Sumeo  
Te Kāhui Tika Tangata Human Rights Commission  
PO Box 6751,  
Wellesley Street,  
Auckland

[KaraninaS@tikatangata.org.nz](mailto:KaraninaS@tikatangata.org.nz)

Dear Dr Sumeo

### **Appointment of Commissioners**

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to section 8 of the Human Rights Act 1993 and section 28 of the Crown Entities Act 2004, made the following appointments:

- Dr Stephen Rainbow as the Chief Commissioner commencing on 11 November 2024
- Dr Gail Pacheco as the Equal Employment Opportunities Commissioner commencing on 11 November 2024
- Dr Melissa Derby as the Race Relations Commissioner commencing on 4 November 2024.

Attached for your record are the Notices of Appointment as required under the Crown Entities Act 2004.

I have asked my officials to provide you with contact details for the new appointees.

I would like to take this opportunity to thank you for your service in leading the Commission's work in the area of Equal Employment Opportunities. In particular, I acknowledge your efforts in supporting gender pay equity and the rights of workers in the Recognised Seasonal Employer Scheme.

I also want to acknowledge your very considerable support in shouldering the roles of Acting Chief Commissioner and Acting Race Relations Commissioner over much of the past year.

Please accept my best wishes for the future.

Yours sincerely

Hon Paul Goldsmith  
**Minister of Justice**

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**POSITION PROFILE**  
**CHIEF COMMISSIONER**

Title:	<b>Chief Commissioner</b>
Appointed by:	<b>Governor-General on the advice of the Minister of Justice</b>
Time commitment:	<b>Full-Time</b>
Term:	<b>Up to 5 years</b>
Salary:	<b>As determined by the Remuneration Authority</b>
Location:	<b>The preferred location of the Chief Commissioner position is Auckland or Wellington</b>

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This position description is based on legislative provisions contained in the Human Rights Act 1993 (the Act).

#### **Human Rights Commission**

The Human Rights Commission is an independent Crown entity given a wide range of functions and powers under the Human Rights Act 1993

#### **Membership of Commission**

Section 8 of the Act provides:

- (1) The Commission consists of the following Human Rights Commissioners:
  - (a) the Chief Commissioner; and
  - (b) not less than 3 and not more than 4 other Commissioners.
- (1A) There must be a Commissioner, other than the Chief Commissioner, appointed to lead the work of the Commission in each of the following priority areas:
  - (a) disability rights (the Disability Rights Commissioner);
  - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
  - (c) race relations (the Race Relations Commissioner).
- (1B) A Commissioner must lead the work of the Commission in any other priority area that is designated by the Chief Commissioner, and the Chief Commissioner may designate an area of work as a priority area only in accordance with the strategic direction and the general nature of activities determined by the Commission under section 7(1) and after consultation with the Minister and the other Commissioners.
- (2) The Commissioners are the board for the purposes of the Crown Entities Act 2004.
- (3) The Chief Commissioner holds office as chairperson of the board for the purposes of the Crown Entities Act 2004.

## Functions of the Human Rights Commission

The Commission's main functions are to:

- Advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
- Encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
- Lead, evaluate, monitor and advise on equal employment opportunities
- Provide information to members of the public who have questions about unlawful discrimination and facilitate resolution of disputes relating to unlawful discrimination on the grounds of sex, marital status, religious belief, ethical belief (lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation or sexual harassment or racial harassment in the areas of employment, education, access to public places, the provision of goods and services, housing and accommodation, partnerships, qualifying bodies, organisations of employees and employers, vocational training and trade and professional associations, government or public sector activities.

Applicants should refer to section 5 of the Act for the full range of the Commission's functions.

## Role of Commissioners

Section 7(1) of the Act provides that the members of the Commission acting together determine the strategic direction and the general nature of activities undertaken in the performance of the Commission's functions.

## Criteria for appointment

Section 11(1) of the Act provides that in recommending persons for appointment as Commissioners or alternate Commissioners, the Minister must have regard to the need for Commissioners and alternate Commissioners appointed to have among them.

- (a) knowledge of, or experience in:
  - (i) different aspects of matters likely to come before the Commission
  - (ii) New Zealand law, or the law of another country, or international law, on human rights
  - (iii) the Treaty of Waitangi and rights of indigenous peoples
  - (iv) current economic, employment, or social issues
  - (v) cultural issues and the needs and aspirations (including life experiences) of different communities of interest and population groups in New Zealand society.
- (b) skills in, or experience in:
  - (i) advocacy or public education
  - (ii) business, commerce, economics, industry, or financial or personnel management
  - (iii) community affairs
  - (iv) public administration, or the law relating to public administration.

### Further criteria for appointment of Chief Commissioner

In recommending a person for appointment as Chief Commissioner, the Minister must have regard not only to the criteria stated in section 11 but also to the person's—

- (a) ability to provide leadership in relation to the performance of the functions of the Commission (for example, being an advocate for, and promoting, by education and publicity, respect for and observance of human rights):
- (b) ability to represent the Commission, and to create and maintain effective relationships between it and other persons or bodies:
- (c) knowledge of New Zealand law, the law of other countries, and international law, on human rights, and of New Zealand's obligations under international instruments on human rights:
- (d) appreciation of issues or trends in human rights arising in other countries or internationally, and of the relevance of those issues or trends for New Zealand:

### Role of the Chief Commissioner

The principal functions of the Chief Commissioner include:

- (a) To chair the Human Rights Commission
- (b) To ensure that the Commission's activities are consistent with the strategic direction set by the Commission
- (c) To be responsible for matters of administration in relation to the Commission
- (d) To allocate spheres of responsibility among the Commissioners

In practice this means:

- Chairing monthly meetings of the Commission (monitoring and setting policy for the operation of the Commission)
- Chairing bi-monthly meetings of the full Commission (managing and making decisions on the jurisdictional functions of the Commission)
- Chairing telephone conference meetings of the Commission as necessary
- Consultation with Ministers, stakeholders, complainants and respondents
- Appearing at Select Committees as required
- Developing strategic plans and operational plans in conjunction with other Commissioners, the General Manager and staff
- Providing leadership as the media spokesperson for the Commission
- Undertaking public speaking engagements
- Representing the New Zealand Human Rights Commission on the Asia/Pacific Forum of National Human Rights Institutions
- Representing the New Zealand Human Rights Commission on the International Co-ordinating Committee of National Human Rights Institutions for the Protection and Promotion of Human Rights
- Liaising with the Ministry of Foreign Affairs Human Rights Unit and the Office of the United Nations High Commissioner for Human Rights
- Developing and maintaining good collegial relationships between Commissioners
- Responsibility for promoting the Commission's relationship with the Maori community
- Responsibility for the direction of Human Rights policy development in conjunction with other Commissioners.

## CHIEF HUMAN RIGHTS COMMISSIONER KEY COMPETENCIES

- **Relevant professional qualifications or experience**
- **Appreciation of human rights issues**
- **Governance Skills**
- **Relationship management ability**

The successful applicants will have/be able to demonstrate:

### **Relevant professional qualifications or experience**

- A tertiary qualification in a relevant discipline or comparable career experience.
- Career experience at a senior level reflecting good judgement, integrity and impartiality.
- Analytical skill and demonstrable clarity of thought.
- Experience in advocacy or public education.
- Experience in working with diverse groups and familiarity with dispute resolution processes.

### **Appreciation of human rights issues**

- Understanding of the Human Rights Act 1993, the New Zealand Bill of Rights Act 1990 and New Zealand's obligations under various United Nations conventions.
- Understanding of, and sensitivity to, Treaty of Waitangi issues.
- Appreciation of issues, trends and developments in human rights arising in other countries or internationally, and of the relevance of those issues or trends in New Zealand.
- Familiarity with issues relating to minority and disadvantaged groups.
- Understanding of the issues arising from the multi-ethnic nature of the New Zealand population, including the need for different strategies and networks to communicate successfully with the various ethnic communities.
- Familiarity with issues facing employers and employees in a diverse workforce.
- Appreciation of the key goals of Government and their relevance to significant social issues.

### **Governance skills**

- The ability to provide vision and strategic leadership, to set clear policies and priorities, and to motivate staff.
- An understanding of good management practices and the ability to apply these effectively to achieve organisational goals and objectives.
- An appreciation of public sector management as set out in the Public Finance Act 1989.

**Relationship management ability**

- The ability to establish and maintain constructive relationships at all levels both externally and internally.
- The ability to work collaboratively as part of a governance team, taking into account the interests of the whole organisation rather than the portfolio interest.
- Respect for the separate role of the Chief executive in managing staff members as their employer.
- A proven commitment to modelling a positive culture and acceptable behaviours.
- Having, and following effective and well-understood accountability processes.
- Demonstrated consistent professionalism and fairness in dealing with others.
- The ability to stimulate interest in, and promote understanding of, human rights issues.
- The ability to interact effectively with the media to promote positive human rights.
- Superior public speaking and presentation skills.
- An understanding of the aspirations of a diverse range of people and organisations, including other Commissions, Māori, central Government agencies, businesses, non-Government organisations, media representatives, Members of Parliament, diplomats, ethnic community organisations, service organisations, local bodies, religious organisations and other sectoral interest groups.

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## POSITION PROFILE

### EQUAL EMPLOYMENT OPPORTUNITIES COMMISSIONER

Title:	<b>Equal Employment Opportunities Commissioner</b>
Reports to:	<b>Chief Commissioner</b>
Appointed by:	<b>Governor-General on the advice of the Minister of Justice</b>
Time commitment:	<b>Full-Time</b>
Term:	<b>Up to 5 years</b>
Salary:	<b>As determined by Remuneration Authority</b>
Location:	<b>The Human Rights Commission has offices in Auckland and Wellington. The Equal Opportunities Commissioner may be based in another centre but would need to travel regularly to the Commission's offices.</b>

---

This position description is based on legislative provisions contained in the Human Rights Act 1993 (the Act).

#### **Human Rights Commission**

The Human Rights Commission is an independent Crown entity given a wide range of functions and powers under the Human Rights Act 1993

#### **Membership of Commission**

Section 8 of the Act provides:

- (1) The Commission consists of the following Human Rights Commissioners:
  - (a) the Chief Commissioner; and
  - (b) not less than 3 and not more than 4 other Commissioners.
- (1A) There must be a Commissioner, other than the Chief Commissioner, appointed to lead the work of the Commission in each of the following priority areas:
  - (a) disability rights (the Disability Rights Commissioner);
  - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
  - (c) race relations (the Race Relations Commissioner).
- (1B) A Commissioner must lead the work of the Commission in any other priority area that is designated by the Chief Commissioner, and the Chief Commissioner may designate an area of work as a priority area only in accordance with the strategic direction and the general nature of activities determined by the Commission under section 7(1) and after consultation with the Minister and the other Commissioners.
- (2) The Commissioners are the board for the purposes of the Crown Entities Act 2004.
- (3) The Chief Commissioner holds office as chairperson of the board for the purposes of the Crown Entities Act 2004.

## Functions of the Human Rights Commission

The Commission's main functions are to:

- Advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
- Encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
- Lead, evaluate, monitor and advise on equal employment opportunities
- Provide information to members of the public who have questions about unlawful discrimination and facilitate resolution of disputes relating to unlawful discrimination on the grounds of sex, marital status, religious belief, ethical belief (lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation or sexual harassment or racial harassment in the areas of employment, education, access to public places, the provision of goods and services, housing and accommodation, partnerships, qualifying bodies, organisations of employees and employers, vocational training and trade and professional associations, government or public sector activities.

Applicants should refer to section 5 of the Act for the full range of the Commission's functions.

## Role of Commissioners

Section 7(1) of the Act provides that the members of the Commission acting together determine the strategic direction and the general nature of activities undertaken in the performance of the Commission's functions.

## Criteria for appointment

Section 11(1) of the Act provides that in recommending persons for appointment as Commissioners or alternate Commissioners, the Minister must have regard to the need for Commissioners and alternate Commissioners appointed to have among them.

- (a) knowledge of, or experience in:
  - (i) different aspects of matters likely to come before the Commission
  - (ii) New Zealand law, or the law of another country, or international law, on human rights
  - (iii) the Treaty of Waitangi and rights of indigenous peoples
  - (iv) current economic, employment, or social issues
  - (v) cultural issues and the needs and aspirations (including life experiences) of different communities of interest and population groups in New Zealand society.
- (b) skills in, or experience in:
  - (i) advocacy or public education
  - (ii) business, commerce, economics, industry, or financial or personnel management
  - (iii) community affairs
  - (iv) public administration, or the law relating to public administration.

**Additional criteria relevant to the Equal Employment Opportunities Commissioner**

Section 13 of the Act provides that in recommending a person for appointment as a Commissioner appointed to lead the work of the Commission in a priority area under section 8(1A), the Minister must have regard not only to the criteria stated in section 11 but also to the person's—

- (a) understanding of the principles and practice of the priority area in question, including its origin and development in New Zealand:
- (b) appreciation of issues, trends, and developments, in other countries and internationally, affecting the priority area in question, and the relevance of those issues, trends, or developments for New Zealand:
- (c) ability to perform the functions stated in section 16.

**Functions of the Equal Employment Opportunities Commissioner**

Section 16 of the Act provides a Commissioner who is appointed or designated to lead the work of the Commission in a priority area under section 8(1A) or (1B) has the following additional functions:

- (a) to lead discussions of the Commission in relation to that priority area of work:
- (b) to provide advice and leadership on matters in that priority area of work that arise in the course of activities undertaken in the performance of the Commission's functions, both when engaging in those activities and when consulted:
- (c) to contribute to the public debate on matters in that priority area of work:
- (d) any other functions or duties conferred or imposed upon him or her by or under this Act or any other enactment.
- (e) any other functions, powers, or duties conferred or imposed on him or her by or under this Act or any other enactment.

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## EQUAL EMPLOYMENT OPPORTUNITIES COMMISSIONER

### KEY COMPETENCIES

- **Relevant professional qualifications or experience**
- **Appreciation of human rights and equal employment opportunities issues**
- **Governance Skills**
- **Relationship management ability.**

The successful applicant will have/be able to demonstrate:

#### **Relevant professional qualifications or experience**

- A tertiary qualification in a relevant discipline or comparable career experience
- Career experience at a senior level reflecting good judgement, integrity and
- Impartiality
- Analytical skill and demonstrable clarity of thought
- A track record in writing complex documents and material for publication
- Experience in working with diverse groups and familiarity with dispute resolution processes.

#### **Appreciation of human rights issues and Equal Employment Opportunities issues**

- Understanding of the Human Rights Act 1993, New Zealand Bill of Rights Act 1990, and New Zealand's obligations under various United Nations conventions.
- An understanding of, and sensitivity to, Treaty of Waitangi issues
- Familiarity with issues relating to minority and disadvantaged groups
- An understanding of the issues arising from the multi-ethnic nature of the New Zealand population, including the need for different strategies and networks to communicate successfully with the various ethnic communities
- Familiarity with issues facing employers and employees in a diverse workforce
- An appreciation of the key goals of Government and their relevance to significant social issues.
- Understanding of principles relating to equal employment opportunities
- Appreciation of issues, trends, and developments in the promotion of equal employment opportunities in other countries and internationally, and the relevance of those issues, trends, or developments in New Zealand
- An appreciation of the current employment climate in NZ and the strategic opportunities for its enhancement
- The ability to develop the capacity of NZ communities to address and resolve their equal employment issues

### **Governance Skills**

- The ability to contribute vision and strategic leadership, to develop policies.
- An understanding of good management practices and the ability to apply these effectively to achieve organisational goals and objectives
- An appreciation of public sector management as set out in the Public Finance Act 1989.

### **Relationship management**

- The ability to establish and maintain constructive relationships at all levels both externally and internally
- The ability to work collaboratively as part of a governance team, taking into account the interests of the whole organisation rather than the portfolio interest;
- Respect for the separate role of the Chief executive in managing staff members as their employer
- A proven commitment to modelling a positive culture and acceptable behaviours
- Having, and following effective and well-understood accountability processes;
- The ability to stimulate interest in, and promote understanding of, human rights issues, particularly EEO issues, on the part of the public
- Demonstrated consistent professionalism and fairness in dealing with others
- The ability to interact effectively with the media to promote positive human rights
- Superior public speaking and presentation skills
- An understanding of the aspirations of a diverse range of stake-holders, including other Commissions, Māori, central Government agencies, businesses, non-Government organisations, media representatives, Members of Parliament, diplomats, ethnic community organisations, service organisations, local bodies, religious organisations and other sectoral interest groups.

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## POSITION PROFILE

### RACE RELATIONS COMMISSIONER – TE TOIHAU WHAKAWHANAUNGA Ā-IWI

Title:	<b>Race Relations Commissioner – Te Toihau Whakawhanaunga ā-Iwi</b>
Appointed by:	<b>Governor-General on the advice of the Minister of Justice</b>
Reports to:	<b>Chief Commissioner</b>
Time Commitment:	<b>Full-Time</b>
Term:	<b>Up to 5 years</b>
Salary:	<b>As determined by Remuneration Authority</b>
Location:	<b>The Human Rights Commission has offices in Auckland and Wellington. The Race Relations Commissioner may be based in another centre but would need to travel regularly to the Commission's offices.</b>

This position description is based on legislative provisions contained in the Human Rights Act 1993 (the Act).

#### Human Rights Commission

The Human Rights Commission is an independent Crown entity given a wide range of functions and powers under the Human Rights Act 1993.

#### Membership of Commission

Section 8 of the Act provides:

- (1) The Commission consists of the following Human Rights Commissioners:
  - (a) the Chief Commissioner; and
  - (b) not less than 3 and not more than 4 other Commissioners.
- (1A) There must be a Commissioner, other than the Chief Commissioner, appointed to lead the work of the Commission in each of the following priority areas:
  - (a) disability rights (the Disability Rights Commissioner);
  - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
  - (c) race relations (the Race Relations Commissioner).
- (1B) A Commissioner must lead the work of the Commission in any other priority area that is designated by the Chief Commissioner, and the Chief Commissioner may designate an area of work as a priority area only in accordance with the strategic direction and the general nature of activities determined by the Commission under section 7(1) and after consultation with the Minister and the other Commissioners.
- (2) The Commissioners are the board for the purposes of the Crown Entities Act 2004.

- (3) The Chief Commissioner holds office as chairperson of the board for the purposes of the Crown Entities Act 2004.

### **Functions of the Human Rights Commission**

The Commission's main functions are to:

- Advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
- Encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
- Lead, evaluate, monitor and advise on equal employment opportunities
- Provide information to members of the public who have questions about unlawful discrimination and facilitate resolution of disputes relating to unlawful discrimination on the grounds of sex, marital status, religious belief, ethical belief (lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation or sexual harassment or racial harassment in the areas of employment, education, access to public places, the provision of goods and services, housing and accommodation, partnerships, qualifying bodies, organisations of employees and employers, vocational training and trade and professional associations, government or public sector activities.

Applicants should refer to section 5 of the Act for the full range of the Commission's functions.

### **Role of Commissioners**

Section 7(1) of the Act provides that the members of the Commission acting together determine the strategic direction and the general nature of activities undertaken in the performance of the Commission's functions.

### **Criteria for appointment**

Section 11(1) of the Act provides that in recommending persons for appointment as Commissioners or alternate Commissioners, the Minister must have regard to the need for Commissioners and alternate Commissioners appointed to have among them.

- (a) knowledge of, or experience in:
- (i) different aspects of matters likely to come before the Commission
  - (ii) New Zealand law, or the law of another country, or international law, on human rights
  - (iii) the Treaty of Waitangi and rights of indigenous peoples
  - (iv) current economic, employment, or social issues
  - (v) cultural issues and the needs and aspirations (including life experiences) of different communities of interest and population groups in New Zealand society.
- (b) skills in, or experience in:
- (i) advocacy or public education
  - (ii) business, commerce, economics, industry, or financial or personnel management
  - (iii) community affairs
  - (iv) public administration, or the law relating to public administration.

**Additional criteria relevant to the Race Relations Commissioner**

Section 13 of the Act provides that in recommending a person for appointment as a Commissioner appointed to lead the work of the Commission in a priority area under section 8(1A), the Minister must have regard not only to the criteria stated in section 11 but also to the person's:

- (a) understanding of the principles and practice of the priority area in question, including its origin and development in New Zealand:
- (b) appreciation of issues, trends, and developments, in other countries and internationally, affecting the priority area in question, and the relevance of those issues, trends, or developments for New Zealand:
- (c) ability to perform the functions stated in section 16.

**Functions of the Race Relations Commissioner**

Section 16 of the Act provides a Commissioner who is appointed or designated to lead the work of the Commission in a priority area under section 8(1A) or (1B) has the following additional functions:

- (a) to lead discussions of the Commission in relation to that priority area of work:
- (b) to provide advice and leadership on matters in that priority area of work that arise in the course of activities undertaken in the performance of the Commission's functions, both when engaging in those activities and when consulted:
- (c) to contribute to the public debate on matters in that priority area of work:
- (d) any other functions or duties conferred or imposed upon him or her by or under this Act or any other enactment.
- (e) any other functions, powers, or duties conferred or imposed on him or her by or under this Act or any other enactment.

**RACE RELATIONS COMMISSIONER – TE TOIHAU WHAKAWHANAUNGA Ā-IWI****KEY COMPETENCIES**

- **Relevant professional qualifications or experience**
- **Appreciation of human rights and race relations issues**
- **Governance skills**
- **Relationship managements**

The successful applicants will have/be able to demonstrate:

**Relevant professional qualifications or experience**

- A tertiary qualification in a relevant discipline or comparable career experience.
- Career experience at a senior level reflecting good judgement, integrity and impartiality.
- Analytical skill and demonstrable clarity of thought.
- Ability to write clearly and concisely.
- Experience in advocacy or public education.
- Experience in governance.
- Experience in working with diverse groups and familiarity with dispute resolution processes.

**Appreciation of human rights issues**

- Understanding of the Human Rights Act 1993, the New Zealand Bill of Rights Act 1990 and New Zealand's obligations under various United Nations conventions.
- Understanding of the Treaty of Waitangi and its contemporary application.
- Appreciation of issues, trends and developments in human rights and race relations arising in other countries or internationally, and of the relevance of those issues or trends in New Zealand.
- Familiarity with issues relating to indigenous, minority and disadvantaged groups. Understanding of the issues arising from the multicultural nature of New Zealand society, including the need for different strategies and networks to communicate successfully with Māori, Pacific Peoples, Pākehā, and the various minority ethnic communities.
- Familiarity with issues facing employers and employees in a diverse workforce.
- Appreciation of the key goals of Government and their relevance to significant social issues.

**Governance Skills**

- The ability to provide vision and strategic leadership, to set clear policies and priorities, and to motivate staff.
- An understanding of good management practices and the ability to apply these effectively to achieve organisational goals and objectives.
- Financial management experience
- An appreciation of public sector management as set out in the Public Finance Act 1989.

**Relationship management ability**

- The ability to establish and maintain constructive relationships at all levels across a wide range both externally and internally.
- The ability to work collaboratively as part of a governance team, taking into account the interests of the whole organisation rather than the portfolio interest.
- Respect for the separate role of the Chief executive in managing staff members as their employer.
- A proven commitment to modelling a positive culture and acceptable behaviours.
- Having, and following effective and well-understood accountability processes.
- The ability to work collegially with the Chief Commissioner and other Commissioners.
- The ability to stimulate interest in, promote understanding of, and encourage action on race relations issues.
- Professionalism and fairness in dealing with others.
- The ability to interact effectively with the media to promote harmonious race relations.
- Superior public speaking and presentation skills.
- An understanding of the aspirations of a diverse range of people and organisations, including Māori, ethnic communities, central and local government, businesses, non-Government organisations, media representatives, Members of Parliament, diplomats, service organisations, advocacy groups, educational and academic institutions, religious organisations and other sectoral interest groups.

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All members of the National Caucus  
All members of the Act New Zealand Caucus  
All members of New Zealand First Caucus

Dear members

## HUMAN RIGHTS COMMISSION

I am writing to advise you that the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner will shortly be publicly advertised and to invite you to nominate any persons whom you think would be suitable to serve in these roles.

The Human Rights Commission is an independent Crown entity. Its mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

The appointments are required by section 8 of the Human Rights Act 1993. In addition to the Chief Commissioner, the Act requires a Commissioner to be appointed in each of the following priority areas:

- (a) disability rights (the Disability Rights Commissioner);
- (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
- (c) race relations (the Race Relations Commissioner).

Candidates will need experience in working with diverse groups and familiarity with advocacy or public education together with sensitivity to Treaty of Waitangi issues. Ideally, they should also have an understanding of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions. Governance and relationship management skills are also of critical importance.

The positions are full-time. The legislation provides for an appointment term of up to five years. Remuneration for the position is set by the Remuneration Authority.

I ask that any nominations be accompanied by a supporting curriculum vitae and reach my office no later than 19 January 2024.

Yours sincerely

Hon Paul Goldsmith  
**Minister of Justice**

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## HUMAN RIGHTS COMMISSION

### Chief Commissioner, Race Relations Commissioner, Equal Employment Opportunities Commissioner

Expressions of interest are invited from suitably qualified persons who would like to be considered for the following appointments under section 8 of the Human Rights Act 1993

- Chief Commissioner
- Equal Employment Opportunities Commissioner
- Race Relations Commissioner

Appointments will be based on merit.

Te Kāhui Tika Tangata / The Human Rights Commission is an independent Crown entity which works with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

You will need to have an understanding and sensitivity to Treaty of Waitangi issues. You will also have experience in working with diverse groups and familiarity with advocacy or public education. Ideally, you should also have an understanding of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions. Governance and relationship management skills are also of critical importance.

#### **APPLICATION DOCUMENTS**

- Chief Commissioner position profile: (attachment)
- Equal Employment Opportunities Commissioner position profile (attachment)
- Race Relations Commissioner position profile (attachment)
- Expression of Interest form: (attachment)

Please email your completed application forms, curriculum vitae and a covering letter to [General.OLC@justice.govt.nz](mailto:General.OLC@justice.govt.nz) (Enquiries may also be directed to this email address).

Expressions of interest are sought by **7 February 2024**.

Draft Press Release

**REVIEW OF HUMAN RIGHTS COMMISSION APPOINTMENTS**

Justice Minister Paul Goldsmith announced today that three Commissioner positions, including the Chief Commissioner role, will shortly be publicly advertised.

The term of appointment of the incumbent Chief Commissioner, Paul Hunt expires in January 2024. The appointment of the Equal Employment Opportunity Commissioner, Dr Saunoamaali'i Karanina Sumeo expired on 21 October 2023 and the position of Race Relations Commissioner has been vacant since the resignation of Meng Foon from that position in July 2023. (Expressions of interest have already been called for the latter position but the deadline for applications will be extended to align with the other positions).

“The Commission’s mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand. This is an opportune time to consider appointments to the Commission” Minister Goldsmith said.

The Minister further said that he will establish an independent panel to conduct interviews and advise him on candidate suitability.

The three positions will be advertised on the Ministry of Justice website shortly.

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Target group or sector	Target organisation	Email 2 - organisation
Multicultural	Afghan Association of New Zealand	<a href="mailto:info@afghanistan.org.nz">info@afghanistan.org.nz</a>
Multicultural	African Community Council Wellington	<a href="mailto:info@africancommunity.org.nz">info@africancommunity.org.nz</a>
Multicultural	Ahmadiyya Muslim Jama'at New Zealand	<a href="mailto:info@ahmadiyya.org.nz">info@ahmadiyya.org.nz</a>
Multicultural	Al-Ameen Islamic Development New Zealand	<a href="mailto:info@alameen.org.nz">info@alameen.org.nz</a>
Multicultural	Aotearoa Latin American Community Inc	<a href="mailto:socialservices@alacinc.org.nz">socialservices@alacinc.org.nz</a>
Multicultural	Asia NZ Foundation	<a href="mailto:asianz@asianz.org.nz">asianz@asianz.org.nz</a>
Multicultural	Asian Family Services	<a href="mailto:help@asianfamilyservices.nz">help@asianfamilyservices.nz</a>
Multicultural	Auckland Asian Association	<a href="mailto:info@aucklandasian.org.nz">info@aucklandasian.org.nz</a>
Multicultural	Auckland Council Ethnic Peoples Advisory Board	<a href="mailto:ethnicpeoples.advisorypanel@aucklandcouncil.govt.nz">ethnicpeoples.advisorypanel@aucklandcouncil.govt.nz</a>
Multicultural	Auckland Malayali Samajam Inc.	<a href="mailto:secretary@aucklandmalayalisamajam.org.nz">secretary@aucklandmalayalisamajam.org.nz</a>
Multicultural	Auckland Tamil Association	<a href="mailto:aucklandtamilassociation@gmail.com">aucklandtamilassociation@gmail.com</a>
Academia	Auckland University	<a href="mailto:csib003@aucklanduni.ac.nz">csib003@aucklanduni.ac.nz</a>
Multicultural	Azerbaijan-New Zealand Friendship Society	<a href="mailto:admin@azerbaijanz.com">admin@azerbaijanz.com</a>
Multicultural	Chinese Women Association of New Zealand	<a href="mailto:info@cwanz.org">info@cwanz.org</a>
Multicultural	Club Latino	<a href="mailto:secretaria@clublatino.org.nz">secretaria@clublatino.org.nz</a>
Pacific	Fiji Association in Auckland	<a href="mailto:info@fijiassociation.co.nz">info@fijiassociation.co.nz</a>
Multicultural	Fo Guang Shan Buddhist Temple	<a href="mailto:nzfgs1@gmail.com">nzfgs1@gmail.com</a>
Council	Gisborne District Council	<a href="mailto:service@gdc.govt.nz">service@gdc.govt.nz</a>
Council	Hawke's Bay Regional Council	<a href="mailto:info@hbrc.govt.nz">info@hbrc.govt.nz</a>
Māori	<b>He Waka Tapu</b>	<a href="mailto:reception@hewakatapu.org.nz">reception@hewakatapu.org.nz</a>
Multicultural	Hindu Council – Wellington chapter	<a href="mailto:hvnanz@gmail.com">hvnanz@gmail.com</a>
NFP	Hui E!	<a href="mailto:admin@huie.org.nz">admin@huie.org.nz</a>
Disability	IHC Advocacy	<a href="mailto:advocacy@ihc.org.nz">advocacy@ihc.org.nz</a>
NFP	Inclusive Aotearoa	<a href="mailto:kiaora@inclusiveaotearoa.nz">kiaora@inclusiveaotearoa.nz</a>
Multicultural	Indian Association Manukau NZ	<a href="mailto:admin@inzone.org.nz">admin@inzone.org.nz</a>
Multicultural	Islamic Women's Council New Zealand	<a href="mailto:iwcnz@gmail.co.nz">iwcnz@gmail.co.nz</a>
Māori	Iwi Chairs Forum	
Academia	Joseph Bulbulia	<a href="mailto:joseph.bulbulia@vuw.ac.nz">joseph.bulbulia@vuw.ac.nz</a>
Māori	Kahungunu Whānau Services	<a href="mailto:web-inquiry@nkkp.org.nz">web-inquiry@nkkp.org.nz</a>
Pacific	Leva	<a href="mailto:admin@leva.co.nz">admin@leva.co.nz</a>
Multicultural	Manawatu Afghan Society	<a href="mailto:manawatuafghansociety@yahoo.com">manawatuafghansociety@yahoo.com</a>
Academia	Māori Academic (Victoria Uni)	<a href="mailto:carwyn.jones@vuw.ac.nz">carwyn.jones@vuw.ac.nz</a>
Academia	Māori Academic (Victoria Uni)	<a href="mailto:m.mutu@auckland.ac.nz">m.mutu@auckland.ac.nz</a>
Māori	Māori Womens Welfare League	<a href="mailto:admin@mwwl.org.nz">admin@mwwl.org.nz</a>
Council	Marlborough District Council	<a href="mailto:mdc@marlborough.govt.nz">mdc@marlborough.govt.nz</a>
Multicultural	Migrant Action Trust	<a href="mailto:info@migrantaction.org.nz">info@migrantaction.org.nz</a>
Multicultural	Multicultural Aoraki	<a href="mailto:info@multiculturalaoraki.org.nz">info@multiculturalaoraki.org.nz</a>
Multicultural	Multicultural Council of Wellington	<a href="mailto:info@mccwellington.org.nz">info@mccwellington.org.nz</a>

Multicultural	Multicultural NZ	<a href="mailto:info@mnz.org.nz">info@mnz.org.nz</a>
Multicultural	Multicultural Whangarei	<a href="mailto:info@multiculturalwhangarei.co.nz">info@multiculturalwhangarei.co.nz</a>
Māori	National Māori Authority	<a href="mailto:info@ngangaru.com">info@ngangaru.com</a>
Council	Nelson City Council	<a href="mailto:enquiry@ncc.govt.nz">enquiry@ncc.govt.nz</a>
Business	New Zealand Chambers of Commerce	<a href="mailto:membership@chamber.co.nz">membership@chamber.co.nz</a>
Multicultural	New Zealand Chinese Association (NZCA)	<a href="mailto:contact@nzchinese.org.nz">contact@nzchinese.org.nz</a>
NFP	New Zealand Council of Christian Social Services	<a href="mailto:admin@nzccss.org.nz">admin@nzccss.org.nz</a>
Multicultural	New Zealand Indian Central Association	<a href="mailto:info@nzindians.org.nz">info@nzindians.org.nz</a>
Multicultural	New Zealand Nepal Society	<a href="mailto:info@nznepalsociety.co.nz">info@nznepalsociety.co.nz</a>
Multicultural	New Zealand Newcomers Network	<a href="mailto:welcome@newcomers.co.nz">welcome@newcomers.co.nz</a>
Unions	New Zealand Public Service Association	<a href="mailto:enquiries@psa.org.nz">enquiries@psa.org.nz</a>
Multicultural	New Zealand Sikh Women's Association	<a href="mailto:office@nzswa.org">office@nzswa.org</a>
Multicultural	New Zealand Social Ethnic Services	<a href="mailto:info@nzess.co.nz">info@nzess.co.nz</a>
Pacific	Ngā Taura Māori – Māori Students Association, Auckland University	<a href="mailto:mso@ausa.org.nz">mso@ausa.org.nz</a>
Māori	Ngāti Whātua Ōrākei Trust Board	<a href="mailto:NWOT@ngatiwhatuaorakei.com">NWOT@ngatiwhatuaorakei.com</a>
Multicultural	Nigerian Canterbury Association of New Zealand	<a href="mailto:nigeriancanterburyassociation@gmail.com">nigeriancanterburyassociation@gmail.com</a>
Council	Northland Regional Council	<a href="mailto:mailroom@nrc.govt.nz">mailroom@nrc.govt.nz</a>
	NZ Law Society	<a href="mailto:inquiries@lawsociety.org.nz">inquiries@lawsociety.org.nz</a>
Multicultural	NZ Sikh Society Wellington	<a href="mailto:wellington.sikhs@khalsa.com">wellington.sikhs@khalsa.com</a>
Council	Otago Regional Council	<a href="mailto:info@orc.govt.nz">info@orc.govt.nz</a>
Pacific	Pacific Allied Women's Council	<a href="mailto:info@pacifica.org.nz">info@pacifica.org.nz</a>
Multicultural	Pakistan Association of NZ	<a href="mailto:panznz@gmail.com">panznz@gmail.com</a>
Multicultural	Pakistani Association of Canterbury	<a href="mailto:pacnz@live.com">pacnz@live.com</a>
Pacific	Pasifika Futures	<a href="mailto:info@pasifikafutures.co.nz">info@pasifikafutures.co.nz</a>
Multicultural	Pearl of the Islands Foundation Inc	<a href="mailto:info@pif.org.nz">info@pif.org.nz</a>
Multicultural	Pinoy CARES (Filipino community group)	<a href="mailto:pinoycares@gmail.com">pinoycares@gmail.com</a>
Multicultural	Porirua Multicultural Council	<a href="mailto:poriruamulticulturalcouncil@gmail.com">poriruamulticulturalcouncil@gmail.com</a>
Māori	<b>Purapura Whetu</b>	<a href="mailto:office@pw.maori.nz">office@pw.maori.nz</a>
Māori	<b>Rehua marae</b>	<a href="mailto:admin@rehuamarae.org.nz">admin@rehuamarae.org.nz</a>
Multicultural	Rotorua Multicultural Council	<a href="mailto:exec.rmc@gmail.com">exec.rmc@gmail.com</a>
Pacific	Samoan Students Association, Victoria University	<a href="mailto:vussa.executive@gmail.com">vussa.executive@gmail.com</a>
Multicultural	Shakti Youth	<a href="mailto:youth@shakti.org.nz">youth@shakti.org.nz</a>
Multicultural	Shama Ethnic Women's Trust	<a href="mailto:info@shama.org.nz">info@shama.org.nz</a>
Multicultural	Shanti Niwas Charitable Trust	<a href="mailto:shantiniwas@xtra.co.nz">shantiniwas@xtra.co.nz</a>
Pacific	SIAOLA	<a href="mailto:info@siaola.org.nz">info@siaola.org.nz</a>
Pacific	Solomon Islands Students Waikato Association	<a href="mailto:sicwaexec@gmail.com">sicwaexec@gmail.com</a>
Multicultural	Southland Multicultural Trust	<a href="mailto:office@southlandmulticultural.co.nz">office@southlandmulticultural.co.nz</a>

Council	Soutland Regional Council	<a href="mailto:service@es.govt.nz">service@es.govt.nz</a>
Māori	Tainui/Te Whakakitenga o Waikato	<a href="mailto:secretariat@tainui.co.nz">secretariat@tainui.co.nz</a>
Multicultural	Tanzania New Zealand Association Inc	<a href="mailto:info@tanza.org.nz">info@tanza.org.nz</a>
Council	Taranaki Regional Council	<a href="mailto:info@trc.govt.nz">info@trc.govt.nz</a>
Council	Tasman District Council	<a href="mailto:info@tasman.govt.nz">info@tasman.govt.nz</a>
Māori	<b>Te Hunga Roia Māori o Aotearoa - Māori Law Society</b>	<a href="mailto:maorilawsociety@lawsociety.org.nz">maorilawsociety@lawsociety.org.nz</a>
Māori	<b>Te Pumautanga o Te Arawa Trust</b>	<a href="mailto:office@tpota.org.nz">office@tpota.org.nz</a>
Māori	<b>Te Runanani o Ngāti Porou</b>	<a href="mailto:info@tronp.org.nz">info@tronp.org.nz</a>
Māori	<b>Te Rūnanga Nui o Te Aupōuri Trust</b>	<a href="mailto:info@teaupouri.iwi.nz">info@teaupouri.iwi.nz</a>
Māori	<b>Te Rūnanga o Ngāi Tahu</b>	<a href="mailto:info@ngaitahu.iwi.nz">info@ngaitahu.iwi.nz</a>
Māori	<b>Te Rūnanga o Ngāti Whātua</b>	<a href="mailto:runanga@ngatiwhatua.iwi.nz">runanga@ngatiwhatua.iwi.nz</a>
Māori	<b>Te Rūnanga o Te Rarawa</b>	<a href="mailto:admin@terarawa.co.nz">admin@terarawa.co.nz</a>
Māori	<b>Te Runanga o Tūranganui a Kiwa</b>	s9(2)(a)
Māori	<b>Te Rūnanga-Ā-Iwi-O-Ngāpuhi</b>	<a href="mailto:niss@ngapuhi.org">niss@ngapuhi.org</a>
Multicultural	The Asian Network Inc	<a href="https://www.asiannetwork.org.nz/about-us/contact-us/">https://www.asiannetwork.org.nz/about-us/contact-us/</a>
Pacific	The Cause Collective	<a href="mailto:info@thecausecollective.org.nz">info@thecausecollective.org.nz</a>
Māori	Tuhono Trust	<a href="mailto:admin@tuhono.net">admin@tuhono.net</a>
Pacific	Tutala Niue Waikato	<a href="mailto:tutalaniue@gmail.com">tutalaniue@gmail.com</a>
Academia	Ursula Cheer	
Pacific	Vaka Tautua	<a href="mailto:administration@vakatautua.co.nz">administration@vakatautua.co.nz</a>
Academia	Victoria University	s9(2)(a)
Pacific	Victoria University Tongan Students' Association	<a href="mailto:vuwtsastallions@gmail.com">vuwtsastallions@gmail.com</a>
Multicultural	Waikato Ethnic Family Services Trust	<a href="mailto:info@wefst.org.nz">info@wefst.org.nz</a>
Multicultural	Waikato Multicultural Council	<a href="mailto:waikatomulticultural@gmail.com">waikatomulticultural@gmail.com</a>
Multicultural	Waikato Muslim Association	<a href="mailto:info@waikatomuslims.org.nz">info@waikatomuslims.org.nz</a>
Multicultural	Waitakere Ethnic Board	<a href="mailto:contact@waitakereethnicboard.org.nz">contact@waitakereethnicboard.org.nz</a>
Council	Wellington Regional Council	<a href="mailto:info@gw.govt.nz">info@gw.govt.nz</a>
Council	West Coast Regional Council	<a href="mailto:info@wcrc.govt.nz">info@wcrc.govt.nz</a>
Pacific	Pacific Women's Watch	<a href="mailto:info@pacificwomenswatch.org.nz">info@pacificwomenswatch.org.nz</a>
Māori	New Zealand Māori Council	<a href="mailto:admin@nzmaoricouncil.org.nz">admin@nzmaoricouncil.org.nz</a>
Pacific	Samoan Advisory Council	s9(2)(a)
Maori	Iwi Chairs Forum	s9(2)(a)

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Tēnā koe

## HUMAN RIGHTS COMMISSIONER POSITIONS

You are receiving this email because you/your organisation is on the contact list for the Ministry of Justice's international human rights reporting.

The purpose of writing is advise you that expressions of interest are now being sought for the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner and to ask you to encourage individuals who may be suitable for these roles to put themselves forward for consideration.

(Expressions of interest have previously been sought for the Race Relations Commissioner but the closing date for the position has been extended so consideration of all three positions can be aligned).

The Human Rights Commission is an independent Crown entity. Its mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

The appointments are required by section 8 of the Human Rights Act 1993. In addition to the Chief Commissioner, the Act requires a Commissioner to be appointed in each of the following priority areas:

- (a) disability rights (the Disability Rights Commissioner):
- (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner):
- (c) race relations (the Race Relations Commissioner).

Candidates will need relevant professional qualifications or experience, an appreciation of human rights issues, governance skills and relationship management ability. They should have an understanding and sensitivity to Treaty of Waitangi issues, and knowledge of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions.

The positions are full-time. The legislation provides for an appointment term of up to five years. Remuneration for the position is set by the Remuneration Authority.

The position descriptions and expression of interest forms are available from the Ministry of Justice website <https://www.justice.govt.nz/about/statutory-vacancies>. The close off for expressions of interest is **7 February 2024**.



atonner@businessnz.org.nz

Tēnā koe Business NZ

## HUMAN RIGHTS COMMISSIONER POSITIONS

You are receiving this email because the Ministry is writing to a range of business and community organisation to advise that expressions of interest are now being sought for the positions of Chief Commissioner, Equal Employment Opportunities Commissioner and Race Relations Commissioner. Your organisation is invited to encourage individuals who may be suitable for these roles to put themselves forward for consideration.

The Human Rights Commission is an independent Crown entity. Its mandate is to work with government and civil society to promote respect for human rights and harmonious relations in New Zealand.

The appointments are required by section 8 of the Human Rights Act 1993 . In addition to the Chief Commissioner, the Act requires a Commissioner to be appointed in each of the following priority areas:

- (a) disability rights (the Disability Rights Commissioner):
- (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner):
- (c) race relations (the Race Relations Commissioner).

Candidates will need relevant professional qualifications or experience, an appreciation of human rights issues, governance skills and relationship management ability. They should have an understanding and sensitivity to Treaty of Waitangi issues, and knowledge of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions.

The positions are full-time. The legislation provides for an appointment term of up to five years. Remuneration for the position is set by the Remuneration Authority.

The position descriptions and expression of interest forms are available from the Ministry of Justice website <https://www.justice.govt.nz/about/statutory-vacancies>. The close off for expressions of interest is **7 February 2024**.

## Human Rights Commissioner Positions Summary of Candidates

### CHIEF COMMISSIONER

#### Candidates recommended for shortlist

Candidate	Relevant professional qualifications or experience	Appreciation of human rights issues	Governance Skills	Relationship management ability
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**CHIEF COMMISSIONER**

**Alternative candidates**

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<p><b>RAINBOW Dr Stephen</b></p> <p>NZ European/ Pākehā</p>	<p>Advisor/Manager</p> <p>Broad involvement with central and local government</p> <p>Experienced advocate</p> <p>BA, BA (Hons) PhD</p>	<p>Not addressed in EoI but can reasonably be expected to be well-informed across a broad range of human rights issues</p>	<p>Managerial experience together with significant governance experience including 9 years as a Wellington City Councillor</p>	<p>Demonstrated networking and interpersonal skills</p>
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## Human Rights Commissioner Positions Summary of Candidates

### EQUAL EMPLOYMENT OPPORTUNITIES COMMISSIONER

#### Candidates recommended for shortlist

Candidate	Relevant professional qualifications or experience	Appreciation of human rights and equal employment opportunities issues	Governance Skills	Relationship management ability
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<p><b>PACHECO Dr Gail</b></p> <p>Indian/ Portuguese</p>	<p>Professor of Economics and Director of NZ Work Research Institute, AUT</p> <p>Former Commissioner of NZ Productivity Commission</p> <p>President of NZ Association of Economists</p> <p>B Com, M Com PhD (Economics)</p>	<p>International expert on pay gaps and pay equity</p> <p>Extensive social policy background</p> <p>Highly informed on Te Tiriti/Treaty of Waitangi issues and relevant human rights legislation</p>	<p>Former Commissioner of NZ Productivity Commission</p> <p>Multiple board appointments</p>	<p>Managed numerous cross-disciplinary teams</p> <p>Demonstrated networking and interpersonal skills</p>
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EQUAL EMPLOYMENT OPPORTUNITIES COMMISSIONER

Alternative candidates

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## Human Rights Commissioner Positions Summary of Candidates

### RACE RELATIONS COMMISSIONER

#### Candidates recommended for shortlist

Candidate	Relevant professional qualifications or experience	Appreciation of human rights and race relations issues	Governance skills	Relationship managements
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RACE RELATIONS COMMISSIONER

Alternative candidates

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In Confidence

Office of the Minister of Justice  
WELLINGTON

Chair, Appointments and Honours Committee

## HUMAN RIGHTS COMMISSION APPOINTMENTS

### Proposal

1. That Cabinet Committee notes the intention of the Minister of Justice, Hon Paul Goldsmith, to recommend to the Governor-General the following appointments to the Human Rights Commission:
  - 1.1 the appointment of **Dr Stephen Rainbow** as the Chief Commissioner for term of five years
  - 1.2 the appointment of **Dr Gail Pacheco** as the Equal Employment Opportunities Commissioner for a term of five years
  - 1.3 the appointment of **Dr Melissa Derby** as the Race Relations Commissioner for a term of five years.

### Reason for Proposal

2. The positions of Chief Commissioner and Race Relations Commissioner are currently vacant and the term of appointment of the Equal Employment Opportunities Commissioner, Dr Saunoamaali'i Karanina Sumeo, expired in October 2023. (Dr Sumeo remains in office under carry over provisions but is not under consideration for reappointment).

### Background

3. The Commission is an independent Crown entity established under the Human Rights Act 1993 (the Act).
4. The Commission works with Government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.
5. Section 8 of the Act provides:
  - (1) The Commission consists of the following Human Rights Commissioners:
    - (a) the Chief Commissioner; and
    - (b) not less than 3 and not more than 4 other Commissioners.
  - (1A) There must be a Commissioner, other than the Chief Commissioner, appointed to lead the work of the Commission in each of the following priority areas:
    - (a) disability rights (the Disability Rights Commissioner);
    - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
    - (c) race relations (the Race Relations Commissioner).



6. The Commission's main functions are to:
- advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
  - encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
  - lead, evaluate, monitor and advise on equal employment opportunities
  - provide information to members of the public who have questions about unlawful discrimination and facilitate resolution of disputes relating to unlawful discrimination on the grounds of sex, marital status, religious belief, ethical belief (lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation or sexual harassment or racial harassment in the areas of employment, education, access to public places, the provision of goods and services, housing and accommodation, partnerships, qualifying bodies, organisations of employees and employers, vocational training and trade and professional associations, government or public sector activities.
7. Section 11(1) of the Act provides that in recommending persons for appointment as Commissioners, the Minister must have regard to the need for Commissioners to have among them:
- (a) knowledge of, or experience in:
    - (i) different aspects of matters likely to come before the Commission
    - (ii) New Zealand law, or the law of another country, or international law, on human rights
    - (iii) the Treaty of Waitangi and rights of indigenous peoples
    - (iv) current economic, employment, or social issues
    - (v) cultural issues and the needs and aspirations (including life experiences) of different communities of interest and population groups in New Zealand society.
  - (b) skills in, or experience in:
    - (i) advocacy or public education
    - (ii) business, commerce, economics, industry, or financial or personnel management
    - (iii) community affairs
    - (iv) public administration, or the law relating to public administration.
8. In respect to the Chief Commissioner, section 12 of the Act provides that in recommending a person for appointment as Chief Commissioner, the Minister must have regard not only to the criteria stated in section 11 but also to the person's—
- (a) ability to provide leadership in relation to the performance of the functions of the Commission (for example, being an advocate for, and promoting, by education and publicity, respect for and observance of human rights):
  - (b) ability to represent the Commission, and to create and maintain effective relationships between it and other persons or bodies:
  - (c) knowledge of New Zealand law, the law of other countries, and international law, on human rights, and of New Zealand's obligations under international instruments on human rights:
  - (d) appreciation of issues or trends in human rights arising in other countries or internationally, and of the relevance of those issues or trends for New Zealand:

9. In respect of the Commissioners appointed to lead Commission work in a priority area, section 13 of the Act provides that in recommending a person for appointment, the Minister must have regard not only to the criteria stated in section 11 but also to the person's—
- (a) understanding of the principles and practice of the priority area in question, including its origin and development in New Zealand;
  - (b) appreciation of issues, trends, and developments, in other countries and internationally, affecting the priority area in question, and the relevance of those issues, trends, or developments for New Zealand;
  - (c) ability to perform the functions stated in section 16 (which defines their functions).

### Appointment process

10. I can confirm that an appropriate process has been followed in terms of the Public Services Commission appointment guidelines.
11. New Zealand is a signatory to United Nations selection processes protocols for the appointment of Human Rights Commissioners and as such is required to comply with United Nations conventions called the Paris Principles. The Paris Principles set standards of independence, integrity and effectiveness for National Human Rights Institutions such as the Human Rights Commission. The Paris Principles require a transparent selection and appointment process including that the responsible Minister is advised on appointment options by an independent panel.
12. Expressions of interest for these positions were sought via public advertisement.
13. A shortlist of candidates were interviewed by an independent panel comprising:
- Sir Terence Arnold (retired Supreme Court Judge) - Chairperson
  - Hon Christopher Finlayson KC (barrister/former Attorney-General)
  - Paul Rishworth KC (human rights lawyer)
  - Lorraine Toki (Iwi Chair Forum representative).
14. My selections have taken into account the merits identified during the interview process.

### Candidate

15. Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, Stakeholder Engagement Manager for Auckland Transport, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He was a lecturer for five years at Victoria University of Wellington in International Environmental Politics. He has been active in promoting LGBT rights and is on the board of the NZ Aids Foundation. Dr Rainbow holds a PhD and a BA(Hons) in Political Studies and a BA in History and Politics.

16. Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. The majority of her research focuses on utilising linked administrative data to inform policy debate. She has extensive experience leading large-scale, multi-institutional funded projects, including work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission. She also received the AUT Medal for her research, scholarship and application of integrated data to help inform social policy and wellbeing. Dr Pacheco was a Commissioner at the Productivity Commission from 2019 to 2022 and was President of the NZ Association of Economics from 2021 to 2023. She holds a PhD in Economics as well as a M.Com, B Com(Hons), B Com and BA degrees, all from Auckland University.
17. Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills. She combines first rate intellectual ability with an approachable personality. She has a sound of knowledge on the human rights dimensions of the Treaty of Waitangi and a balanced approach to broader social issues. Further, while she was on a Fulbright scholarship at Columbia University, she had the opportunity to spend time at the United Nations learning about ethnic rights from an international perspective. She is a confident and engaging communicator and has useful experience dealing with the media. She holds a PhD, and MA and BA degrees.

#### **Conflict of interest**

18. I can confirm that appropriate enquiries concerning conflicts of interest have been carried out in accordance with the Public Services Commission appointment guidelines, and that any conflict of interest that could reasonably be identified, has been identified.

#### **Representativeness**

19. I can confirm that full consideration has been given to the need for appropriate representativeness.
20. I am satisfied that the proposed appointments will contribute to a Commission that is well-balanced in terms of gender, age, ethnicity and geographic representation, and which possesses an appropriate mix of skills and experience.

#### **Term**

21. I propose to recommend terms of appointment of five years for all three appointments.

#### **Remuneration**

22. The remuneration for Human Rights Commissioners is determined by the Remuneration Authority.

### Timing and Publicity

23. A press statement will be issued once these appointments have been notified.

### Recommendations

24. That Cabinet Committee notes the intention of the Minister of Justice, Hon Paul Goldsmith, to recommend to the Governor-General the following appointments to the Human Rights Commission:

24.1 the appointment of **Dr Stephen Rainbow** as the Chief Commissioner for a term of five years

24.2 the appointment of **Dr Gail Pacheco** as the Equal Employment Opportunities Commissioner for a term of five years

24.3 the appointment of **Dr Melissa Derby** as the Race Relations Commissioner for a term of five years.

Authorised for lodgement:

Hon Paul Goldsmith  
**Minister of Justice**

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## Talking Points

### HUMAN RIGHTS COMMISSIONER: APPOINTMENT

- Appointments** You are recommending the following appointments to the Human Rights Commissioner.
- **Dr Stephen Rainbow** as the Chief Commissioner
  - **Dr Gail Pacheco** as the Equal Employment Opportunities Commissioner for a term of five years
  - **Dr Melissa Derby** as the Race Relations Commissioner
- Organisation** The Human Rights Commission works with Government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.
- Current vacancies** The positions of Chief Commissioner and Race Relations Commissioner are currently vacant and the term of appointment of the Equal Employment Opportunities Commissioner, Dr Saunoamaali'i Karanina Sumeo, expired in October 2023. (Dr Sumeo remains in office under carry over provisions but is not under consideration for reappointment).
- Skills sought** All Commissioners need relevant professional qualifications or experience, an appreciation of human rights issues, governance skills and relationship management ability. They should have an understanding and sensitivity to Treaty of Waitangi issues, and knowledge of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions.
- In addition, the Chief Commissioner needs to provide leadership to the Commission and guide its strategic direction.
- The Candidates** Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, Stakeholder Engagement Manager for Auckland Transport, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He has been active in promoting LGBT rights and is on the board of the NZ Aids.
- Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. The majority of her research focuses on utilising linked administrative data to inform policy debate. She has extensive experience leading large-scale, multi-institutional funded projects, including

work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission.

Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills. She combines first rate intellectual ability with an approachable personality. She has a sound of knowledge on the human rights dimensions of the Treaty of Waitangi and a balanced approach to broader social issues.

<b>Conflict of interest</b>	None identified
<b>Remuneration</b>	Remuneration for Human Rights Commissioners is set by the Remuneration Authority.
<b>Term</b>	Five years as provided for by the Crown Entities Act 2004
<b>Process and Consultation</b>	The selection process has been run in accordance with UN conventions (the Paris Principles) which are designed to ensure an open and transparent selection process.
<b>Community representation</b>	The proposed appointment will contribute to a Commission that is well-balanced in terms of gender, age, ethnicity and geographic representation, and which possesses an appropriate mix of skills and experience.

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