



Proposal to Disestablish Disabilities Commissioner

A commentary by Tony McKone, Director of McKone Consultancy Ltd – 11 December 2013

Currently flying under the radar, the New Zealand Parliament is considering changes to the Human Right Act 1992 that will see the establishment of a Disabilities Commissioner. The current legislation clearly provides for the Human Rights Commission to play a formal leadership role in promoting equal employment opportunities and race relations. The legislation does not current extend to providing a leadership role in the area of disabilities.

The Human Rights Commission (HRC) currently has two formalised roles – Race Relations Commissioner and EEO Commissioner. The proposed changes to the HR Act will see these roles re-designated. These two roles will be appointed as Human Rights Commissioners. The reason behind this, as stated in the explanation to the Bill, is to reflect that these roles are first and fore mostly members of the Human Rights Commission and always operate on behalf of the Commission. This is to emphasise that Race Relations and EEO are not separate entities but part of the HRC.

The amendment to the HR Act will require that there is a Commissioner appointed for each of the now three important areas of focus for the HRC – Race Relations, EEO, and Disability.

The role of the Chief Commissioner will be amended to better articulate the Chief's responsibility for managing the Commission. The functions of the Commissioners appointed or designated to lead the work in priority areas are subject to the Chief Commissioner's management role.

Should this Bill proceed through into law, it will be a significant move to show not only New Zealand's commitment to the ILO conventions, but also a give a voice for those people with disabilities who have to currently battle to get a fair deal, whether in the workplace or beyond.

Submissions on the proposed changes to the Human Rights Act 1992 close on 19 December 2013. A report back on submissions is due with the Transport and Industrial Relations Select Committee on 5 May 2014.

The much awaited report back on the amendments to the Employment Relations Act 2000 are due back in front of the Transport and Industrial Relations Select Committee today (11 December 2013). We will look to give a view on the Select Committee's deliberations once these are available.