

Human Rights (Disability Commissioner) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill creates the position of Disability Commissioner within the Human Rights Commission, whose mandate is to contribute to progressing the implementation of the United Nations Convention on the Rights of Persons with Disabilities (the **Convention**). It is important that the Disability Commissioner do so in active engagement with the various communities of people living with impairments in Aotearoa/New Zealand.

Aotearoa/New Zealand ratified the Convention on 25 September 2008. The establishment of the position of Disability Commissioner within the Human Rights Commission will assist in making good progress with implementing the Convention, so as to create a society where people living with impairments face minimal structural and social barriers in their lives.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Human Rights Act 1993 (the **principal Act**).

Clause 4 states the purpose of the Bill, which is to create the position of Disability Commissioner within the Human Rights Commission.

Clause 5 amends section 8 by inserting *new paragraph (ca)* to provide for a full-time Disability Commissioner.

Clause 6 inserts *new section 14A* setting out the further criteria for the appointment of a Disability Commissioner.

Clause 7 inserts *new section 17A* setting out the functions of a Disability Commissioner.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Human Rights (Disability Commissioner) Amendment Act **2010**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5

- 3 Principal Act amended**
This Act amends the Human Rights Act 1993.
- 4 Purpose**
The purpose of this Act is to create the position of Disability Commissioner within the Human Rights Commission. 5
- 5 Membership of Commission**
Section 8(1) is amended by inserting the following paragraph after paragraph (c):
“(ca) a Commissioner appointed as the Disability Commissioner, whose office is also a full-time one:” 10
- 6 New section 14A inserted**
The following section is inserted after section 14:
“14A Further criteria for appointment of Disability Commissioner
 In recommending a person for appointment as the Disability Commissioner, the Minister must have regard to not only the criteria in section 11, but also the person’s— 15
 “(a) knowledge of the various communities of persons living with impairments in Aotearoa/New Zealand and commitment to actively engaging with and regularly reporting to these communities when performing the functions under this Act: 20
 “(b) knowledge of issues, trends, and developments relating to human rights and disability in Aotearoa/New Zealand: 25
 “(c) appreciation of issues, trends, and developments relating to human rights and disability in other countries and internationally, and the relevance of those issues, trends, and developments to Aotearoa/New Zealand:
 “(d) ability to perform the functions stated in **section 17A.**” 30
- 7 New section 17A inserted**
The following section is inserted after section 17:
“17A Functions of Disability Commissioner
 The Disability Commissioner has the following functions:

- “(a) to actively engage with, and regularly report on his or her activities to, the various communities of persons living with impairments in Aotearoa/New Zealand:
- “(b) to act as an advocate for the interests, rights, and wellbeing collectively and generally (except before any court or tribunal) of persons living with impairments and the deaf community: 5
- “(c) to advocate for, and to assist relevant government and other agencies to work towards, implementing the Convention on the Rights of Persons with Disabilities: 10
- “(d) to monitor, analyse, and promote the implementation of the Convention on the Rights of Persons with Disabilities in Aotearoa/New Zealand:
- “(e) to lead discussions in the Commission in relation to disability issues: 15
- “(f) to provide advice and leadership on disability issues arising in the course of activities undertaken in the performance of the Commission’s functions:
- “(g) to promote research into any matter that relates to persons living with impairments, and to the deaf community: 20
- “(h) to promote, in relation to decisions that affect the lives of people living with impairments, the participation of those people in those decisions:
- “(i) to advocate for, and to assist relevant government and other agencies to implement measures to give effect to, the rights of indigenous people living with impairments in accordance with Te Tiriti o Waitangi: 25
- “(j) to ensure, acting jointly with the Chief Commissioner, that activities undertaken in the performance of the Commission’s functions relating to disability are consistent with the strategic direction and other determinations of the Commission under section 7: 30
- “(k) to supervise and liaise with the general manager, acting together with the Chief Commissioner, on the activities undertaken in the performance of the Commission’s functions relating to disability: 35

- “(1) any other functions, powers, or duties conferred or imposed upon him or her by or under this Act or any other enactment.”
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