

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

*House of Representatives, 16 October 1981.*

Words struck out are shown with black rule at beginning and after last line; words inserted are shown with double rule before first line and after last line.

*Hon. Mr McLay*

## HUMAN RIGHTS COMMISSION AMENDMENT

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### ANALYSIS

Title  
1. Short Title

2. Employment  
3. Commission may refuse to investigate complaint

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### A BILL INTITULED

**An Act to amend the Human Rights Commission Act 1977**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Human Rights Commission Amendment Act 1981, and shall be read together with and deemed part of the Human Rights Commission Act 1977\* (hereinafter referred to as the principal Act).

**2. Employment**—Section 15 of the principal Act is hereby amended by inserting, after subsection (7), the following subsection:

\*1977, No. 49

No. 69—2

*Struck Out*

“(7A) Nothing in this section shall apply to preferential treatment based on religious or ethical belief where—

“(a) That treatment is accorded by an adherent of a particular belief; and 5

“(b) Having regard to special circumstances that govern the manner in which the duties of the position are required to be carried out, it is reasonable to accord that treatment to a person of the same belief.”

*New*

“(7A) Nothing in this section shall apply to preferential treatment based on religious or ethical belief where—

“(a) That treatment is accorded by an adherent of a particular belief to another adherent of that belief; and 15

“(b) Having regard to special circumstances that—

“(i) Govern the manner in which the duties of the position are required to be carried out; and

“(ii) Make it reasonable to require those duties to be carried out in that manner,— 20

it is reasonable to accord that treatment to a person of the same belief.”

**3. Commission may refuse to investigate complaint—**  
Section 35 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 25

“(1A) Notwithstanding anything in subsection (1) of this section, the Commission may in its discretion decide not to investigate further any complaint if in the course of the investigation of the complaint it appears to the Commission that, having regard to all the circumstances of the case, any further 30 investigation is unnecessary.”