



THE EQUAL OPPORTUNITIES TRIBUNAL REGULATIONS 1980

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 3rd day of March 1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Human Rights Commission Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Equal Opportunities Tribunal Regulations 1980.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Human Rights Commission Act 1977:

“Chairman” means the Chairman of the Tribunal; and includes a Deputy Chairman who is for the time being acting, pursuant to section 48 of the Act, for the Chairman of the Tribunal:

“Commission” means the Human Rights Commission established under section 4 of the Act:

“Secretary” means the officer of the Department of Justice who is for the time being acting as secretary of the Tribunal:

“Tribunal” means the Equal Opportunities Tribunal established under section 45 of the Act.

3. Commencement of proceedings—(1) All proceedings brought under section 38 of the Act shall be commenced by the filing, in the office of the Tribunals Division of the Department of Justice in Wellington, of a form prescribed or approved for the purpose by the Tribunal and provided by the Secretary for Justice.

(2) The form filed under subclause (1) of this regulation shall be completed and filed by or on behalf of—

(a) The Commission or the Race Relations Conciliator; or

(b) Where the aggrieved person brings the proceedings in accordance with section 38 (4) of the Act, the aggrieved person.

(3) Notwithstanding subclauses (1) and (2) of this regulation, the Tribunal may determine that proceedings under section 38 of the Act have been commenced by any application (irrespective of its form and the manner in which it was completed or given to the Tribunal) made in writing by or on behalf of—

(a) The Commission or the Race Relations Conciliator; or

(b) Where the aggrieved person is entitled to bring proceedings in accordance with section 38 (4) of the Act, the aggrieved person.

4. Notice of proceedings to be given—As soon as practicable after proceedings under section 38 of the Act have been commenced, the Secretary shall—

(a) Refer the proceedings to the Chairman for determination by the Tribunal; and

(b) Cause to be served on the defendant a notice informing the defendant of the proceedings; and

(c) Where the aggrieved person is the plaintiff, cause to be served on the Commission or the Race Relations Conciliator, as the case may be, a notice informing the Commission or the Conciliator of the proceedings.

5. Conduct of proceedings—Subject to the Act and to these regulations, the Chairman may, subject to any decision of the Tribunal, give all such directions and do all such things as are necessary or expedient for the expeditious and just hearing and determination of any proceedings under section 38 of the Act.

6. Power to require information from plaintiff or defendant—The Tribunal or the Chairman may, by notice in writing served on the plaintiff or the defendant, require the plaintiff or the defendant to give to the Tribunal, within such period as may be specified in the notice (being a period of not less than 14 days from the service of the notice), such information as may be specified in the notice (being information that the Tribunal or the Chairman may reasonably require regarding the proceedings).

7. Determination of issues—(1) Before the hearing of any proceedings under section 38 of the Act, the Chairman may convene a meeting of the parties to the proceedings.

(2) The purpose of the meeting shall be to ascertain, if possible, the issues in dispute between the parties to the proceedings.

(3) The Chairman shall preside over every meeting convened pursuant to subclause (1) of this regulation.

8. Time and place of hearing—(1) The Tribunal or the Chairman shall fix a time and place for the hearing of the proceedings.

(2) The Secretary shall cause a notice specifying the time and place fixed under subclause (1) of this regulation to be served on—

(a) The plaintiff; and

(b) The defendant; and

(c) Where the aggrieved person is the plaintiff, the Commission or the Race Relations Conciliator, as the case may be.

9. Hearing—(1) At the hearing the plaintiff and the defendant shall each be given an opportunity to be heard.

(2) Where the aggrieved person is the plaintiff, the Commission or the Race Relations Conciliator, as the case may be, shall be given an opportunity to be heard either in person or by a person authorised in that behalf by the Commission or the Conciliator, whether or not that person is a barrister or a solicitor, but shall not be a party to, or join or be joined in, the proceedings.

(3) The plaintiff and the defendant may call evidence and may cross-examine any witness.

(4) If the plaintiff or the defendant or both fail to appear before the Tribunal at the time and place appointed, the Tribunal may nevertheless, upon proof of service of notice of the hearing, proceed to determine the proceedings.

10. Right of audience—(1) Subject to subclauses (2) and (3) of this regulation, a party to any proceedings under section 38 of the Act may appear and act personally or by a barrister or solicitor of the Supreme Court, and not otherwise.

(2) Under special circumstances the Chairman may permit any party to appear by an agent authorised in writing by the party personally, if in New Zealand, or, if absent therefrom, by any person holding a power of attorney from the party authorising such person to sue and be sued for and in the name of the party; but any agent, unless that agent is a barrister or solicitor, shall not be entitled to receive any fee or reward for so appearing or acting.

(3) A corporation may appear by any officer, attorney, or agent of the corporation.

11. Tribunal's decision—(1) A copy of the decision of the Tribunal shall be given to—

(a) The plaintiff; and

(b) The defendant; and

(c) Where the aggrieved person is the plaintiff, the Commission or the Race Relations Conciliator, as the case may be.

(2) Each copy of the decision shall contain or have attached to it a statement informing the parties of the right to appeal to the Supreme Court, and the procedure for exercising that right.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe procedural requirements in respect of the hearing by the Equal Opportunities Tribunal of civil proceedings under section 38 of the Human Rights Commission Act 1977 (including proceedings under that section as applied by section 17 (2) of the Race Relations Act 1971).

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 6 March 1980.
These regulations are administered in the Department of Justice.