

The Office of Human Rights Proceedings

Te Tari Whakatau Take Tika Tangata

21 April 2021

Tess McCawe

By email: fyi-request-14999-61bf3398@requests.fyi.org.nz

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Dear Tess McCawe

Your request for information under the Official Information Act 1982: Gender statistics for plaintiffs represented

1. I refer to your request for information sent by email to the Office of Human Rights Proceedings (**Office**) on Friday 26 March 2021. You indicate that your request is made under the Official Information Act 1982 (**OIA**). It is not explicitly clear from the relevant legislation whether the Office is subject to the OIA. However, it is my practice to apply the legislation as I consider it appropriate that members of the public should have access to official information held by this Office.
2. You have asked two questions of the Office, as follows:

Question One

For the 50 most recent Human Rights Review Tribunal cases (as at 26.3.2021), please provide the gender count for plaintiffs whose cases were represented by the Director of Human Rights Proceedings. That is, the count of males and females (and other if applicable). Where the plaintiff is more than one individual, please state.

Question Two

Please also provide the same information for plaintiffs who have been declined the services of the Director of Human Rights Proceedings. That is for the 50 most recent declines letters sent, how many were sent to males and how many were sent to females.

3. I have considered refusing your request under section 18(g) of the OIA because the Office does not hold any official information regarding the gender demographics of its applicants and clients. As the information is not held, the Office is under no obligation to create it in order to respond to a request.

4. However, I would prefer to be helpful. My staff has been able to create some of the information you seek. In doing so, we have relied upon the following indicators to provide our answers:
- a. The preferred form of address (for example Mr, Mrs, Ms, Miss) which some applicants provide on their completed forms when applying for legal representation.
 - b. Whether the applicant/client names are commonly attributed to male or female gender.
 - c. Whether the circumstances of the applicant or client's complaint suggests their gender.
 - d. Whether we have met or spoken to an applicant/client and can, to an extent, assume their gender.
5. We respond to the two questions you have asked.

Question One

6. To repeat, you have asked:

For the 50 most recent Human Rights Review Tribunal cases (as at 26.3.2021), please provide the gender count for plaintiffs whose cases were represented by the Director of Human Rights Proceedings. That is, the count of males and females (and other if applicable). Where the plaintiff is more than one individual, please state.

7. We have interpreted your question to mean where we have accepted an application under the Human Rights Act 1993 to take a matter through to a hearing at the Human Rights Review Tribunal or on the basis of achieving settlement only. Of course, a number of the cases we accept do not ultimately go to hearing in that they are settled or resolved in some other way. It may mean that we have interpreted your question incorrectly. If this is the case, then please let us know.
8. As at 26 March 2021, of the 50 most recent applicants who were granted legal representation under the Human Rights Act 1993, there were:
- a. Twenty-five who were thought to be female;
 - b. Nineteen who were thought to be male;
 - c. Four joint applications:
 - i. Application 1: thought to be one male and one female

- ii. Application 2: thought to be two females
 - iii. Application 3: thought to be one male and one female
 - iv. Application 4: thought to be one female and one male; and
- d. Two Incorporated Societies.


Question Two

9. To repeat, your second question is:

Please also provide the same information for plaintiffs who have been declined the services of the Director of Human Rights Proceedings. That is for the 50 most recent declines letters sent, how many were sent to males and how many were sent to females.

10. As at 26 March 2021, of the 50 applicants who were most recently declined legal representation there were:
- a. Twenty-three who were thought to be female;
 - b. Twenty-four who were thought to be male;
 - c. Two were understood to be other; and
 - d. One joint application was received from two people who were understood to be husband and wife (therefore thought to be a male and a female).
11. I note that, pursuant to the OIA, we were required to respond to you by 28 April 2021. Accordingly, our response is timely and within the prescribed period. As I have noted above, if we have misinterpreted your question or you require further clarification, please let us know.
12. Finally, you have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours faithfully



Michael Timmins
Director of Human Rights Proceedings
Tumuaki Whakatau Take Tika Tangata