

Hon Paul Goldsmith, Minister of Justice

HUMAN RIGHTS COMMISSION

Date:	6 March 2024	File Number:	MAP 09
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Action Sought

Timeframe

<p>Approve a shortlist of candidates to be interviewed for the positions of</p> <ul style="list-style-type: none"> • Chief Commissioner • Equal Employment Opportunities Commissioner • Race Relations Commissioner 	URGENT
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Contacts for telephone discussion (if required)

Name	Position	Telephone		1 st Contact
Jeff Off	Chief Legal Counsel, Office of Legal Counsel	494 9755 (wk)	s9(2)(a)	✓
Phil Gini	Senior Advisor, Statutory Appointments	494 9730 (wk)		

Minister's office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	Not seen by Minister
Minister's office comments		

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

6 March 2024

Hon Paul Goldsmith
Minister of Justice

HUMAN RIGHTS COMMISSION

Purpose

1. This paper seeks your approval for the shortlists proposed by an independent assessment panel for the following Human Rights Commissioner positions:
 - Chief Commissioner
 - Equal Employment Opportunities Commissioner
 - Race Relations Commissioner

Background

2. The position of Chief Commissioner is vacant following the departure of Professor Paul Hunt on 13 January 2024 at the conclusion of his five-year term of appointment. The Race Relations Commissioner position has been vacant since the resignation of Mr Meng Foon in June 2023. The appointment of the incumbent Equal Employment Opportunities (EEO) Commissioner, Saunoamaali'i Karanina Sumeo, expired in October 2023 and remains in force under carry-over provisions.
3. At your direction all three positions were publicly advertised. Nominations were also invited from members of Caucus and the leaders of the coalition parties. In addition, the Ministry wrote to a wide variety of relevant NGO's, interest groups and academic institutions to encourage expressions of interest.
4. The total number of expressions of interest and nominations was as follows:
 - Chief Commissioner 12
 - EEO Commissioner 9
 - Race Relations Commissioner 18
5. In accordance with the established procedures for appointments to the Human Rights Commission (established in accordance with the Paris Principles), you approved the formation of an independent assessment panel comprising Sir Terrence Arnold, Hon Christopher Finlayson KC, Mr Paul Rishworth KC and Mrs Lorraine Toki.
6. The Ministry undertook an initial assessment of the candidates, made against the key competencies in the position profiles for the three positions together with criteria set out in the governing legislation. The panel then made its assessment using the same criteria.

Shortlists

7. The candidates recommended by the panel for shortlisting are as follows:

Chief Commissioner

1.	s9(2)(a)
2.	
3.	
4.	
5.	

EEO Commissioner

1.	s9(2)(a)	
2.		
3.	PACHECO, Dr Gail (Auckland)	Professor of Economics

Race Relations Commissioner

1.	s9(2)(a)
2.	
3.	
4.	
5.	

8. The full results of the panel considerations of the candidates are tabulated in Appendix I.

Next Steps

9. With your agreement, the panel can now proceed to conduct interviews. It has set aside the 20th and 21st of March for that task.

- 10. The panel will provide you with its report as soon as practicable once it has finished interviewing and conducted any required referee checking.

Recommendations

11. I recommend that you:

11.1 **Approve** the following candidates, who in the assessment of the panel most fully meet the criteria for appointment as the Chief Commissioner, and should be interviewed:

- s9(2)(a) YES / NO
- YES / NO
- YES / NO
- YES / NO
- YES / NO

11.2 **Approve** the following candidates, who in the assessment of the panel most fully meet the criteria for appointment as the EEO Commissioner, and should be interviewed:

- s9(2)(a) YES / NO
- YES / NO
- **Dr Gail PACHECO** YES / NO

11.3 **Approve** the following candidates, who in the assessment of the panel most fully meet the criteria for appointment as the Race Relations Commissioner, and should be interviewed:

- s9(2)(a) YES / NO
- YES / NO
- YES / NO
- YES / NO
- YES / NO

AGREED / SEEN / NOT AGREED

Jeff Orr
Chief Legal Counsel

Hon Paul Goldsmith
Minister of Justice

Date:

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Hon Paul Goldsmith, Minister of Justice

HUMAN RIGHTS COMMISSION

Date	26 March 2024	File reference	MAP 19
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Action Sought

Timeframe/Deadline

Your directions on the candidates to be appointed to the following positions:

- Chief Commissioner
- Equal Employment Opportunities Commissioner
- Race Relations Commissioner.

Contacts for telephone discussion (if required)

Name	Position	Telephone		1st contact
		(work)	(a/h)	
Jeff Orr	Chief Legal Counsel, Office of Legal Counsel	494 9755	s9(2)(a)	✓
Phil Gini	Senior Advisor, Statutory Appointments	494 9730		

Minister's office to complete

- Noted Approved Overtaken by events
 Seen Withdrawn Not seen by Minister

Minister's office comments



26 March 2024

Hon Paul Goldsmith, Minister of Justice

HUMAN RIGHTS COMMISSION

Purpose

1. This paper attaches for your consideration a report from a panel established to provide you with an assessment of five candidates for the following positions:
 - Chief Commissioner
 - Equal Employment Opportunities Commissioner
 - Race Relations Commissioner.

Background

2. The positions of Chief Commissioner and Race Relations Commissioner are both currently vacant.
3. The term of appointment of the Equal Employment Opportunities Commissioner, Dr Saunoamaali'i Karanina Sumeo, expired in October 2023 but she remains in office under carry over provisions. Dr Sumeo is not under consideration for reappointment.
4. At your direction expressions of interest were sought for these positions via public advertising. Nominations were also invited from members of Caucus and the leaders of the coalition parties.
5. You also approved the establishment of the assessment panel comprising:
 - Sir Terence Arnold (retired Supreme Court Judge) - Chairperson
 - Hon Christopher Finlayson KC (barrister/former Attorney-General)
 - Paul Rishworth KC (human rights lawyer)
 - Lorraine Toki (Iwi Chair Forum representative).
6. Attached is a report providing an assessment on the candidates shortlisted for these positions.

Panel report

7. The panel has rated each of the candidates under consideration as:
 - **Highly appointable** (The candidate is assessed as meeting the criteria for appointment and being well matched to the current needs of the Commission).
 - **Appointable** (The candidate is assessed as meeting all or most of the criteria for appointment)
 - **Not Recommended** (The candidate is assessed as not meeting sufficient appointment criteria to be a viable appointment option).

8. The panel's recommendations are replicated below with provision for you to indicate your selection.

Next step

9. Once you have indicated your selection, I propose that reference checking is completed on the proposed appointee.
10. The next step after that will be to refer a recommendation for the proposed appointment to the Cabinet Appointments and Honours Committee.

Recommendation

s9(2)(a), s9(2)(g)(i)

APPROVED / SEEN / NOT AGREED

Jeff Orr
Chief Legal Counsel

Hon Paul Goldsmith
Minister of Justice

Date:

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7 June 2024

Hon Paul Goldsmith
Minister of Justice

HUMAN RIGHTS COMMISSION

Purpose

1. This paper:
 - 1.1 seeks your direction on the next step(s) to be taken to appoint a new Chief Commissioner.
 - 1.2 seeks confirmation of your agreement to recommend the appointment of Dr Gail Pacheco as the Equal Employment Opportunities Commissioner with effect from 7 November 2024.
 - 1.3 attaches an addendum to the report on the Human Rights Commission appointments forwarded to you on 26 March 2024. The update follows the panel's interview of Dr Melissa Derby who is under consideration for the position of Race Relations Commissioner.

Chief Commissioner

2. s9(2)(f)(iv)
3. You have asked for advice on possible next steps in respect of this position.
4. s9(2)(g)(i)
5. I have noted your feedback about the need for the candidate to have broad support within parliamentary circles, and also your concern that the appointee must be an able communicator.
6. In this regard to these key concerns, you may wish to review the panel's assessment of Dr Stephen Rainbow. The panel wrote:
s9(2)(g)(i)

s9(2)(g)(i)

7. The full report is attached for you reference if required.

s9(2)(g)(i)

9. The panel report makes the point strongly that a number of the appointment criteria indicate the role may be more naturally suited to a lawyer, but that is not a requirement of the legislation. Two of the last four Chief Commissioners were not lawyers: Paul Hunt (2019 -23) and David Rutherford (2011 – 2018) were legally qualified while Roslyn Noonan (2001 – 2011) and Pamela Jeffries (1993 – 2000) were not.
10. Commissioners do not, or at least should not, give themselves legal advice so the Chief Commissioner has to navigate any legal issues in concert with others. Dr Rainbow is not a lawyer but he clearly has an able intellect and his experience as a legislator gives him a useful background for considering legal issues.
11. I also note that while it would be helpful if the board of the Commission includes a member with a legal background, the board is able get legal advice from its own staff or, if necessary, from external lawyers.

Equal Employment Opportunities Commissioner

12. You have previously agreed to recommend Dr Gail Pacheco as the Equal Employment Opportunities Commissioner.

s9(2)(a)

s9(2)(a)

s9(2)(f)(iv)

Race Relations Commissioner

- 17. You asked for the panel to interview Dr Melissa Derby for the position of Race Relations Commissioner. Dr Derby was a late applicant whom you agreed should be interviewed
s9(2)(g)(i)
- 18. Arrangements for this interview have been affected by difficulties in aligning the panel's availability with Dr Derby's availability. This problem has been exacerbated by the fact
s9(2)(a)
- 19. The panel has now completed the interview and its report is attached.

Recommendations

- 20. In respect of the Chief Commissioner position, I seek your direction on whether you now wish to:

20.1	recommend s9(2)(a) for appointment as the Chief Commissioner	YES / NO
OR		
20.2	recommend one of the other candidates from the panel report.	YES / NO
OR		
20.3	re-advertise	YES / NO

- 21. In respect of the Equal Employment Opportunities Commissioner, I ask you to:

21.1	note the arrangement outlined above for s9(2)(a)	
21.2	confirm that you wish to proceed with a recommendation for the appointment of Dr Gail Pacheco as the Equal Employment Opportunities Commissioner with effect from 7 November.	YES / NO

22. In respect of the Race Relations Commissioner, I ask you to:

22.1	note the attached report from the assessment panel, made following its interview of Dr Melissa Derby.	
22.2	indicate if you wish to recommend Ms Derby for appointment as Race Relations Commissioner.	YES / NO


Edrick Child
Acting Chief Legal Counsel

APPROVED / SEEN / NOT AGREED

Hon Paul Goldsmith
Minister of Justice
Date:

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HUMAN RIGHTS COMMISSION: WARRANTS FOR GOVERNOR-GENERAL

MINISTER: Hon Paul Goldsmith, Minister of Justice			
Date: 13 August 2024	Timeframe/Deadline:	File Reference: MAP 15-01	
DESCRIPTION OF ENTITY:			
The Human Rights Commission is an independent Crown entity which works with government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.			
Appointee	Position	Term	Type
Dr Stephen RAINBOW	Chief Commissioner	5 years	Appointment
Dr Melissa DERBY	Race Relations Commissioner	5 years	Appointment
Dr Gail PACHECO	EEO Commissioner	5 years	Appointment
APPOINTMENT MADE BY: GOVERNOR-GENERAL			
Step	Documentation		
Step 1: refer to Governor-General	<ul style="list-style-type: none"> Sign and refer letter to the Governor-General Sign and refer advice sheet Refer warrants of appointment 		
Step 2: once returned from Governor-General	<ul style="list-style-type: none"> Sign letters to appointees Sign letter to Acting Chief Commissioner 		
Step 3: refer documents to Ministry	<ul style="list-style-type: none"> Original warrants Letters to appointees and Acting Chief Commissioner 		
APPROVED / SEEN / NOT AGREED			
			
Jeff Orr Chief Legal Counsel		Hon Paul Goldsmith Minister of Justice Date:	
Attachments	<ul style="list-style-type: none"> Letter to Governor-General Advice sheet to the Governor-General Warrants of appointment 		<ul style="list-style-type: none"> Letters to appointees Letter to Chief Commissioner

Your Excellency

Appointments of Human Rights Commissioners

I attach papers for the following appointments to the Human Rights Commission to be made pursuant to section 8 of the Human Rights Act 1993 and section 28 of the Crown Entities Act 2004:

- Dr Stephen Rainbow as the Chief Commissioner
- Dr Gail Pacheco as the Equal Employment Opportunities Commissioner
- Dr Melissa Derby as the Race Relations Commissioner.

The Human Rights Commission (the Commission) is an independent Crown entity which works with government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.

The Commission consists of the Chief Commissioner; and not less than three and not more than four other Commissioners.

The Human Rights Act 1993 requires a Commissioner, other than the Chief Commissioner, to be appointed to lead the work of the Commission in each of the following priority areas:

- (a) disability rights (the Disability Rights Commissioner);
- (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
- (c) race relations (the Race Relations Commissioner).

Section 31 of the Crown Entities Act 2004, the Act under which these appointments are made, requires that before a person is appointed as a member of a statutory entity, the person must—

- (a) consent in writing to being a member; and
- (b) certify that he or she is not disqualified from being a member; and
- (c) disclose to the responsible Minister the nature and extent (including monetary value, if quantifiable) of all interests that the person has at that time, or is likely to have, in matters relating to the statutory entity.

I can confirm that the proposed appointees have completed the prescribed requirements of consent, certification and disclosure.

Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, Stakeholder Engagement Manager for Auckland Transport, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He has been active in promoting LGBT rights and is on the board of NZ Aids.

Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. The majority of her research focuses on utilising linked administrative data to inform policy debate. She has extensive experience leading large-scale, multi-institutional funded projects, including work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission.

Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills. She combines first rate intellectual ability with an approachable personality. She has a sound knowledge on the human rights dimensions of the Treaty of Waitangi and a balanced approach to broader social issues.

I am satisfied that each of these candidates possess the skills and attributes required for the proposed appointment.

Yours sincerely

Hon Paul Goldsmith
Minister of Justice

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Wellington 2024

Her Excellency the Governor-General is respectfully advised to sign, pursuant to

Dr Stephen Laurence RAINBOW

of Mapua, as the Chief Commissioner of the Human Rights Commission for a term of five years commencing on 11 November 2024, and

Dr Gail Anne PACHECO

of Auckland, as the Equal Employment Opportunities Commissioner for a term of five years commencing on 11 November 2024, and

Dr Melissa Jane DERBY

of Tauranga, as the Race Relations Commissioner for a term of five years commencing on 4 November 2024.

Hon Paul Goldsmith
Minister of Justice

Appointed:

Governor-General
/ / 2024

APPOINTMENT OF CHIEF COMMISSIONER

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GOVERNOR-GENERAL

Pursuant to section 8(1)(a) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, I, The Right Honourable Dame Cindy Kiro, Governor-General of New Zealand hereby appoint:

Dr Stephen Laurence RAINBOW

of Mapua, as the Chief Commissioner of the Human Rights Commission for a term of five years commencing on 11 November 2024.

Given under the hand of Her Excellency the Governor-General and issued on this
day of 2024.

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**APPOINTMENT OF EQUAL EMPLOYMENT OPPORTUNITIES
COMMISSIONER**

GOVERNOR-GENERAL

Pursuant to sections 8(1)(b) and (1A)(b) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, I, The Right Honourable Dame Cindy Kiro, Governor-General of New Zealand hereby appoint:

Dr Gail Anne PACHECO

of Auckland, as the Equal Employment Opportunities Commissioner for a term of five years commencing on 11 November 2024.

Given under the hand of Her Excellency the Governor-General and issued on this

day of 2024.

APPOINTMENT OF RACE RELATIONS COMMISSIONER

GOVERNOR-GENERAL

Pursuant to sections 8(1)(b) and (1A)(c) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, I, The Right Honourable Dame Cindy Kiro, Governor-General of New Zealand hereby appoint:

Dr Melissa Jane DERBY

of Tauranga, as the Race Relations Commissioner for a term of five years commencing on 4 November 2024.

Given under the hand of Her Excellency the Governor-General and issued on this

day of 2024.

Dr Stephen Rainbow
s9(2)(a)

s9(2)(a)

Dear Dr Rainbow

Chief Commissioner

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to section 8(1)(a) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, appointed you as the Chief Commissioner of the Human Rights Commission for a term of five years with effect from 11 November 2024.

Attached for your record is the Notice of Appointment as required under the Crown Entities Act 2004.

I am sure the Acting Chief Commissioner, Dr Saunoamaali'i Karanina Sumeo, will be in touch with you about arrangements for taking up your appointment.

Please accept my warm congratulations on your appointment and my best wishes for your work in this challenging and demanding office.

Yours sincerely

Hon Paul Goldsmith
Minister of Justice

Mr Gail Pacheco
s9(2)(a)

s9(2)(a)

Dear Dr Pacheco

Equal Employment Opportunities Commissioner

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to 8(1)(b) & (1A)(b) of the Human Rights Act 1993, and section 28(1)(b) of the Crown Entities Act 2004, appointed you as the Equal Opportunities Commissioner for a term of five years with effect from 11 November 2024.

Attached for your record is the Notice of Appointment as required under the Crown Entities Act 2004.

I am sure the Acting Chief Commissioner, Dr Saunoamaali'i Karanina Sumeo, will be in touch with you about arrangements for taking up your appointment.

Please accept my warm congratulations on your appointment and my best wishes for your work in this challenging and demanding office.

Yours sincerely

Hon Paul Goldsmith
Minister of Justice

Dr Melissa Derby
s9(2)(a)

s9(2)(a)

Dear Dr Derby

Race Relations Commissioner

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to section 8(1)(b) and (1A)(c) of the Human Rights Act 1993 and section 28(1)(b) of the Crown Entities Act 2004, appointed you as the Race Relations Commissioner for a term of five years with effect from 4 November 2024.

Attached for your record is the Notice of Appointment as required under the Crown Entities Act 2004.

I am sure the Acting Chief Commissioner, Dr Saunoamaali'i Karanina Sumeo, will be in touch with you about arrangements for taking up your appointment.

Please accept my warm congratulations on your appointment and my best wishes for your work in this challenging and demanding office.

Yours sincerely

Hon Paul Goldsmith
Minister of Justice

Dr Saunoamaali'i Karanina Sumeo
Te Kāhui Tika Tangata Human Rights Commission
PO Box 6751,
Wellesley Street,
Auckland

KaraninaS@tikatangata.org.nz

Dear Dr Sumeo

Appointment of Commissioners

I am pleased to advise you that Her Excellency the Governor-General has, pursuant to section 8 of the Human Rights Act 1993 and section 28 of the Crown Entities Act 2004, made the following appointments:

- Dr Stephen Rainbow as the Chief Commissioner commencing on 11 November 2024
- Dr Gail Pacheco as the Equal Employment Opportunities Commissioner commencing on 11 November 2024
- Dr Melissa Derby as the Race Relations Commissioner commencing on 4 November 2024.

Attached for your record are the Notices of Appointment as required under the Crown Entities Act 2004.

I have asked my officials to provide you with contact details for the new appointees.

I would like to take this opportunity to thank you for your service in leading the Commission's work in the area of Equal Employment Opportunities. In particular, I acknowledge your efforts in supporting gender pay equity and the rights of workers in the Recognised Seasonal Employer Scheme.

I also want to acknowledge your very considerable support in shouldering the roles of Acting Chief Commissioner and Acting Race Relations Commissioner over much of the past year.

Please accept my best wishes for the future.

Yours sincerely

Hon Paul Goldsmith
Minister of Justice

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In Confidence

Office of the Minister of Justice
WELLINGTON

Chair, Appointments and Honours Committee

HUMAN RIGHTS COMMISSION APPOINTMENTS

Proposal

1. That Cabinet Committee notes the intention of the Minister of Justice, Hon Paul Goldsmith, to recommend to the Governor-General the following appointments to the Human Rights Commission:
 - 1.1 the appointment of **Dr Stephen Rainbow** as the Chief Commissioner for term of five years
 - 1.2 the appointment of **Dr Gail Pacheco** as the Equal Employment Opportunities Commissioner for a term of five years
 - 1.3 the appointment of **Dr Melissa Derby** as the Race Relations Commissioner for a term of five years.

Reason for Proposal

2. The positions of Chief Commissioner and Race Relations Commissioner are currently vacant and the term of appointment of the Equal Employment Opportunities Commissioner, Dr Saunoamaali'i Karanina Sumeo, expired in October 2023. (Dr Sumeo remains in office under carry over provisions but is not under consideration for reappointment).

Background

3. The Commission is an independent Crown entity established under the Human Rights Act 1993 (the Act).
4. The Commission works with Government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.
5. Section 8 of the Act provides:
 - (1) The Commission consists of the following Human Rights Commissioners:
 - (a) the Chief Commissioner; and
 - (b) not less than 3 and not more than 4 other Commissioners.
 - (1A) There must be a Commissioner, other than the Chief Commissioner, appointed to lead the work of the Commission in each of the following priority areas:
 - (a) disability rights (the Disability Rights Commissioner);
 - (b) equal employment opportunities (including pay equity) (the Equal Employment Opportunities Commissioner);
 - (c) race relations (the Race Relations Commissioner).

6. The Commission's main functions are to:
- advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
 - encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
 - lead, evaluate, monitor and advise on equal employment opportunities
 - provide information to members of the public who have questions about unlawful discrimination and facilitate resolution of disputes relating to unlawful discrimination on the grounds of sex, marital status, religious belief, ethical belief (lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation or sexual harassment or racial harassment in the areas of employment, education, access to public places, the provision of goods and services, housing and accommodation, partnerships, qualifying bodies, organisations of employees and employers, vocational training and trade and professional associations, government or public sector activities.
7. Section 11(1) of the Act provides that in recommending persons for appointment as Commissioners, the Minister must have regard to the need for Commissioners to have among them:
- (a) knowledge of, or experience in:
 - (i) different aspects of matters likely to come before the Commission
 - (ii) New Zealand law, or the law of another country, or international law, on human rights
 - (iii) the Treaty of Waitangi and rights of indigenous peoples
 - (iv) current economic, employment, or social issues
 - (v) cultural issues and the needs and aspirations (including life experiences) of different communities of interest and population groups in New Zealand society.
 - (b) skills in, or experience in:
 - (i) advocacy or public education
 - (ii) business, commerce, economics, industry, or financial or personnel management
 - (iii) community affairs
 - (iv) public administration, or the law relating to public administration.
8. In respect to the Chief Commissioner, section 12 of the Act provides that in recommending a person for appointment as Chief Commissioner, the Minister must have regard not only to the criteria stated in section 11 but also to the person's—
- (a) ability to provide leadership in relation to the performance of the functions of the Commission (for example, being an advocate for, and promoting, by education and publicity, respect for and observance of human rights):
 - (b) ability to represent the Commission, and to create and maintain effective relationships between it and other persons or bodies:
 - (c) knowledge of New Zealand law, the law of other countries, and international law, on human rights, and of New Zealand's obligations under international instruments on human rights:
 - (d) appreciation of issues or trends in human rights arising in other countries or internationally, and of the relevance of those issues or trends for New Zealand:

9. In respect of the Commissioners appointed to lead Commission work in a priority area, section 13 of the Act provides that in recommending a person for appointment, the Minister must have regard not only to the criteria stated in section 11 but also to the person's—
- understanding of the principles and practice of the priority area in question, including its origin and development in New Zealand;
 - appreciation of issues, trends, and developments, in other countries and internationally, affecting the priority area in question, and the relevance of those issues, trends, or developments for New Zealand;
 - ability to perform the functions stated in section 16 (which defines their functions).

Appointment process

10. I can confirm that an appropriate process has been followed in terms of the Public Services Commission appointment guidelines.
11. New Zealand is a signatory to United Nations selection processes protocols for the appointment of Human Rights Commissioners and as such is required to comply with United Nations conventions called the Paris Principles. The Paris Principles set standards of independence, integrity and effectiveness for National Human Rights Institutions such as the Human Rights Commission. The Paris Principles require a transparent selection and appointment process including that the responsible Minister is advised on appointment options by an independent panel.
12. Expressions of interest for these positions were sought via public advertisement.
13. A shortlist of candidates were interviewed by an independent panel comprising:
- Sir Terence Arnold (retired Supreme Court Judge) - Chairperson
 - Hon Christopher Finlayson KC (barrister/former Attorney-General)
 - Paul Rishworth KC (human rights lawyer)
 - Lorraine Toki (Iwi Chair Forum representative).
14. My selections have taken into account the merits identified during the interview process.

Candidate

15. Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, Stakeholder Engagement Manager for Auckland Transport, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He was a lecturer for five years at Victoria University of Wellington in International Environmental Politics. He has been active in promoting LGBT rights and is on the board of the NZ Aids Foundation. Dr Rainbow holds a PhD and a BA(Hons) in Political Studies and a BA in History and Politics.

16. Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. The majority of her research focuses on utilising linked administrative data to inform policy debate. She has extensive experience leading large-scale, multi-institutional funded projects, including work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission. She also received the AUT Medal for her research, scholarship and application of integrated data to help inform social policy and wellbeing. Dr Pacheco was a Commissioner at the Productivity Commission from 2019 to 2022 and was President of the NZ Association of Economics from 2021 to 2023. She holds a PhD in Economics as well as a M.Com, B Com(Hons), B Com and BA degrees, all from Auckland University.
17. Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills. She combines first rate intellectual ability with an approachable personality. She has a sound of knowledge on the human rights dimensions of the Treaty of Waitangi and a balanced approach to broader social issues. Further, while she was on a Fulbright scholarship at Columbia University, she had the opportunity to spend time at the United Nations learning about ethnic rights from an international perspective. She is a confident and engaging communicator and has useful experience dealing with the media. She holds a PhD, and MA and BA degrees.

Conflict of interest

18. I can confirm that appropriate enquiries concerning conflicts of interest have been carried out in accordance with the Public Services Commission appointment guidelines, and that any conflict of interest that could reasonably be identified, has been identified.

Representativeness

19. I can confirm that full consideration has been given to the need for appropriate representativeness.
20. I am satisfied that the proposed appointments will contribute to a Commission that is well-balanced in terms of gender, age, ethnicity and geographic representation, and which possesses an appropriate mix of skills and experience.

Term

21. I propose to recommend terms of appointment of five years for all three appointments.

Remuneration

22. The remuneration for Human Rights Commissioners is determined by the Remuneration Authority.

Timing and Publicity

23. A press statement will be issued once these appointments have been notified.

Recommendations

24. That Cabinet Committee notes the intention of the Minister of Justice, Hon Paul Goldsmith, to recommend to the Governor-General the following appointments to the Human Rights Commission:

24.1 the appointment of **Dr Stephen Rainbow** as the Chief Commissioner for a term of five years

24.2 the appointment of **Dr Gail Pacheco** as the Equal Employment Opportunities Commissioner for a term of five years

24.3 the appointment of **Dr Melissa Derby** as the Race Relations Commissioner for a term of five years.

Authorised for lodgement:

Hon Paul Goldsmith
Minister of Justice

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Talking Points

HUMAN RIGHTS COMMISSIONER: APPOINTMENT

- Appointments** You are recommending the following appointments to the Human Rights Commissioner.
- **Dr Stephen Rainbow** as the Chief Commissioner
 - **Dr Gail Pacheco** as the Equal Employment Opportunities Commissioner for a term of five years
 - **Dr Melissa Derby** as the Race Relations Commissioner
- Organisation** The Human Rights Commission works with Government and civil society to promote respect for human rights, encourage harmonious race relations and equal employment opportunities, and to resolve complaints about discrimination and related issues.
- Current vacancies** The positions of Chief Commissioner and Race Relations Commissioner are currently vacant and the term of appointment of the Equal Employment Opportunities Commissioner, Dr Saunoamaali'i Karanina Sumeo, expired in October 2023. (Dr Sumeo remains in office under carry over provisions but is not under consideration for reappointment).
- Skills sought** All Commissioners need relevant professional qualifications or experience, an appreciation of human rights issues, governance skills and relationship management ability. They should have an understanding and sensitivity to Treaty of Waitangi issues, and knowledge of the Human Rights Act 1993, the Crown Entities Act 2004, New Zealand Bill of Rights Act 1990 and New Zealand's obligations under relevant United Nations covenants and conventions.
- In addition, the Chief Commissioner needs to provide leadership to the Commission and guide its strategic direction.
- The Candidates** Dr Rainbow's career has encompassed a range of roles including Head of Strategy at Waterfront Auckland, Stakeholder Engagement Manager for Auckland Transport, General Manager Transport at Auckland City Council, Director of Urban Strategy at Wellington City Council and National Manager, NZ Historic Places Trust. He is currently a Senior Adviser at the Nelson City Council. He served as a Wellington City Councillor from 1989 to 1998. He has been active in promoting LGBT rights and is on the board of the NZ Aids.
- Dr Pacheco is a Professor of Economics and Director of the NZ Policy Research Institute at AUT. The majority of her research focuses on utilising linked administrative data to inform policy debate. She has extensive experience leading large-scale, multi-institutional funded projects, including

work for the Ministry of Business, Innovation and Employment (MBIE), Ministry of Women, Ministry of Education and Human Rights Commission.

Dr Derby is a senior lecturer at Waikato University, teaching early literacy and human development. Her primary area of research is early literacy, and in particular, in exploring the role of whānau in fostering foundational preliteracy skills. She combines first rate intellectual ability with an approachable personality. She has a sound of knowledge on the human rights dimensions of the Treaty of Waitangi and a balanced approach to broader social issues.

Conflict of interest	None identified
Remuneration	Remuneration for Human Rights Commissioners is set by the Remuneration Authority.
Term	Five years as provided for by the Crown Entities Act 2004
Process and Consultation	The selection process has been run in accordance with UN conventions (the Paris Principles) which are designed to ensure an open and transparent selection process.
Community representation	The proposed appointment will contribute to a Commission that is well-balanced in terms of gender, age, ethnicity and geographic representation, and which possesses an appropriate mix of skills and experience.

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