

The Office of Human Rights Proceedings

Te Tari Whakatau Take Tika Tangata

21 November 2024

Rodney Parsons

By email

Tēnā koe Mr Parsons

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Your request for information under the Official Information Act 1982

I refer to your request for information sent by email to the Office of Human Rights Proceedings (**Office**) on 24 October 2024. I have construed your request for information as a request 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.

You have asked us to provide the following information, copied verbatim:

Please provide response times of OHRP over the past several years, written criteria for acceptance/decline, and internal complaints management procedures.

Response times of OHRP over the past several years

I interpret your reference to response times to mean the length of time it has taken for applicants to receive a decision on applications for legal representation. If this is incorrect, please let me know and provide more detail as to what you mean by “response times”.

We do not maintain data on average response times, so I am unable to provide that information to you as it does not exist.

However, there is information publicly available that may assist with your request. For context, our standard process upon receiving an application is to make a personal information request on behalf of the applicant to the Human Rights Commission regarding the complaint relevant to the application. We then report annually to the Minister of Justice on the percentage of applications that are determined within four months of receiving that information.

Accordingly, this information is made publicly available via our Annual Reporting to the Minister of Justice. Our Annual Report is contained within a section of the Annual Report

submitted by the Commission. As such, I decline your request under section 18(d) of the OIA in that the information is or soon will be publicly available.

Reporting periods run from 1 July to 30 June for each reporting year. Annual Reports are accessible via this link:

<https://tikatangata.org.nz/about-us/corporate-publications/annual-reports>

Our Annual Report for the 2023/24 reporting year will be published soon, although I am not sure exactly when.

Written criteria for acceptance/decline

Here, I understand you to be referring to the criteria guiding decision-making as to whether to provide legal representation to take a case to the Human Rights Review Tribunal.

Please see section 92 of the Human Rights Act 1993, available via this link:

<https://www.legislation.govt.nz/act/public/1993/0082/latest/link.aspx?id=DLM304916>

Internal complaints management procedures

By “internal”, do you mean where staff have a complaint about each other? Please clarify if this is the purpose of your question.

You have also asked for the following information, again copied verbatim:

Please outline the oversight and the process for raising concerns about OHRP personnel, up to and including the director of OHRP, for: concerns about misconduct, maladministration or corruption.

I interpret this question to mean where complaints are made by either applicants for representation or by clients who are being represented by the Office. Please clarify if your request is intended to be broader than that.

Complaints made by applicants about OHRP staff and/or the Director

If an applicant has a complaint about staff, the complaint should be raised with the Director in the first instance.

If a complaint is made against the Director, then similarly the expectation is that the complaint would be raised with the Director first, so an attempt can be made to address it.

Regardless, there is no formal or legal requirement for an individual to complain to the Director. Ultimately, a member of the public has the right to complain to the Ombudsman about the exercise of the Office's statutory powers.

Complaints made by clients about OHRP staff and/or the Director

Where an application for legal representation has been accepted, terms of engagement are provided to clients to consider before the solicitor-client relationship is established. The Office's standard terms include an alternative dispute resolution clause containing a procedure for disputes, being the following:

- a. Complaints about the Office's services should be referred to the lawyer at the Office who is managing the file in the first instance.
- b. If the client does not wish to refer the complaint to that person, or if the client is not satisfied with that person's response to the complaint, it may be referred to the Director.
- c. If the complaint is about the Director, or the Office of Human Rights Proceedings as a whole, then it may be referred to Royden Hindle, Barrister.

The above process is only applicable where the individual has agreed to the Office's standard terms of engagement. Ultimately, clients have the ability to complain to the Law Society and also to the Ombudsman.

As indicated, if there is anything in your request that I have misinterpreted, then please let me know.

I note that, pursuant to the OIA, we were required to respond to you by Friday 22 November 2024. Accordingly, our response is timely and within the prescribed period. If I have misinterpreted your question or you require further clarification, please let us know.

Finally, you have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku, nā



Michael Timmins

Director of Human Rights Proceedings
Tumuaki Whakatau Take Tika Tangata