



Human Rights Review Tribunal Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of August 2020

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 144 of the Human Rights Act 1993 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Human Rights Review Tribunal Amendment Regulations 2020.

2 Principal regulations

These regulations amend the Human Rights Review Tribunal Regulations 2002 (the **principal regulations**).

3 Commencement

These regulations come into force on 1 December 2020.

4 Regulation 3 amended (Interpretation)

In regulation 3, definition of **proceedings**, paragraph (a)(ii) (as inserted by section 217 and Schedule 9 of the Privacy Act 2020), replace “section 97 or 98” with “section 97, 98, 104, 105, 130, or 131”.

5 Regulation 6 amended (Person or body bringing proceedings)

In regulation 6, table, after the item relating to section 98 of the Privacy Act 2020 (as inserted by section 217 and Schedule 9 of the Privacy Act 2020), insert:

Under section 104 of the Privacy Act 2020	the aggrieved individual
Under section 105 of the Privacy Act 2020	the agency against which an access direction has been made
Under section 130 of the Privacy Act 2020	the Privacy Commissioner
Under section 131 of the Privacy Act 2020	the agency that has been issued with a compliance notice

6 Regulation 10 amended (Proceedings under section 97 or 98 of the Privacy Act 2020)

(1) In the heading to regulation 10 (as amended by section 217 and Schedule 9 of the Privacy Act 2020), replace “**section 97 or 98**” with “**97, 98, 104, 105, 130, or 131**”.

(2) In regulation 10(b), replace “section 97 or 98” with “97, 98, 104, 105, 130, or 131”.

(3) After regulation 10(b), insert:

- (c) the aggrieved individual, if the proceedings are brought under section 104 of that Act; or
- (d) the agency against which an access direction has been made, if the proceedings are brought under section 105 of that Act; or
- (e) the Privacy Commissioner, if the proceedings are brought under section 130 of that Act; or

(f) the agency issued with a compliance notice, if the proceedings are brought under section 131 of that Act.

7 Regulation 14 amended (Other persons or bodies to be notified of proceedings)

In regulation 14, table, after the item relating to section 98 of the Privacy Act 2020 (as inserted by section 217 and Schedule 9 of the Privacy Act 2020), insert:

Under section 104 of the Privacy Act 2020, brought by the aggrieved individual	the Privacy Commissioner
Under section 105 of the Privacy Act 2020, brought by the agency against which an access direction has been made	the Privacy Commissioner

8 Regulation 15 amended (Filing and Service of Statement of Reply)

In regulation 15(2) (as amended by section 217 and Schedule 9 of the Privacy Act 2020), after “the Privacy Act 2020,” insert “including proceedings under section 104 of that Act,”.

9 Regulation 16 amended (Conduct of proceedings: power to give directions, etc)

In regulation 16(3)(b) (as inserted by section 217 and Schedule 9 of the Privacy Act 2020), replace “section 97 or 98” with “section 97, 98, 104, 105, 130, or 131”.

10 Regulation 17 amended (Meeting of parties before any hearing)

In regulation 17(2) (as amended by section 217 and Schedule 9 of the Privacy Act 2020), after “under section 99”, insert “or 108”.

11 Regulation 18 amended (Time and place of hearing)

After regulation 18(2)(d), insert:

(da) if the proceedings are under section 104 or 105 of the Privacy Act 2020, on the Privacy Commissioner; and

12 Regulation 21 amended (Tribunal’s decision)

After regulation 21(1)(f), insert:

(fa) if the proceedings are under section 104 or 105 of the Privacy Act 2020, to the Privacy Commissioner; and

Michael Webster,
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, which come into force on 1 December 2020, amend the Human Rights Review Tribunal Regulations 2002 (the **principal regulations**).

The amendments are necessary to implement certain changes to the role of the Human Rights Review Tribunal (the **Tribunal**) made by the Privacy Act 2020 (which also comes fully into force on 1 December 2020). In particular, under that Act,—

- agencies will be able to appeal to the Tribunal against access directions and compliance notices issued by the Privacy Commissioner;
- the Privacy Commissioner will be able to apply to the Tribunal to enforce compliance orders;
- aggrieved individuals will be able to apply to the Tribunal to enforce access directions.

The amendments made by these regulations specify the procedures for—

- appealing against access directions;
- appealing against compliance notices issued by the Privacy Commissioner or the Commissioner's decision to vary or cancel a compliance notice;
- enforcing access directions;
- enforcing compliance notices.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 13 August 2020.

These regulations are administered by the Ministry of Justice.