**Solicitor**

**Rōia**

***Position Description***

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| **Reports to** | Director of Human Rights Proceedings |
| **Team/Unit** | Office of Human Rights Proceedings |
| **Location** | Auckland or Wellington |
| **Salary Band** | Band 3B $81,003 – $109,593 |
| **Direct Reports** | None |

**About the Office of Human Rights Proceedings**

The Office of Human Rights Proceedings (the Office) is headed by the Director of Human Rights Proceedings (the Director). The Director can provide free legal representation to complainants or Te Kāhui Tika Tangata Human Rights Commission (the Commission) in respect to complaints about unlawful discrimination and can bring proceedings as plaintiff alleging interference with an individual’s privacy.

We are funded through the Ministry of Justice but operate independently of the New Zealand Government.

The Office was established in 2002. It is a part of the Commission and shares offices with it, but the Director, with the assistance of the staff of the Office, exercises his duties independently to the Commission.

**Our values:**

Our values guide how we behave as an organisation and as individuals to achieve our mission:

* Mana tangata – human dignity
* Māia, tika pono – courage and integrity
* Whanaungatanga – relationships

**About this Position**

The Solicitor | Rōia works closely with the Director to ensure the Office is meeting its objectives and long-term goals. You will play a key role in assisting the Director to carry out the functions, powers, and duties of the Office of Human Rights Proceedings. This work requires the ability to connect with and manage vulnerable clients and witnesses through a formal legal process, including those who are unfamiliar with court proceedings and who may have experienced significant personal loss.

**Position Purpose**

The Office is made up of a small dedicated team, consisting of a Deputy Director, a senior solicitor, a solicitor, and a legal executive/executive assistant, as well as law clerks and graduates from time to time.  The Office provides free legal representation to applicants who believe they have been treated unlawfully; have complained to the Human Rights Commission; and wish to take their case to the Human Rights Review Tribunal under the Human Rights Act 1993 (**HRA**). The Office can also bring interference with privacy proceedings in the Tribunal when such proceedings are referred by the [Privacy Commissioner](https://www.privacy.org.nz/) pursuant to the Privacy Act 2020 (**PA**).

**Working Relationships**

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| **Reports to:** |  Director of Human Rights Proceedings |
| **Internal relationships:** |  OHRP staff Human Rights Commission staff |
| **External relationships:** |  Clients and applicants to the Office  Counsel instructed by the Office The Office of the Privacy Commissioner staff  Opposing Counsel or defendants Tribunal and Court registry staff |
| **Direct reports** |  None |

**Key Accountabilities**

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| **Carrying out the functions, powers and duties of the OHRP under the Human Rights Act 1993** | * Reviewing applications for representation to assess whether the criteria for bringing a claim under the HRA are met.
* Preparing draft decisions on whether the Office will provide legal representation to applicants or to the Commission pursuant to ss 90 and 92 of the HRA.
* Preparing proceedings and conducting cases under Part 1A and Part 2 of the HRA in the Tribunal, and occasionally the High Court and Court of Appeal, including any alternative dispute resolution mechanisms.
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| **Carrying out the functions, powers and duties of the OHRP under the Privacy Act 2020**  | * Reviewing referrals from the Office of the Privacy Commissioner and the “opportunity to be heard” procedure and undertaking an assessment of whether proceedings should be brought.
* Where proceedings are brought, preparing proceedings and conducting the hearing, either in conjunction with the Director, or independently. In the event of appeals, appearing as counsel in the High Court or the Court of Appeal.
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| **Provision of litigation services at the Human Rights Review Tribunal and other courts** | This involves:* Liaising with clients/complainants
* Drafting statements of claim, memoranda of counsel and legal submissions
* Undertaking discovery
* Preparing briefs of evidence
* Communicating with opposing counsel and/or defendants
* Appearing as counsel.
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| **Assisting the Office in becoming a Tiriti Based Organisation** | * A demonstrated understanding of the human rights dimensions of Te Tiriti o Waitangi and how it engages with the work of the Office
* A commitment to engaging with and being directly involved in the Office’s journey to be a Tiriti Based Organisation.
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| **Leading law reform issues** | * Keeping up to date with developments in human rights law, privacy law, evidence, and procedure
* Researching and drafting legal opinions and papers that will lead to law reform action.
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| **Compliance** | * Comply with the Lawyers and Conveyancers Act

(Lawyers: Conduct and Client Care) Rules 2008, including maintaining solicitor/client privilege.* Comply with the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013, by initiating and managing their own personal development.
* Work within the framework of all Commission policies that apply to the Office, including complying with the Commission’s statement of values and code of conduct to the extent they apply to the Office.
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**Person Specification**

**Solicitor |Rōia**

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| **Qualifications & Training:** | * A law degree
* Enrolled or the ability to be enrolled as a Barrister and Solicitor of the High Court of New Zealand.
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| **Demonstrated experience:** | * Have litigation skills and experience in representing litigants in a formal Tribunal or court setting
* Experience in alternative dispute resolution, including negotiating settlement agreements and representing clients at mediation
* Excellent legal research skills and the ability to practically apply research results
* An understanding of the Human Rights Act 1993, the Privacy Act 2020, the New Zealand Bill of Rights Act 1990, and the international human rights framework, or the ability to acquire this knowledge promptly
* Demonstrated ability to plan and organise work independently and self-manage to achieve work goals.
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| **Personal Attributes:** | **Analysis*** Thinks analytically, conceptually and laterally
* Presents written work in a clear, concise manner, with high attention to detail in content and structure.

**Effective Communication*** Employs clear and effective two-way communication, spoken and written, with a wide range of people and in all situations, in order to listen to persuade, and to influence others
* Excellent written and oral advocacy skills
* Ability to provide advice to vulnerable clients in an accessible way

**Flexibility and Innovation*** Demonstrates a flexible and innovative approach to problem solving and decision making with a capacity to develop and deliver effective solutions

**Health and Safety*** Advocates, supports and ensures compliance with the requirements of the Health and Safety at Work Act 2015

**Building and Sustaining Relationships*** Establishes and maintains positive relationships with audiences internally and externally
* Provides an audience-orientated service
* Demonstrates understanding of Te Tiriti o Waitangi and its relevance to the work of the Office
* Demonstrates the ability to work with people from a wide range of backgrounds
* Demonstrates personal commitment to human rights and harmonious relations

**Human Rights Values*** Demonstrates a commitment to human rights in Aotearoa and/or internationally
* Practices inclusion and tolerance
* Driven by the fundamental notions of equality and dignity
* Practices empathy
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| **Conduct:** | * Understands the role and nature of a national human rights institution and the conduct required of its members
* Displays the highest standards of personal and professional behaviour
* Models behaviours consistent with the Office’s values and holds others accountable for those behaviours
* Displays a high degree of consistency in personal behaviour with a reputation for absolute trustworthiness
* Proven record of confidentiality, discretion and judgment
* Demonstrates commitment to continual personal development
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***As a Public Servant:***

Mahi tōpū ai ngā Kaimahi Tūmatanui e whai tikanga ai te noho a ngā tāngata o Aotearoa. Hei tā te Public Service Act ko te pūtake o ngā Kaimahi Kāwanatanga, ko te tautoko i te kāwanatanga whai ture me te kāwanatanga manapori; ko te āwhina i te Kāwanatanga o te wā nei me ō anamata ki te whakawhanake, ki te whakatinana hoki i ā rātou kaupapa here; ko te tuku i ngā ratonga tūmatanui e nui ana te kounga, e nahanaha ana anō hoki; ko te tautoko i te Kāwanatanga e tūroa ai te whai oranga o te marea; ko te huawaere i te whai wāhitanga o te kirirarau ki te ao tūmatanui me te whakatutuki i ngā mahi i runga i tā te ture i whakahau ai. E hiranga ana te wāhi ki a mātou ki te tautoko i te Karauna i ana hononga ki ngā iwi Māori i raro i te Tiriti o Waitangi. Ahakoa he nui ngā momo tūranga mahi, e tapatahi ana ngā kaimahi tūmatanui i roto i te whakaaro nui ki te hāpai i ngā hapori, ka mutu, e arahina ana ā mātou mahi e ngā mātāpono matua me ngā uara o ngā Kaimahi Tūmatanui.

The public service works collectively to make a meaningful difference for New Zealanders.  The Public Service Act states that the purpose of the public service is to support constitutional and democratic government, enable both the current Government and successive governments to develop and implement their policies, deliver high-quality and efficient public services, support the Government to pursue the long-term public interest, facilitate active citizenship and act in accordance with the law.  We have an important role in supporting the Crown in its relationships with Māori under the Treaty of Waitangi and te Tiriti o Waitangi.  Whilst there are many diverse roles, all public servants are unified by a spirit of service to the community, and guided by the core principles and values of the public service in our work.