

Principles of Natural Justice

Natural Justice

The board's decisions impact on the rights, obligations and interests of staff, students, members and whānau. As such, both the board and the General Manager, who has legal authority for day-to-day management of the organisation, must understand and apply the principles of natural justice. These principles are protected in section 27 of the Bill of Rights Act 1990, which affirms New Zealand's commitment to the International Covenant on Civil and Political Rights.

So what are these principles? They are all about following a fair process without bias or pre-determination. Easy to say, but what does it mean in practice?

The key principle is the right to a fair and impartial determination of the issue. This means:

- Decision makers keep an open mind until they have heard from everyone, looked at all relevant information, and not taken account of irrelevant information
- None of the decision-makers has a conflict of interest

Generally speaking this right includes the following:

- Right to know what the allegation or complaint is and who is making it; and
- Right to respond fully to any allegations or complaints. This should also include an opportunity to respond to an adverse finding by the decision-maker about their allegation or complaint; and
- Right to representation – this includes both legal representation and an advocate or support person; and
- Right to cross-examine; and
- Right to reasons (and reasoning) for the board's decision; and
- Right to complain / appeal.

To put this into the context of the complaint / student discipline / employment issue the board is dealing with we would advise the board to make sure the following steps are followed:

- Follow board's concerns and complaints policy; and
- If policy is silent, then the board applies the above principles in the process it follows.

Note: The Bill of Rights Act 1980. Section 27(1) states:

“Every person has the right to the observance of the principles of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person's rights, obligations, or interests protected or recognised by law.”