



**National Council of  
Women of New Zealand**

Te Kaunihera  
Wahine O Aotearoa

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S16.16

**Submission to the Women's Human Rights Institute on  
"good practices" in the elimination of discrimination for the  
thematic report of the UN Working Group on  
Discrimination against Women in Law and Practice**

The purpose of this questionnaire is to identify laws around the globe that have played a role in the elimination or substantial reduction of discrimination against women and that have potential to be developed into holistic case studies for the UN Working Group on Discrimination against Women in Law and Practice (UNWGDW) 2017 "good practices" report.

**Organisation/Affiliation:** The National Council of Women of New Zealand,  
Te Kaunihera Wahine O Aotearoa

**Country:** New Zealand

**E-mail:** [office@ncwnz.org.nz](mailto:office@ncwnz.org.nz)

The National Council of Women of New Zealand , Te Kaunihera Wahine O Aotearoa (NCWNZ) is an umbrella group representing 288 organisations affiliated at either the National level or to one of our 20 branches. In addition to our organisational membership about 260 women are individual members of branches. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Parliamentary Watch Standing committee.

- 1. Has there been a law—whether legislation or case law—that has eliminated or substantially reduced discrimination against women and supported women's empowerment in your context? Please provide the name/title of the legislation or case, the country and or region in which this law came into being, and the date the law was passed or the date of the case decision.**

1.1. Recent New Zealand legislation:

- [Victims' Rights Amendment Act 2014](#)
- [Public Safety \(Public Protection Orders\) Act 2014](#)
- [Domestic Violence Amendment Act 2013](#)
- [Crimes Amendment Act \(No 3\) 2011](#). Creates a new offence of 'failure to protect' a child or vulnerable adult. This amendment strengthens provisions in the Crimes Act 1961

particularly in relation to violent and sexual offending, came into effect on 19 March 2012.

- [Domestic Violence Amendment Act 2009](#): enabled criminal courts to issue protection orders on behalf of victims in cases where a perpetrator is sentenced for a domestic violence offence. The [Police Safety Orders](#) came into effect from 1 July 2010.

#### 1.2. Recent New Zealand case law:

- [Service and Food Workers Union Nga Ringa Toa Inc v TerraNova Homes & Care Ltd \(2003\) NZ](#). Heard in the Employment Court, 2013. In 2012 a caregiver and the Service and Food Workers Union lodged a claim with the Employment Relations Authority (ERA), alleging the employer TerraNova Homes and Care Ltd was in breach of the Equal Pay Act. The ERA referred the case to the Employment Court. Summary and time line on the [New Zealand Aged Care Association's website](#). The decision was appealed and heard as TerraNova Homes and Care Ltd v Service and Food Workers Union Na Ringa Toa Inc in the Court of Appeal, 2014. The Employment Court's decision was upheld.
- In 2007 Justice John Priestley cited the New Zealand fifth periodic report to the United Nations Committee on the Elimination of all Discrimination Against Women (CEDAW) in 2002 when sentencing a man for manslaughter of his wife. In 2008, the Court of Appeal reduced the sentence period citing the need for consistency of sentencing for similar offending. See <http://www.stuff.co.nz/national/crime/290061/Reduced-sentence-for-man-who-beat-partner-to-death>

### **3. Were you involved in the developmental stages and/or implementation of this legislation or case? If so, please explain your involvement in as much detail as possible.**

#### 3.1. NCWNZ made submissions to these Bills:

- Public Safety (Public Protection Orders) Bill 68 which was enacted as the Public Safety (Public Protection Orders) Act 2014 (Submission S13.18)
- Crimes Amendment (No. 2) Bill which was enacted as Crimes Amendment Act (No 3) 2011 (Submission S11.09)
- Domestic Violence (Enhancing Safety) Bill which was enacted as the Domestic Violence Amendment Act 2009 (Submission S09.03)

### **4. Are there individuals/groups/organizations that we can contact who have in-depth knowledge of this legislation or case? If so, please provide names and contact information below, as well as a brief description of who they are and how they are involved with this legislation or case.**

#### 4.1. For the TerraNova case:

- Dr Jackie Blue  
Equal Employment Opportunities Commissioner  
Human Rights Commission  
PO Box 12411

Thorndon  
Wellington 6144  
New Zealand  
[JackieB@hrc.co.nz](mailto:JackieB@hrc.co.nz)

- E tū (formerly the Service and Food Workers Union Na Ringa Toa Inc)  
Private Bag 92645  
Symonds Street  
Auckland 1150  
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**Would you be willing to be contacted by our researchers for an interview?** Yes

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National President



Beryl Anderson  
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