

# **Human Rights (Women in Armed Forces) Amendment Bill**

Member's Bill

As reported from the Foreign Affairs, Defence and  
Trade Committee

## **Commentary**

### **Recommendation**

The Foreign Affairs, Defence and Trade Committee has examined the Human Rights (Women in Armed Forces) Amendment Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The purpose of the bill is to repeal section 33 of the Human Rights Act 1993 (the Act) to allow women employed in the armed forces to participate in active combat roles. The bill removes the last exemption for sexual discrimination in employment matters applying to the armed forces.

### **Clause 4—Purpose clause**

Clause 4 of the bill refers to women serving “at the front line”. The “front line” is a nebulous concept in modern warfare. Given the reach of modern weapons, members of the armed forces serving in an armed conflict may expect to be involved in armed combat operations even when they are far behind the “front line”. In many circumstances, particularly in naval operations, the “front line” may itself be difficult or impossible to discern. As section 33 of the Act refers to members of the armed forces “serving in an active combat role”, we recommend that this be reflected in the purpose clause of

the bill, which should refer to women serving “in an active combat role”, rather than “at the front line”.

### **Consequential amendments**

We recommend consequential amendments to section 106(1)(j) and 106(2)(a) of the Employment Relations Act 2000 to remove references to section 33 of the Act, which will be redundant if the bill is enacted.

## **Appendix**

### **Committee process**

The Human Rights (Women in Armed Forces) Amendment Bill was referred to the committee on 6 September 2006. The closing date for submissions was 22 October 2006. We received and considered six submissions from interested groups and individuals. We heard one submission.

We received advice from the New Zealand Defence Force and the Ministry of Justice.

### **Committee membership**

Dianne Yates (Chairperson)

Dr Wayne Mapp (Deputy Chairperson)

Tim Groser

John Hayes

Keith Locke

Hon Murray McCully

Jill Pettis

H V Ross Robertson

Hon Paul Swain

Hon Georgina te Heuheu was replaced on the committee by Dr Wayne Mapp during our consideration of this bill.

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Human Rights (Women in  
Armed Forces) Amendment

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

**New (unanimous)**

Subject to this Act,

Text inserted unanimously

*(Subject to this Act,)*

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

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Lynne Pillay

## Human Rights (Women in Armed Forces) Amendment Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Human Rights (Women in Armed Forces) Amendment Act **2006**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5

**New (unanimous)**

### **Part 1**

#### **Amendment to principal Act**

- 3 Principal Act amended**  
This (*Act*) Part amends the Human Rights Act 1993. 10

**4 Purpose**

The purpose of this (*Act*) Part is to amend the Human Rights Act 1993 to remove an exemption allowing discrimination against women that prevents them from serving in combat positions as New Zealand no longer prevents women from serving (*at the front line*) in an active combat role.

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**5 Section 33 repealed**

Section 33 is repealed.

**New (unanimous)**

**Part 2**  
**Consequential amendments to Employment Relations  
Act 2000**

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**6 Principal Act amended**

- (1) This Part amends the Employment Relations Act 2000.
- (2) Section 106(1)(j) is repealed.
- (3) Section 106(2)(a) is amended by omitting “32, and 33” and substituting “and 32”.

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**Legislative history**

24 August 2006  
6 September 2006

Introduction (Bill 76–1)  
First reading and referral to Foreign Affairs, Defence  
and Trade Committee

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