

The New Zealand Sexual Health Society (NZSHS) is an inclusive multidisciplinary professional body dedicated to advocating and promoting Sexual Health for all in Aotearoa. We are writing to oppose the Legislation (Definitions of Woman and Man) Amendment Bill, and to ask the committee to recommend it does not proceed. This Bill will cause huge distress for many people. Aotearoa New Zealand is a connected country and we all have whānau, friends and work colleagues who will be impacted by this legislation. As health professionals, we see the harm it is already causing our patients, some of whom have been living in their chosen gender for many years. This Bill will hurt them significantly and provides absolutely no benefit to other groups.

We have several concerns about this Bill:

- **It will have a very negative effect on mental health.** The Aotearoa Counting Ourselves survey (2019) provides evidence that gender-affirming recognition reduces harm, and that state misrecognition increases it. This Bill embeds state misrecognition at the highest level of New Zealand law, and every institution that operates under that law will follow suit. That is a foreseeable, avoidable harm.
- **Erosion of Human Rights Act protections.** Since 2006, the Crown Law Office has interpreted "sex" in section 21 of the Human Rights Act 1993 to include gender identity. That interpretation has protected trans, intersex, takatāpui and non-binary New Zealanders from discrimination for twenty years. By imposing a single biological definition of "woman" and "man" across every Act of Parliament, this Bill directly undercuts that interpretation. The Law Commission's 2025 Ia Tangata report recommended adding "gender identity" and "innate variations of sex characteristics" as explicit grounds in the Human Rights Act. The right response is to adopt those recommendations, not to legislate the existing implicit protection out of existence.
- **Missed opportunities for cancer screening:** National and international clinical guidelines are clear that oestrogen therapy produces breast tissue with associated cancer risk in trans women, and that trans men retain cervical and ovarian cancer risk. Splitting medical reality from a person's legal sex by statute creates unnecessary and harmful obstacles to screening, referral and treatment.
- **The Bill mirrors anti-trans politics in the United States and the United Kingdom** which increased hostility towards gender-diverse people, and we do not need to copy this here. Aotearoa has not asked for this and the select committee should not import it. A country where the state can decide overnight that a category of people no longer legally exists is a country where rights are conditional rather than guaranteed. The same legislative machinery can be turned on any minority next. Even setting aside the immediate harms, this Bill is a precedent the committee should not allow to be set.

- **The Bill is not required – there is no problem to fix.** Proponents have not pointed to a single failure in current New Zealand law that this Bill repairs. The Human Rights Act 1993 and the BDMRR Act 2021 already operate, side by side, without causing any problems.
- **This Bill diminishes the mana & humanity of our intersex whānau** especially when considering a new definition of such terms without thorough insight or explanation on the 'biological' aspect.
 - The bill seems to be inserting into the Legislation Act 2019 that, regardless of gender identity:
 - Woman means an adult human biological female.
 - Female means a human biological female.
 - Man means an adult human biological male.
 - Male means a human biological male
- **There is no definition of what adult, or human biological female, or human biological male is in this bill amendment, which would cause the following problems:**
 1. The "Adult" Problem (The Age Gap)
 - The bill says a woman or man must be an "adult." But it doesn't explain what age an adult is. Because it leaves this out, NZ courts must use an old law from 1970 that says a person only becomes an adult at 20 years old.
 - This means anyone who is 18 or 19 would legally not count as a "man" or a "woman" under this bill.
 - This could accidentally block teenagers from getting certain healthcare, like abortions, because the laws protecting those rights specifically use the word "woman."
 2. The "Biological" Problem (The Missing Details)
 - The bill uses the word "biological" but never actually explains what that means. It doesn't say if the government should check chromosomes, body parts, or birth certificates to prove someone's sex.
 - Because it is so vague, no one knows how the law would apply to intersex people, who are born with a mix of male and female biological features.
 - This risks defining women solely by their body's ability to reproduce, which many people feel is insulting and dehumanising, and It could exclude women who cannot have children, such as women who have gone through menopause, people who chose not to have children, people who are infertile or unable to have children for any reason, or anyone who has had a hysterectomy (surgery to remove the womb).
- **Travel safety will be compromised.** New Zealand passports for trans citizens currently reflect a self-identified sex marker. This Bill would create a contradiction inside our own legal system between the passport a trans New Zealander holds and the sex this law assigns them. That contradiction can be exposed at any border. In the dozens of jurisdictions where being trans is criminalised, exposing that contradiction can mean detention, deportation or worse. The Crown has a duty to its citizens overseas, and that duty is incompatible with this Bill.

In summary, we ask the committee to make the following recommendations:

1. That the Bill is discharged and is not progressed to second reading.
2. That the committee give weight to submissions from trans, takatāpui, intersex and non-binary New Zealanders, whose lives this Bill most directly affects, and who will suffer greatly if this is passed.
3. That no amendment be progressed which undercuts the Crown Law Office's 2006 interpretation of "sex" in section 21 of the Human Rights Act 1993, on which trans, intersex, takatāpui and non-binary New Zealanders have relied for protection from discrimination for two decades.
4. That any genuine clarification of New Zealand's framework on sex, gender identity and sex characteristics should proceed through the Law Commission's *Ia Tangata* (2025) recommendations, which the Government should reverse its February 2026 decision to shelve.

Kate Allen (Secretary)



On Behalf of the New Zealand Sexual Health Society