

Submission on Legislation (Definition of Woman & Man) Amendment Bill

Position Statement

Thank you for the opportunity to submit on the Legislation (Definition of Woman & Man) Amendment Bill. We strongly oppose the Bill and urge the Committee to recommend that it not proceed. We do so because the Bill is inconsistent with positive youth development principles and risks significant harm to young people and to communities who already experience discrimination.

Who We Are

Ara Taiohi is the peak body for youth development in Aotearoa. We are connected to 4,000 people and organisations that work with young people across the motu. Our vision is of an empowered ecosystem of youth development where all rangatahi thrive.

At its heart, positive youth development is about creating environments where young people are safe, valued, connected and able to participate fully in society. Our work values and includes all young people, including transgender and intersex young people. Rather than strengthening wellbeing or belonging, this Bill risks undermining the mana and safety of young people and communities whose identities, bodies and experiences do not fit within the narrow legal definitions proposed. The following sections outline our concerns and the reasons we believe this Bill should not proceed.

The Bill undermines ethical youth work practice, positive youth development, and the safety of young people.

Positive youth development recognises that young people need belonging, connection, safety, participation and recognition. This Bill creates conditions where some young people's lives would be stripped of dignity and safety. When Parliament excludes certain identities through legislation, it sends a strong message to young people about who belongs and who does not.

Mana Taiohi is the principle-based framework for youth development in Aotearoa.¹ It recognises the inherent mana of every young person and calls on adults, elected representatives and systems to do the same. This Bill does not do that. Instead, it signals that some young people's identities are less deserving of recognition and protection than others.

¹ Kaiparahuarahi. (2019). Exploring Mana Taiohi: Our National Youth Development Principles for a New Season – A Collection of Perspectives.

Honouring and uplifting the mana that young people carry is core to safe and ethical youth work practice. This Bill's narrow definition of man and woman in effect denies the existence of young trans and intersex people and therefore actively deprives them of emotional security. Pretending someone does not exist is hugely detrimental to their personhood and safety. As an organisation committed to supporting all young people in Aotearoa to thrive, we cannot support legislation that undermines the conditions for some.

The Bill risks significant harm to communities who continue to experience discrimination.

This Bill is not an abstract policy debate. It is deeply personal for many young people in Aotearoa. Transgender, intersex, takatāpui and MVPFAFF+ young people face significant barriers to wellbeing. These challenges do not arise because of who they are, but because of the discrimination, exclusion, and stigma they experience.

For example, nearly half (46%) of trans and non-binary participants in the Identify survey reported experiencing bullying at school, compared with 26% of cisgender students.² Alongside this, two in five (40%) intersex participants who had experienced bullying reported that it was based on their variations in sex characteristics.

Findings from the Counting Ourselves survey paint a similarly concerning picture. Transgender and non-binary people experience discrimination at around twice the rate reported by Aotearoa's general population.³ It also found that more than half of participants had seriously considered suicide at least once in the previous year; and among young people this rose to 62%.

This Bill would further marginalise these communities by embedding narrow definitions of sex and gender into law and paving the way for an increase in discrimination. Similar laws internationally have led to tangible consequences, like restrictions on public bathroom access and unsafe prison placements.

Research increasingly demonstrates that when governments introduce laws that restrict the rights or recognition of transgender people, there can be significant consequences for their wellbeing. A 2024 study published in *Nature Human Behaviour* found that anti-trans legislation in the United States of America was associated with increased suicide attempts among transgender and non-binary young people.⁴ These findings are consistent with New Zealand research showing that broader experiences of stigma, discrimination, and exclusion

² Fenaughty et al. (2022). Identify Survey: Community and Advocacy Report.

³ Yee et al. (2025). Counting Ourselves: Findings from the 2022 Aotearoa New Zealand Trans and Non-binary Health Survey.

⁴ Lee et al. (2024). State-level anti-transgender laws increase past-year suicide attempts among transgender and non-binary young people in the USA. *Nature Human Behaviour*, 8, 2096–2106.

are strongly associated with psychological distress, self-harm, and suicide risk among transgender people.⁵

Through our work across the youth development sector, we regularly hear from youth workers and organisations supporting transgender, intersex, takatāpui and MVPFAFF+ young people. Many of these youth workers are also part of these communities themselves. These groups don't just read statistics; they actively support young people who face both overt and covert prejudice and hate daily. This Bill would exacerbate these challenges and significantly increase the need for support and the resources required to deliver it.

We are also concerned that the Bill and the Parliamentary debate around it will contribute to a wider social climate in which hostility towards transgender people and discrimination become increasingly normalised. We know that legislative debates do not occur in a vacuum, but they also shape public attitudes and can embolden behaviour that further marginalises people.

The Bill raises significant concerns regarding young people's access to necessary services

In addition to the wellbeing concerns outlined above, the Bill also raises practical questions about how young people's access to important services and support may be affected.

We encourage the Committee to give serious consideration to the concerns raised by the Attorney-General regarding wider legal implications of the Bill.⁶ As outlined in their report, the proposed definition of "woman" relies on the term "adult". Under New Zealand law, where not otherwise specified, "adult" may be interpreted as a person aged 20 years or older. This raises questions about how legislation that refers only to "women" may apply to young women under 20 years of age. This uncertainty could affect a range of areas relevant to young people, including access to healthcare, employment entitlements, and legal protections.

As the peak body for youth development, we believe any ambiguity that risks limiting young people's access to healthcare or support should be carefully scrutinised to ensure there are no unintended consequences.

Young people have consistently called for greater inclusion

At Ara Taiohi, youth participation is central to our work. We regularly engage with young people through youth participation initiatives and partnerships with organisations working directly with rangatahi on the ground. While this submission is not a formal survey of all

⁵ Tan et al. (2020). Enacted stigma experiences and protective factors are strongly associated with mental health outcomes of transgender people in Aotearoa/New Zealand. *International Journal of Transgender Health*, 22(3), 269–280.

⁶ Attorney-General. (2025). Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Legislation (Definition of Woman and Man) Amendment Bill.

young people, it is informed by years of listening to the aspirations and concerns young people have consistently raised with us.

Young people themselves have repeatedly expressed a desire for a more inclusive Aotearoa. Research with young people consistently shows strong support for diversity, inclusion and less discrimination. In *Ngā Kōrero Hauora o Ngā Taiohi*, a research project involving 1,000 young people in Aotearoa, concerns about oppression (including transphobia) were raised by 62% of participants.⁷ Many young people specifically called for greater protection, inclusion and support for transgender and queer communities.

One young person wrote:

“We need to increase awareness and education around internalised homophobia, sexism and transphobia where people are discriminatory but aren’t aware of it”.

Another wrote:

“We need more support for trans people [... including] protection and discrimination laws to keep trans and queer people safe”.

These perspectives reflect a generation that increasingly values diversity and inclusion. This Bill runs counter to those aspirations.

One of the core principles of positive youth development is that young people should have a meaningful voice in the decisions that affect them. Any legislation affecting young people should be considered alongside the voices of young people themselves.

The Bill is inconsistent with Te Tiriti o Waitangi

The Bill also raises concerns from a Te Tiriti o Waitangi perspective. We support the recognition of takatāpui as taonga and are guided by the analysis of Te Ngākau Kahukura, which outlines that Te Tiriti o Waitangi places obligations on the New Zealand state to uphold the rights of takatāpui and to address the historical and ongoing harms of colonisation.⁸

The Bill is unnecessary and does not address a demonstrated problem

Lastly, we are not persuaded that the Bill actually addresses any clear policy failure. Existing legislation already provides mechanisms to balance rights and manage situations where sex-specific services are required. The Bill's proponents have not demonstrated that the current

⁷ ActionStation & Ara Taiohi. (2018). *Ngā Kōrero Hauora o Ngā Taiohi: A Community-Powered Report on Conversations with 1,000 Young People About Wellbeing*.

⁸ Te Ngākau Kahukura. (2024). *Submission on Ia Tangata: A review of the protections in the Human Rights Act 1993 for people who are transgender, people who are non-binary and people with innate variations of sex characteristics*.

legal framework is failing, nor that it will deliver improved safety or wellbeing for women and girls.

We support the statement made by the Honourable Nicola Grigg, Minister for Women, who said, “I’m not convinced this Bill will advance the rights and opportunities or the wellbeing of women and girls in any way, shape, or form in New Zealand”.

Instead, the Bill risks generating unintended consequences, diverting public attention and parliamentary resources away from interventions that could have a demonstrable positive impact for women and girls like pay equity initiatives or sexual violence prevention services. In our view, the Bill offers no compelling public benefit while creating significant risks for the safety, wellbeing, inclusion and rights of already marginalised communities.

Conclusion

Ara Taiohi opposes the Legislation (Definition of Woman & Man) Amendment Bill. As the peak body for youth development in Aotearoa, our responsibility is to advocate for the conditions that enable all young people to thrive. This Bill undermines those conditions. It risks harming already marginalised young people, conflicts with young people’s aspirations for a more inclusive society and creates unnecessary legal uncertainty.

We urge the Committee to recommend that the Bill not proceed.



Supporting Evidence

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