

# **Submission to the Social Services and Community Select Committee on the Legislation (Definitions of Woman and Man) Amendment Bill**

1. **Te Kāhui Tapuhi o Aotearoa Nurses Society of New Zealand** (“NSNZ”) is totally opposed to the Legislation (Definitions of Woman and Man) Amendment Bill (“the Bill”).
2. NSNZ regards the Bill as completely unnecessary and asserts that there is absolutely no need for a legal definition of woman or man.
3. NSNZ believes it is patently ridiculous to suggest that the Bill is needed, as claimed by its sponsors, to “protect the integrity of sex-based rights” or somehow to protect girls and women.
4. The Bill is ill-advised and if enacted may have harmful consequences.
5. NSNZ believes the proposed definitions for woman and man are simplistic. Reducing people to the sex assigned at birth using the definitions in the Bill is flawed. Sex and gender are complex and multi-faceted issues.
6. Sex involves a continuum between women and men. There are a range of possibilities. That range includes innate variations of sex characteristics or intersex individuals. These variations can include a person's physical traits, including reproductive organs, chromosomes or hormones, and can be evident prior to or at birth, at puberty, or later in life. Such biological variations are natural and occur in up to 2% of all births.
7. Likewise, a person's gender may or may not match their sex.
8. The Bill actually fails to define “biological”. Furthermore, it is silent on what biological factors would be taken into account.
9. Moreover, both sex and gender involve more than biology. Rigid binary definitions are unhelpful.
10. NSNZ does not believe, as claimed in the explanatory note, that the Bill provides “a clear and biologically grounded meaning of woman and man”. Paradoxically, we believe that it does the reverse.
11. Likewise, the term “adult” is not defined, which is also potentially problematic, with possible unexpected, adverse consequences.
12. As health professionals, our members are committed to treating all users of health and related services with respect and dignity. This includes an obligation to treat people of all gender identities, including cisgender, non-binary, transgender, and gender-diverse people and takatāpui in that way. It includes an obligation to ensure health and related services are accessible and welcoming to all individuals regardless of sex or gender identity. Nurses have

professional obligations to do this under the Nursing Council of New Zealand Code for nurses.

13. Our members are committed to using inclusive language when delivering healthcare. This Bill is contrary to the spirit, intent and effect of that commitment.
14. Arguably, the Bill may have multiple, unintended consequences in the delivery of healthcare and access to healthcare.
15. The Bill clearly undermines the rights of intersex, trans and gender-diverse persons by being silent on them. Additionally, it may place the health and safety of such individuals at risk.
16. It may also more generally promote negative and anachronistic, sex-based stereotypes by its simplistic binary definitions, and, as such, it may undermine the wider interests of girls and women.
17. Access to healthcare and some services may also be compromised by the Bill.
18. The Bill also fails to recognise that the Birth, Deaths and Marriages Act 2021 allows transgender individuals to change their sex on their birth certificates. Individuals can also choose to have their gender recorded as male, female or gender diverse on their passports.
19. NSNZ urges the committee to report back to the House that the Bill is irrevocably flawed and that it should not proceed.

*Nurses Society of New Zealand Te Kāhui Tapuhi o Aotearoa and Te Uniana o NSNZ Incorporated. We are the second-largest professional nursing body and nursing union in Aotearoa New Zealand.*

**NURSES SOCIETY OF NEW ZEALAND Te Kāhui Tapuhi o Aotearoa & Te Uniana o NSNZ**



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