



nzmsa

New Zealand Medical Students' Association

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Statement on the Legislation (Definitions of Woman and Man) Amendment Bill

Tēnā koutou,

We write to express our deep concern regarding the Legislation (Definitions of Woman and Man) Amendment Bill following its first reading in Parliament. We believe this bill causes quantifiable harm to our transgender, gender diverse, intersex, and cisgender communities.

We are the New Zealand Medical Students' Association (NZMSA) Equity Advisory Board and Steering Committee, representing medical taura from across the motu. It is from this position that we write in opposition to the bill. Our taura are diverse: among us are transgender and non-binary individuals, Takatāpui, intersex people, and those who will go on to provide clinical care to all of these communities. This bill, if passed, would embed into law definitions that contradict the medical and scientific evidence upon which our curriculum and profession are built, and would cause direct harm to some of the most vulnerable people we were sworn to serve.

This bill claims to reflect biological reality, yet neglects the contemporary scientific and medical understanding that has progressed our understanding of sex beyond a simple male/female binary. Current medical and biological literature recognises sex as a complex interaction of chromosomes, gonads, hormones, secondary characteristics, and brain development rather than a strict binary construct.¹ Intersex variations demonstrate the diversity of people's bodies and highlight the limitations of binary sex categories.² This proposed bill fails to adequately account for the existence and legal status of intersex people.

This bill conflates sex and gender, disregarding the wealth of medical, psychological, and social knowledge that distinguishes them. Across cultures, there are variations in gender identity, gender roles, and gender expression. Traditional Māori and Pacific understandings of gender diversity (including Takatāpui and MVPFAFF+) have been intentionally pathologised and erased by the imposition of Western gender ideology.³ This bill serves to defend the colonial delegitimation of gender diversity and perpetuates the harmful and hateful ideologies it has created.

We are particularly concerned about the health impacts of this legislation. Transgender and gender diverse communities in Aotearoa already experience higher rates of discrimination in healthcare, education, employment, and social programmes.⁴ We are aware of high unmet healthcare needs for our gender diverse communities in Aotearoa.⁵ We are concerned that by establishing strict definitions of sex and gender, this will create additional barriers to healthcare access. Overseas evidence shows that strict definitions of gender produce further harm to both transgender people and cisgender women who do not conform to narrow views of femininity.⁶

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As future healthcare professionals in Aotearoa, we believe that legislation should be informed by robust scientific evidence, public health expertise and meaningful consultation with concerned communities. We are concerned this bill risks undermining efforts to improve equity and trust within the healthcare system.

We respectfully urge Members of Parliament and the Social Services and Community Committee to consider the available scientific and health evidence that reflects diverse human biology not represented in this bill. Ultimately, we recommend that this bill is not passed.

Ngā mihi,



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