

Government response to the petition of Bob McCoskrie on behalf of Family First: Define “woman” as “adult human female” in all laws, public policies and legislation.

Presented to the House of Representatives

In accordance with Standing Order 380

Introduction

- 1 The Government has carefully considered the petition of Bob McCoskrie on behalf of Family First, titled 'define "woman" as "adult human female" in all laws, public policies and legislation' ('the Petition').
- 2 The Petition was presented to the Petitions Committee on 20 August 2024, and on 14 November 2024 the Petition was referred to the Minister for Women for a response.
- 3 The Government is responding to the Petition in accordance with Standing Order 380 (referral of petition to Minister for response), 381 (presentation of paper to the House) and 382 (designation of parliamentary papers).

Request from petitioner

- 4 The Petition requests that the House of Representatives define 'woman' as 'an adult human female' in all New Zealand laws, public policies and regulations, and notes that 23,531 people signed a similar online petition.
- 5 The petitioner provided a written submission to the Petitions Committee in support of the Petition. This submission expresses concern that "the shift away from sex-based rights grounded in biological realities has profound implications for the rights of biological women, particularly in contexts such as women's sports and women-only spaces".
- 6 The submission calls for "legal and linguistic clarity on common sex-based terms with the establishment of sex-based definitions in legislation" as a way of mitigating the "risk to women's safety, privacy, equal opportunity, and freedom of expression".

Government response

- 7 The Government acknowledges the concerns of the petitioner and his views on the definition of a woman being "an adult human female." However, the request of the petitioner to define 'woman' as 'an adult human female' in all New Zealand laws, public policies and regulations would be both resource-intensive and not have the desired impact as legislation does not frequently use this term. The petitioner's concerns are in part being addressed as part of a Law Commission review, described further at paragraph 12.
- 8 We accept that there are strong views on this matter. Our Government remains committed to uplifting women and girls in New Zealand through public policy and investment. We believe the resources required to fulfil the petitioners' requests in-full would create more positive impacts for women and girls in New Zealand by way of direct investment in areas like in health, education and employment.
- 9 The following sections provide further detail around the current use of the term 'woman' in legislation and commentary on the issues raised by the petitioner.

Current use of the term 'woman' in legislation

- 10 Legislation in New Zealand generally does not distinguish by sex or gender through the use of terms such as 'woman' or 'man'. This reflects that legislation usually applies to all persons, regardless of gender.
- 11 Gender-specific language is now infrequently used in legislation (for example, the term 'woman' appears in only 30 Public Acts¹) however, it may be appropriate in certain policy contexts. In particular, where legislation is concerned only or mainly with people of one gender such as within the context of pregnancy or cervical screening.

Law Commission's review of protections under the Human Rights Act 1993

- 12 The Law Commission is currently undertaking a review which includes consideration of matters raised by the petitioner such as single-sex spaces and sports.
- 13 The Law Commission published an Issues Paper on 27 June 2024 and invited submissions from the public. It anticipates publishing a final report with its recommendations in mid-2025.
- 14 The Government will respond to any recommendations that arise out of this review once the final report is received.

Approaches to defining 'woman' in government policies

- 15 Unlike legislation, there is no centralised record of policy that would enable us to provide a summary of the current prevalence or definitions of the term 'woman' in policies across government.
- 16 It is the Government's expectation that policies are aligned with the Bill of Rights Act 1990 and the Human Rights Act 1993 and the position that discrimination on the basis of gender is prohibited under these Acts.
- 17 In addition to the Law Commission's review, there is policy work underway that address some of the matters raised by the petitioner. For example, the Minister for Sport and Recreation recently instructed Sport New Zealand to review its 'Guiding Principles for the Inclusion of Transgender People in Community Sport'. Everyone should be able to participate in community sport, and the Government's objective in calling for this review is to ensure that all New Zealanders can participate fairly and safely.

Conclusion

- 18 The Government would like to thank the petitioner for raising this issue and provide assurances that we remain committed to supporting women.

¹ Of these Acts, eight Acts use the term 'woman' in reference to a specific woman, five Acts use the term in reference to repealed or replaced provisions in other Acts, and nine Acts use the term within the context of pregnancy, birth, abortion services or cervical screening.

- 19 The Government notes that matters of concern raised by the petitioner are being addressed as part of the ongoing Law Commission review. The Government will consider these issues further as part of its consideration of the Law Commission report, which is expected in mid-2025.