

2 July 2026

Mr Jospeh Mooney MP
Chair
Social Services and Community Committee
Legislation (Definitions of Woman and Man) Amendment Bill

Via email: ssc@parliament.govt.nz

Tēnā koe Mr Mooney,

The Council of Medical Colleges | Te Kaunihera o Ngā Kāreti Rata o Aotearoa (CMC) is writing to make a submission on the Legislation (Definitions of Woman and Man) Amendment Bill. We strongly oppose this Bill on the grounds that it fails to reflect scientific complexity, will have a negative impact on specific groups of people, and will result in unintended consequences that may cause harm to patients.

CMC is the collective voice for eighteen medical colleges in Aotearoa New Zealand. Medical colleges are not-for-profit educational bodies responsible for the training, examination and recertification of medical practitioners. Our member colleges provide support to over 9000 specialist medical practitioners working in a range of disciplines in the Aotearoa New Zealand health system. This submission represents the majority view of our members, however one member college declined to endorse it. Our concerns are outlined in further detail below.

The Bill fails to reflect scientific complexity

CMC supports the position of our member college, the Royal Australian and New Zealand College of Psychiatrists (RANZCP), that the Bill does not meet its aim of reflecting 'biological reality'. As the RANZCP state, biological sex is not a clean binary. It is a complex, multi-dimensional set of characteristics encompassing chromosomal, gonadal, hormonal, and anatomical variation — none of which are uniform across the human population.

Intersex traits are a naturally occurring biological phenomenon with at least 40 different variations, including XXY, complete androgen insensitivity, Swyer Syndrome, and Turner Syndrome. Intersex people, estimated at approximately 1.7% of the population, do not fit within the binary the Bill assumes. Further, the Bill fails to define what the 'biology' of gender is – is it the appearance of external genitalia, the composition of chromosomes, the production of gametes? As written, the Bill would impose legal categories on people that do not reflect their biological reality, identity or lived experience.

Australasian College for Emergency Medicine (ACEM)	College of Intensive Care Medicine of Australia and New Zealand (CICM)	New Zealand College of Sexual and Reproductive Health (NZCSRH)	Royal Australasian College of Medical Administrators (RACMA)	Royal Australian and New Zealand College of Obstetricians and Gynecologists (RANZCOG)	Royal College of Pathologists of Australasia (RCPA)
Australasian College of Sport and Exercise Physicians (ACSEP)	New Zealand College of Musculoskeletal Medicine (NZCMM)	Royal Australasian College of Physicians (RACP)	Royal Australasian College of Surgeons (RACS)	Royal Australian and New Zealand College of Psychiatrists (RANZCP)	Royal New Zealand College of General Practitioners (RNZCGP)
Australian and New Zealand College of Anesthetists (ANZCA)	New Zealand College of Public Health Medicine (NZCPHM)	Royal Australasian College of Dental Surgeons (RACDS)	Royal Australian and New Zealand College of Ophthalmologists (RANZCO)	Royal Australian and New Zealand College of Radiologists (RANZCR)	Royal New Zealand College of Urgent Care (RNZCUC)

The Bill will have a negative impact on specific groups

The RANZCP has provided you with clinical evidence that the increased rates of depression, anxiety, self-harm, and suicidality experienced by LGBTIQ+ people are explained in significant part by societal responses - by stigma, discrimination, and exclusion. This Bill will add to that stigma and cause further harm to this vulnerable group.

Young people may still be developing their sense of identity, and youth is a period of developmental vulnerability. LGBTIQ+ young people are at an elevated risk of developing a mental health condition and attempting suicide. They are also subject to high risk of bullying, which increases the risks of harm even further. Different cultures also often have a different view of gender. Concepts such as takatāpui, fa'afafine, and fakaleiti are long standing and culturally embedded. This Bill will further stigmatise and isolate groups that will jeopardise their ability to get health care in a way that is equitable.

The Bill may also have a negative impact on doctors' ability to provide appropriate care. Good medical practice often requires the collection and use of both sex-based and gender-based information, depending on the purpose. Sex, gender identity, and lived experience may all be relevant variables that will impact on clinical decision-making. The proposed definitions oversimplify these concepts and their use may reduce health provider access to clinically significant information.

The Bill will have unintended consequences that will cause harm

Imposing a universal statutory definition that would apply across all legislation will create unintended consequences across the health system.

The Bill defines 'woman' as 'an adult human biological female' but 'female' as simply 'a human biological female' with no age qualifier. As the RANZCP have noted, any legislation that uses 'woman' rather than 'female' would, on the Bill's own terms, exclude biological females below the adult threshold. A key example of where this will cause harm is in relation to the Contraception, Sterilisation and Abortion Act 2020, which uses the term 'woman' to describe who may access abortion services. Under the current Bill, biological females under the age of 20 will no longer be able to access these services.

Further, the Bill will prevent trans, and intersex people from being able to access abortion services for the same definitional reasons.

As the Attorney-General's report on the Bill identifies, there may be further harms: females under 20 may no longer be eligible to apply to the court for a declaration of paternity; and the partner or spouse of a female under 20 may be unable to access parental leave, because the relevant legislation requires a certificate confirming a 'woman' is pregnant.

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Thank you for the opportunity to comment on the Bill. We do not seek to provide an oral submission. If you have any questions or concerns, please do not hesitate to contact our Executive Director, Michael Thorn, at Michael.thorn@cmc.org.nz.

Nāku noa, nā



Dr Samantha Murton

Chair
Council of Medical Colleges

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