



Submission on the Definitions of Woman and Man Amendment Bill

26 June 2026

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Voices For Freedom thanks the Social Services and Community Committee for the opportunity offered to review and make comments upon the Definitions of Woman and Man Amendment Bill.

1. Voices For Freedom

1. **Voices For Freedom** is a grassroots, not-for-profit community advocacy organisation focused on raising awareness of the human impacts of government policy, particularly where those policies affect the rights and freedoms of New Zealanders.¹
2. VFF was founded in late 2020 by three Kiwi mothers with professional backgrounds in law and education, and experience in building and leading large online communities across the health, wellbeing, and arts sectors.² The organisation has a clear and principled vision centred on protecting fundamental freedoms, encouraging open dialogue, and supporting informed civic participation.³
3. VFF's community now includes well over 100,000 supporters nationwide, with more than 40,000 actively engaged in local groups. Our supporters are diverse, spanning all ages, ethnicities, socio-economic backgrounds, religious and political beliefs, and abilities.
4. We advocate for open discussion and debate on important issues affecting New Zealanders, including the transparent sharing of information, research, and data. Our work is guided by a Code of Conduct⁴ that promotes respectful engagement and evidence-based dialogue.
5. VFF and its media outlet have produced more than 3000 hours of recorded interviews, roving reporting, live webinars, documentaries and discussions, including extensive conversations with experts recognised internationally in their respective fields.⁵
6. We trust that this Select Committee, in considering these Bills, will do so with an open mind and a willingness to hear all perspectives.

¹ <https://www.voicesforfreedom.co.nz/about-us>

² <https://www.voicesforfreedom.co.nz/our-founders>

³ <https://www.voicesforfreedom.co.nz/our-vision>

⁴ <https://www.voicesforfreedom.co.nz/code-of-conduct/>

⁵ <https://www.voicesforfreedom.co.nz/favourites/> and www.rcr.media .

2. Introduction

Voices For Freedom supports the objective of providing greater clarity and consistency in New Zealand law through the statutory definition of the terms "woman" and "man".

The purpose of legislation is to provide certainty, predictability, and consistency. Where laws rely upon terms such as woman, man, female, and male, Parliament should consider whether those terms require clear statutory definitions to ensure they are interpreted consistently across the legal system.

This submission is not concerned with questions of personal identity, beliefs, or how individuals choose to live their lives. Rather, it focuses on the role of Parliament in providing clear legal definitions that can be applied consistently by courts, government agencies, public bodies, employers, schools, sporting organisations, and the wider community.

The central question for Parliament is therefore a simple one:

If New Zealand law continues to distinguish between the sexes in certain circumstances, should the legal meaning of those terms be clearly defined?

3. Legal Certainty and Consistency

The rule of law depends upon legislation being capable of consistent interpretation and application.

Where legal rights, obligations, protections, exemptions, or entitlements depend upon sex-based classifications, uncertainty regarding the meaning of those classifications may lead to inconsistent outcomes, increased litigation, and conflicting interpretations between agencies and decision-makers.

Many areas of law and public policy continue to recognise biological sex as a relevant category, including health services, maternity provisions, demographic and population statistics, safeguarding policies, correctional facilities, sporting competitions, the application of the Human Rights Act 1993 and certain privacy-related arrangements.

Where sex remains a relevant legal consideration, Parliament should ensure that the terms used are sufficiently clear to enable predictable and consistent application.

Clear definitions assist not only those administering the law but also members of the public who are expected to understand and comply with it.

4. The Rule of Law

The rule of law is a fundamental constitutional principle in New Zealand.

A core element of the rule of law is that laws should be clear, accessible, and capable of consistent application. Citizens should be able to understand how laws apply and decision-makers should be able to administer them in a predictable and objective manner.

Where legislation relies upon undefined terms that are subject to differing interpretations, uncertainty may arise regarding the scope and application of legal rights and obligations.

Regardless of differing views concerning sex, gender, or identity, Parliament has a responsibility to ensure that legislation is drafted with sufficient clarity to enable consistent interpretation across the legal system.

5. Existing Sex-Based Rights and Protections

The Bill should be considered in the context of existing laws and policies that continue to distinguish between the sexes.

Parliament has previously recognised that biological sex may be relevant in particular circumstances involving privacy, dignity, safety, fairness, safeguarding, health, or the collection of demographic information.

Examples include:

- maternity and pregnancy-related provisions;
- women's health services;
- sex-based sporting categories;
- correctional and detention arrangements;
- changing facilities and other intimate spaces;
- human rights and anti-discrimination law;
- demographic and public health statistics; and
- safeguarding arrangements involving children and vulnerable persons.

Whether or not members agree with every application of sex-based distinctions, the reality is that such distinctions continue to exist throughout New Zealand law and public policy.

The Committee should therefore consider whether the absence of clear statutory definitions creates uncertainty in the administration of those provisions.

6. Privacy, Dignity and Safety Considerations

Many sex-based policies and arrangements exist because Parliament and public institutions have historically recognised legitimate privacy, dignity, safety, and safeguarding considerations.

Clear definitions do not automatically determine how those considerations should be balanced in every circumstance. However, they may assist decision-makers by providing greater certainty regarding the legal categories to which particular protections apply.

Where laws or policies provide for separate facilities, services, programmes, or sporting categories based upon sex, clarity regarding the meaning of those terms may reduce confusion and improve consistency in administration.

The Committee should consider whether statutory definitions would assist public bodies, employers, schools, sporting organisations, and service providers in applying existing obligations more consistently.

7. International Developments

Questions concerning the legal meaning of sex-based terms are not unique to New Zealand.

Many jurisdictions are currently reviewing how terms such as "woman", "man", "male", and "female" should be interpreted within legislation and how those terms interact with protections relating to gender identity.

In April 2025, the United Kingdom Supreme Court⁶ unanimously held that the terms "woman" and "sex" in the Equality Act 2010 referred to biological sex for the purposes of interpreting that legislation. The Court emphasised the importance of legal certainty, coherence, and consistent statutory interpretation.

By contrast, in May 2026, the Full Court of the Federal Court of Australia⁷ considered the interaction between sex and gender identity under Australia's Sex Discrimination Act 1984. The Court recognised that sex and gender identity are distinct protected attributes under the Act. It also noted that Parliament had previously repealed the statutory definitions of "man" and "woman" and found it necessary to employ concepts such as "cisgender" and "transgender" in interpreting the legislation.

The significance of these decisions is not that they resolve broader social or political debates. Rather, they demonstrate the practical challenges that arise when legislation relies upon fundamental sex-based terms without clear statutory definition. Different courts may reach different conclusions depending upon the legislative framework before them, the definitions

⁶ https://supremecourt.uk/uploads/uksc_2024_0042_judgment_aea6c48cee.pdf

⁷ <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2026/2026fcafc0064>

adopted by Parliament, and the relationship between sex-based rights and gender identity protections within the relevant statute.

New Zealand may benefit from considering the experiences of other jurisdictions as it assesses whether statutory clarification is required. Clear statutory definitions can promote legal certainty, reduce litigation, and assist courts, public bodies, organisations, and citizens to understand and apply the law consistently.

6. Public Trust and Confidence

Public confidence in the law depends upon legislation being clear, understandable, and capable of consistent application.

Where fundamental legal terms are subject to competing interpretations, public confidence may be undermined and disputes may become more frequent.

Clear statutory definitions do not eliminate disagreement. However, they can provide greater certainty regarding Parliament's intent and reduce the likelihood of conflicting interpretations by courts, agencies, and regulated organisations.

The Committee should therefore consider whether greater legal clarity would assist in maintaining public trust and confidence in the administration of the law.

7. Drafting Considerations

If Parliament determines that statutory definitions should be adopted, careful consideration should be given to the drafting of those definitions.

The Committee may wish to consider:

- whether "male" and "female" should be defined before defining "man" and "woman";
- whether the proposed definitions are sufficiently precise for legislative purposes;
- whether additional clarification is required regarding the relationship between sex and gender identity in statutory interpretation; and
- whether any consequential amendments to existing legislation may be required.

The Committee may also benefit from reviewing approaches adopted in other jurisdictions that have recently considered similar questions.

8. Response to the Human Rights Commission Submission

The Human Rights Commission opposes the Bill⁸ on the basis that defining the terms "woman" and "man" by reference to biological sex may adversely affect the dignity, recognition and inclusion of transgender, non-binary and intersex people.

With respect, Voices For Freedom considers that much of the Commission's submission does not engage with the central question before the Committee.

The issue before Parliament is not whether all people deserve equal dignity, equal protection under the law, or freedom from unlawful discrimination. Those principles are already well established in New Zealand law and are not challenged by this Bill.

Rather, the question is whether legislation that continues to rely upon sex-based categories should clearly define those categories to promote legal certainty, consistency and predictable application.

Throughout its submission, the Commission frequently moves from legal definitions to broader questions of identity, dignity and social recognition. However, defining legal terms for statutory purposes is not equivalent to denying the existence, humanity or rights of any person. Parliament routinely defines legal concepts for particular purposes without diminishing the equal worth or dignity of those who may fall outside those definitions.

Similarly, the Commission repeatedly asserts that the rights of women and the rights of transgender people are not competing interests. While that may be true in many circumstances, it does not address the situations in which Parliament has already determined that biological sex remains relevant, including maternity provisions, women's health services, correctional settings, sporting categories, demographic data collection, safeguarding arrangements, and other contexts where legislation continues to distinguish on the basis of sex.

Indeed, the Commission itself acknowledges that New Zealand law presently contains numerous sex-based distinctions, including in relation to schools, sport, bathrooms and accommodation. The existence of these statutory distinctions demonstrates that biological sex continues to have legal significance. The issue before the Committee is therefore not whether sex is ever relevant, but whether the legal meaning of those categories should be sufficiently clear to enable their consistent application.

The Commission also suggests that the proposed definitions are not grounded in scientific evidence because sex characteristics exist across a spectrum. Voices For Freedom respectfully submits that this proposition conflates variation within biological sex with the existence of the

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<https://tikatangata.org.nz/news/definitions-of-woman-and-man-legislation-not-necessary-risks-further-harm-to-rainbow-people?>

biological categories themselves. Human biology recognises exceptional developmental variations, including intersex conditions, without displacing the general biological classification of humans as male or female. Biological variation does not, of itself, render statutory definitions impossible or inappropriate.

Voices For Freedom further notes that much of the Commission's submission relies upon contested philosophical, sociological and international policy frameworks concerning gender identity. While Parliament is entitled to consider those perspectives, they do not answer the narrower legislative question of whether statutory terms should be clearly defined for the purposes of interpretation and administration.

The Commission does, however, raise one matter that merits careful consideration. It notes that defining "woman" and "man" as "adult" female and male may have unintended consequences when read alongside the Age of Majority Act 1970. Voices For Freedom agrees that, if Parliament proceeds with statutory definitions, careful drafting will be required to avoid unintended interpretive consequences. This reinforces, rather than undermines, the importance of ensuring that any definitions adopted are precise, coherent and legally workable.

Ultimately, the Committee is not being asked to determine questions of personal identity or social philosophy. It is being asked whether legislation should employ clear and consistent legal definitions where Parliament continues to distinguish between the sexes. In Voices For Freedom's submission, the Human Rights Commission's response does not satisfactorily address that central question.

8. Conclusion

Voices For Freedom supports the objective of providing greater clarity and consistency in New Zealand law.

Where legislation continues to rely upon sex-based categories, Parliament should consider whether those categories ought to be clearly defined to ensure predictable and consistent application across the legal system.

This submission does not seek to diminish the dignity or rights of any individual. Rather, it focuses on the role of Parliament in providing clear legal definitions capable of consistent interpretation and administration.

The Committee should assess whether statutory clarification would improve legal certainty, support the rule of law, strengthen public confidence, and assist decision-makers in the application of existing legislation.

9. Requested Changes

Voices For Freedom asks the Committee to:

1. support the objective of providing greater legal clarity and consistency regarding the terms "woman" and "man";
2. ensure any statutory definitions are clear, precise, and capable of consistent application;
3. consider defining "male" and "female" before defining "man" and "woman";
4. assess the impact of the proposed definitions across existing legislation and public policy;
5. ensure the relationship between sex-based definitions and existing legal protections is clearly understood;
6. consider relevant international developments and comparative legal approaches; and
7. ensure any final definitions promote legal certainty, consistency, transparency, and public confidence in the law.