

Template email sent by various individuals to the Minister for Sport and Recreation and Sport NZ.

Sport NZ was asked to draft responses to the template email for the Minister's consideration.

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**First Name**

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**Last Name**

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**Email Address**

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**Your Message**

I am writing to you to express my concern at males being allowed to compete in women's sport in New Zealand. I strongly believe sport must be categorised by SEX, not gender identity in order to ensure fair and meaningful competition.

In New Zealand we pride ourselves on our reputation for sportsmanship and sportswomanship. We play hard and fair and we win graciously. However, that reputation is at risk when we allow males like Laurel Hubbard to compete in women's competitions, taking opportunities and victories from women.

It is well known that males have significant physical advantages over females in athletic performance. They are simply faster, stronger, and bigger and this is supported by a wealth of evidence in the form of recorded results and scientific research.

No amount of testosterone reduction can create a level playing field. It is not simply hormones that allow men to run faster, jump higher, lift heavier etc. Skeletal structure, lung capacity, ability to build muscle, and not having to manage menstruation are just some of the factors that also support their superior potential to perform athletically.

Allowing males to compete in women's sport is regressive, depriving women and girls of opportunities, medals, and the enjoyment of striving for the win. This will also discourage girls from taking part in sports, resulting in them missing out on the benefits of sport, exercise, teamwork, and competition.

Hon Grant Robertson, you have indicated a commitment to getting more young women physically active through recreation and sport via the Young Women's Activation and Innovation funds. These funds are meaningless if males can simply identify their way into women's sport and reap the benefits at the expense of women and girls.

In order for women and girls to be able to participate and enjoy the many benefits of sport, organisations responsible for policy in this area must assert and protect the sex-segregation of sport and athletics.

We call on you to put a stop to males competing in women's sport. Sport must be categorised by SEX, not gender identity.

I value women's sport and I'm speaking up for it. Will you?

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## Template draft response from Sport NZ

Dear XXXXX

Thank you for your email regarding your concerns for women and girls' sport.

Sport NZ is responsible for promoting sport, active recreation and play for all New Zealanders. As such, a key principle within our Sport NZ Integrity Framework is supporting diversity. It is important that fair and equal opportunities are available to everyone to participate in sport irrespective of age, ability, ethnicity, gender, national origin, race, religion, sexual orientation, political beliefs or socio-economic status.

To date, Sport NZ is not aware of any evidence that suggests that transwomen playing sport at community level is depriving women and girls of opportunities. In terms of elite sport, eligibility guidelines are determined by the International Olympic Committee and the respective international sporting federation. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play. Research in this area is ongoing to ensure that sport remains open and inclusive for all while at the same time providing a level playing field. Sport NZ is supportive of this.

Yours sincerely

XXXXX

RELEASED UNDER THE OFFICIAL INFORMATION ACT

s9(2)(a)

**From:** s9(2)(a) <s9(2)(a)@parliament.govt.nz>  
**Sent:** Monday, 22 June 2020 2:29 pm  
**To:** s9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** FW: Your letter dated 15 June 2020  
**Attachments:** s9(2)(a) 15-06-2020.pdf; FW: Your letter dated 15 June 2020

Ok thanks.

s9(2)(a) can you please put these two further emails from s9(2)(a) to the Minister in his 'For Information Folder' noting it is our intention not to respond further and that SNZ will also be responding as they received the same letter.

Cheers s9(2)(a)

(2)(a) | Private Secretary for Sport and Recreation, and Arts, Culture and Heritage | Office of the Hon Grant Robertson  
Minister of Finance, Minister for Sport and Recreation, Minister Responsible for the Earthquake Commission, Associate Minister for Arts, Culture and Heritage  
Parliament Buildings | Wellington | Ph: s9(2)(a) Cell: s9(2)(a)

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**From:** s9(2)(a) [mailto:s9(2)(a)@sportnz.org.nz]  
**Sent:** Monday, 22 June 2020 2:25 PM  
**To:** s9(2)(a) <s9(2)(a)@parliament.govt.nz>  
**Cc:** s9(2)(a) s9(2)(a) <s9(2)(a) s9(2)(a)@parliament.govt.nz>; Alice Hume <Alice.Hume@sportnz.org.nz>  
**Subject:** RE: Your letter dated 15 June 2020

Hi s9(2)(a)

Noone has raised this with us.

I believe it is best to not respond to the email. Minister has set out his views. The writer is also receiving a letter from Sport NZ as they sent the same letter to Peter Miskimmin.

Thanks

s9(2)(a)

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**From:** s9(2)(a) <s9(2)(a)@parliament.govt.nz>  
**Sent:** Monday, 22 June 2020 2:22 pm  
**To:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Cc:** s9(2)(a) s9(2)(a) <s9(2)(a) s9(2)(a)@parliament.govt.nz>  
**Subject:** FW: Your letter dated 15 June 2020

Afternoon s9(2)(a)

Please see the email below/attached - has s9(2)(a) raised this correspondence with you? s9(2)(a) is away today and I have just received a further email from s9(2)(a) Should we formally respond again?

Cheers s9(2)(a)



**From:** [Hon Grant Robertson](#)  
**To:** s9(2)(a)  
**Subject:** FW: Your letter dated 15 June 2020  
**Date:** Monday, 22 June 2020 12:28:41 pm

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For you please.



s9(2)(a) | Private Secretary

Office of Hon Grant Robertson

Minister of Finance | Minister for Sport and Recreation | Minister Responsible for the Earthquake Commission  
Associate Minister for Arts, Culture and Heritage | MP for Wellington Central

**From:** s9(2)(a) [mailto:s9(2)(a)@gmail.com]  
**Sent:** Monday, 22 June 2020 12:14 PM  
**To:** G Robertson (MIN) <s9(2)(a)@ministers.govt.nz>  
**Subject:** Re: Your letter dated 15 June 2020

To the Minister for Sports,

Further to my letter, a Senator in the Australian Government is now standing up for women in regards to this issue.

[https://www.youtube.com/watch?v=nMs7ko2YICM&feature=share&fbclid=IwAR0RFXh08Kfifhgv3MhhgjPUiMbS1cUDC-8N\\_4n9FGcqGdsYlawjSYxDxbo](https://www.youtube.com/watch?v=nMs7ko2YICM&feature=share&fbclid=IwAR0RFXh08Kfifhgv3MhhgjPUiMbS1cUDC-8N_4n9FGcqGdsYlawjSYxDxbo)

I have one further question for you:

Have you or the NZ Labour party considered what it means for women to allow males to compete in female sports?

On Mon, Jun 15, 2020 at 7:12 PM s9(2)(a) <s9(2)(a)@gmail.com> wrote:

s9(2)(a)  
s9(2)(a)@gmail.com

15 June 2020

**Grant Robertson**

Minister for Sport and Recreation,

Dear Minister,

Thank you for your letter dated 15 June 2020.

I note that you agree with me that all New Zealanders should be able to participate fairly in sport. However, I then note with concern that your letter starts with:

*"Thank for your email of 28 May 2020 regarding transgender athletes participating in sport."*

My letter was specifically about the inequity of allowing MALES to compete in FEMALE sports, in particular elite sports, and the consequent EXCLUSION



of females from FEMALE SPORTS. This has nothing to do with anyone's 'gender identity' and EVERYTHING to do with a NZ govt that allows males to compete against females in elite female sports. The only FAIR place for males to compete is in male sports (where those sports are not mixed sex). No one is DENYING anyone playing any sport. There is NOTHING inclusive about excluding females from female sports and giving those spaces to males.



Please note in the image above: The body language of the young Pacifica WOC whose whole demeanour exposes their disgust and despair at the intolerable UNFAIRNESS they have endured. The young women were gagged from saying anything but their body language says it all. Please notice that this is a male twice their age beating them in a female sport - that took away the gold medal that Feagaiga Stowers worked so hard for. A 40-yr-old man's body against an 18-year-old girl and beating her.

. There is NOTHING inclusive, NOTHING diverse and NOTHING FAIR about that situation. Female athletes SHOULD NEVER be collateral damage for political purposes.

You also state that:

*"As you may be aware, these guidelines set permitted levels of testosterone*

*for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded.”*

I have three responses:

1. NO ONE CAN CHANGE SEX. Are you aware that our whole bodies are sexed and that sex is immutable? Every nucleated cell in our bodies is sexed. No one can change sex and it is impossible to undo the benefits of a male body, especially the benefits of male puberty. These benefits start in utero when male foetuses are bathed in testosterone (See Professor Alison Heather [video](#) here. I URGE you to watch it.).

2. TESTOSTERONE LEVELS ARE ONLY ONE ASPECT OF MALE ADVANTAGE Testosterone levels and the IOC “The focus the International Olympic Committee has placed on this hormone has inaccurately framed it as the source of all male advantages. While testosterone plays a significant role in the development of the male body and its ongoing performance, it is by no means the only factor that should be taken into account when assessing the different advantages males have over females. Testosterone remains the marker by which most sporting organisations decide the eligibility of male athletes who identify as women to compete in women's sport.

In 2015 the International Olympic Committee (IOC) relaxed the eligibility criteria for male-born transgender people to compete in female sport. The requirement for genital reassignment surgery was removed and eligibility instead determined by reducing Testosterone to **10 nM for at least 12 months**. More recently, the International Athletic Association Federation (IAAF) reduced their limit to 5nM T for some track and field events.

**It is currently set at 6-12 times higher than the average level observed in females (0.8 nM).** Reference [here](#). The current 10 nM limit is actually closer to the pubertal level of T observed in boys (5-10nM). To put this into context, the high school 100m sprint record set by a teenage boy beats that of the fastest ever female. References [here](#) and [here](#). 7nM T has been shown to cause a 12-26% increase in muscle strength when administered to women. Reference [here](#). In a recent study of over 700 male elite athletes 25% had T levels below 12.5 nM. A considerable proportion of males would be expected to naturally fall below the 5-10nM limit. Reference [here](#). An important thing to remember as well, is that reducing testosterone levels today does not remove the advantages of testosterone in the past.

There is currently no evidence that lowering testosterone to normal female levels can fully remove male-competitive advantage. The Life-long advantage of larger bones and body size cannot be undone. Although it is clear that reducing testosterone to female levels does reduce current muscle size and red blood cell levels in males, it does not reverse the impact that testosterone had during puberty. Puberty and early adulthood is when the size and shape of the male body is formed. It is well known that males are larger, have longer limbs, a larger rib cage with larger organs like heart and lungs, bigger hands, their legs are more vertical due to a narrow pelvis, the list goes on. The male body is optimised for physical performance. In contrast, in females there is an evolutionary trade-off between physical performance and the ability to bear children.”

- **So big is the gap**, there are 9000 males between 100m world record holders Usain Bolt and FloJo.
- **So early does the gap emerge**, the current female 100m Olympic champion, Elaine Thompson, is slower than the 14 year old schoolboy record holder.
- **So unassailable the gap has proven to be**, virtually all elite sports have a protected female category, to allow females to compete fairly against those with the same female potential, and to win, and, OK, to make a little money maybe ([Here](#))

Image removed by sender.





### 3. THE IOC DECISION WAS NOT BASED IN SCIENCE

The 2015 decision of the IOC was based on ONE paper (a pop survey by trans athlete Johanna Harper of 8 TW friends) they relied on was fatally flawed and was just retrospective self-reports, some years old. Hence, the IOC based its 2015 rules on methodologically flawed studies involving a handful of trans athletes.

At the moment your definition of 'inclusion' seems to mean excluding women from their own sporting awards and giving those awards (medals and \$\$), to males. At the moment your definition of 'diversity' has resulted in massive unfairness for female athletes such as young Feagaiga Stowers. Women are seen as cannon fodder for political purposes.

I would ask you please, as Sports Minister for NZ to outline your position on MALES competing in FEMALE sports.

Do you as Sports Minister feel it is FAIR to exclude females from awards and rewards in their own sports?

Do you think it is fair that males are allowed to compete in female sports when those males can compete fairly in male sports?

Does the NZ Labour party think it is fair for women to have males competing in female sports when those males can compete fairly in male sports? (What is Labour party policy on this? - I am a long time NZ Labour party member and will campaign for a party that respects women, reality and science.

I will not vote for a party which is disdainful of women, disdainful of biological reality and disdainful of science and evolution). I will endeavour to make sure New Zealanders understand your policy whichever that is.

I look forward to your prompt reply.

Sincerely,

s9(2)(a)

#### References:

<https://jme.bmj.com/content/45/6/395>

[https://fairplayforwomen.com/emma\\_hilton/](https://fairplayforwomen.com/emma_hilton/)

<https://speakupforwomen.nz/testosterone-the-facts>

# Hon Grant Robertson

MP for Wellington Central  
Minister of Finance  
Minister for Sport and Recreation

Minister Responsible for the Earthquake Commission  
Associate Minister for Arts, Culture and Heritage



15 June 2020

s9(2)(a)  
Email: s9(2)(a)@gmail.com  
Dear s9(2)(a)

Thank for your email of 28 May 2020 regarding transgender athletes participating in sport.

We can all be proud that New Zealand has a reputation in the international sporting community of upholding fair play and promoting diversity and inclusion. It is vital to the wellbeing of all New Zealanders that everybody has the opportunity to play and compete in sport or recreation activities in a safe and inclusive environment.

The International Olympic Committee (IOC) has developed a consensus statement which is currently guiding eligibility requirements for international sporting federations and, as a result, elite competitions including the Olympic and Commonwealth Games. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play. The New Zealand Olympic Committee supports all athletes that are part of the New Zealand team by providing a safe and secure high performance environment.

As you may be aware, these guidelines set permitted levels testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded. We support further work in this area to continue to ensure that sport remains open and inclusive for all while protecting an even field of play.

I believe it is essential that we provide opportunities for all New Zealanders to compete in sport and to support transgender athletes as part of this. I consider that New Zealand's reputation for fair play remains at the highest level. Thank you for taking the time to write.

Yours sincerely

s9(2)(a)

Hon Grant Robertson  
Minister for Sport and Recreation

s9(2)(a)

**From:** Alice Hume  
**Sent:** Thursday, 2 July 2020 9:39 am  
**To:** s9(2)(a)  
**Subject:** FW: Protecting female sport

Hi s9(2)(a)

Please could you draft a response based on the email trail below.

Thanks.

Ngā mihi,  
Alice

**Alice Hume**  
Policy Manager



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



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**From:** Julie Morrison <Julie.xxxxxxxx@xxxxxxx.xxx.nz>  
**Sent:** Thursday, 2 July 2020 8:26 AM  
**To:** Peter Miskimmin <Peter.Miskimmin@sportnz.org.nz>; s9(2)(a) <s9(2)(a)sportnz.org.nz>; Alice Hume <Alice.xxxx@xxxxxxx.xxx.nz>  
**Cc:** Jennah Wootten <Jennah.Wootten@sportnz.org.nz>; Geoff Barry <Geoff.Baxxx@xxxxxxx.xxx.xx>; Philip Clark <xxxxxx.xxxxx@xxxxxxx.xxx.xx> s9(2)(a) <s9(2)(a)sportnz.org.nz>  
**Subject:** RE: Protecting female sport

GREAT WORK – if the response could also be on my behalf given I was also emailed

Many thanks



Julie

**Julie Morrison**

General Manager, Strategy, Policy & Corporate



+ [s9\(2\)\(a\)  
sportnz.org.nz](mailto:s9(2)(a)@sportnz.org.nz)



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**From:** Peter Miskimmin <[Peter.Miskimxxx@xxxxxxx.xxx.xx](mailto:Peter.Miskimxxx@xxxxxxx.xxx.xx)>  
**Sent:** Thursday, 2 July 2020 7:46 AM  
**To:** [s9\(2\)\(a\) <s9\(2\)\(a\)@sportnz.org.nz>](mailto:s9(2)(a)@sportnz.org.nz); Alice Hume <[Alice.Hume@sportnz.org.nz](mailto:Alice.Hume@sportnz.org.nz)>  
**Cc:** Jennah Wootten <[Jennah.Wootten@sportnz.org.nz](mailto:Jennah.Wootten@sportnz.org.nz)>; Julie Morrison <[Julie.Morrison@sportnz.org.nz](mailto:Julie.Morrison@sportnz.org.nz)>; Geoff Barry <[Geoff.Barry@sportnz.org.nz](mailto:Geoff.Barry@sportnz.org.nz)>; Philip Clark <[Philip.Clark@sportnz.org.nz](mailto:Philip.Clark@sportnz.org.nz)>; [s9\(2\)\(a\) <s9\(2\)\(a\)@sportnz.org.nz>](mailto:s9(2)(a)@sportnz.org.nz)  
**Subject:** RE: Protecting female sport

Thanks [s9\(2\)\(a\)](mailto:s9(2)(a)@sportnz.org.nz) and Alice.  
Cheers Peter

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**From:** [s9\(2\)\(a\) <s9\(2\)\(a\)@sportnz.org.nz>](mailto:s9(2)(a)@sportnz.org.nz)  
**Sent:** Thursday, 2 July 2020 6:31 AM  
**To:** Alice Hume <[Alice.Hume@sportnz.org.nz](mailto:Alice.Hume@sportnz.org.nz)>; Peter Miskimmin <[xxxxx.xxxxxxxx@xxxxxxx.xxx.xx](mailto:xxxxx.xxxxxxxx@xxxxxxx.xxx.xx)>  
**Cc:** Jennah Wootten <[Jennah.Wootten@sportnz.org.nz](mailto:Jennah.Wootten@sportnz.org.nz)>; Julie Morrison <[Julie.Morrison@sportnz.org.nz](mailto:Julie.Morrison@sportnz.org.nz)>; Geoff Barry <[Geoff.Barry@sportnz.org.nz](mailto:Geoff.Barry@sportnz.org.nz)>; Philip Clark <[Philip.Clark@sportnz.org.nz](mailto:Philip.Clark@sportnz.org.nz)>; [s9\(2\)\(a\) <s9\(2\)\(a\)@sportnz.org.nz>](mailto:s9(2)(a)@sportnz.org.nz)  
**Subject:** RE: Protecting female sport

I agree with Alice, that is the most straight forward response. I think it would also be good to include where we stand on some of these exclusionary groups, with an open statement about inclusion, such as the one [s9\(2\)\(a\)](mailto:s9(2)(a)@sportnz.org.nz) drafted for a similar email last week:

“Sport NZ is responsible for promoting sport, active recreation and play for all New Zealanders. As such, a key principle within our Sport NZ Integrity Framework is supporting diversity. It is important that fair and equal opportunities are available to everyone to participate in sport irrespective of age, ability, ethnicity, gender, national origin, race, religion, sexual orientation, political beliefs or socio-economic status.”

Ngā mihi,

s9(2)(a)

(2)(a)

Diversity and Inclusion Lead



My work days are Monday, Wednesday and Thursday

+ [s9\(2\)\(a\)  
sportnz.org.nz](mailto:s9(2)(a)@sportnz.org.nz)



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From: Alice Hume <[Alice.Hume@sportnz.org.nz](mailto:Alice.Hume@sportnz.org.nz)>

Sent: Wednesday, 1 July 2020 8:08 PM

To: Peter Miskimmin <[Peter.Miskimmin@sportnz.org.nz](mailto:Peter.Miskimmin@sportnz.org.nz)>; s9(2)(a) <[s9\(2\)\(a\)@sportnz.org.nz](mailto:s9(2)(a)@sportnz.org.nz)>

Cc: Jennah Wootten <[Jennah.Wootten@sportnz.org.nz](mailto:Jennah.Wootten@sportnz.org.nz)>; Julie Morrison <[Julie.Morrison@sportnz.org.nz](mailto:Julie.Morrison@sportnz.org.nz)>; Geoff

Barry <[Geoff.Barry@sportnz.org.nz](mailto:Geoff.Barry@sportnz.org.nz)>; Philip Clark <[Philip.Clark@sportnz.org.nz](mailto:Philip.Clark@sportnz.org.nz)>; s9(2)(a)

<[s9\(2\)\(a\)@sportnz.org.nz](mailto:s9(2)(a)@sportnz.org.nz)>

Subject: RE: Protecting female sport

Kia ora Pete,

I think that we should just respond to say that we cannot respond to individual surveys and provide links to our existing work on women and girls. Policy can draft up a response to this effect.

Ngā mihi,

Alice

**Alice Hume**

Policy Manager





+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



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From: Peter Miskimmin <[Peter.Miskimmin@sportnz.org.nz](mailto:Peter.Miskimmin@sportnz.org.nz)>  
Sent: Wednesday, 1 July 2020 4:35 PM  
To: Alice Hume <[Alice.Hume@sportnz.org.nz](mailto:Alice.Hume@sportnz.org.nz)>; s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
Cc: Jennah Wootten <[Jennah.Wootten@sportnz.org.nz](mailto:Jennah.Wootten@sportnz.org.nz)>; Julie Morrison <[Julie.Morrison@sportnz.org.nz](mailto:Julie.Morrison@sportnz.org.nz)>; Geoff Barry <[Geoff.Barry@sportnz.org.nz](mailto:Geoff.Barry@sportnz.org.nz)>; Philip Clark <[Philip.Clark@sportnz.org.nz](mailto:Philip.Clark@sportnz.org.nz)>; s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
Subject: FW: Protecting female sport

Kia ora Alice and s9(2)(a)  
Could I please have some advice on how best to handle this request.  
Cheers P

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From: s9(2)(a) <s9(2)(a)@gmail.com>  
Sent: Wednesday, 1 July 2020 3:59 PM  
To: Peter Miskimmin <[Peter.Miskimmin@sportnz.org.nz](mailto:Peter.Miskimmin@sportnz.org.nz)>; Julie Morrison <[Julie.Morrison@sportnz.org.nz](mailto:Julie.Morrison@sportnz.org.nz)>; HPSNZ Info <[Info@hpsnz.org.nz](mailto:Info@hpsnz.org.nz)>  
Subject: Protecting female sport

Dear  
We are a group of New Zealanders passionate about preserving biology-based eligibility standards for participation in female sports. We are currently running a research project to determine whether transgender participation in female sport is a growing trend in New Zealand, and to understand whether sporting organisations have a plan to deal with this issue, should it ever arise.

Please find a letter attached with more information, along with a link to our research questionnaire we'd love your input on [here](#).

Should you have any questions, please don't hesitate to get in touch, and we will look forward to hearing from you soon.

Regards

s9(2)(a)  
on behalf of s9(2)(a)



s9(2)(a)

**From:** SportNZ Policy  
**Sent:** Thursday, 2 July 2020 11:51 am  
**Cc:** HPSNZ Info  
**Subject:** RESPONSE: Protecting female sport

Dear s9(2)(a)

Thank for your email of 1 July 2020 to Peter Miskimmin and Julie Morrison regarding transgender athletes participating in sport.

We can all be proud that New Zealand has a reputation in the international sporting community of upholding fair play and promoting diversity and inclusion. It is vital to the wellbeing of all New Zealanders that everybody has the opportunity to play and compete in sport or recreation activities in a safe and inclusive environment.

The International Olympic Committee (IOC) has developed a consensus statement which is currently guiding eligibility requirements for international sporting federations and, as a result, elite competitions including the Olympic and Commonwealth Games. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play. The New Zealand Olympic Committee supports all athletes that are part of the New Zealand team by providing a safe and secure high performance environment.

As you may be aware, these guidelines set permitted levels testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded. While developed by medical, scientific and human rights experts, research into this area continues. We support ongoing steps to understand this issue and ensure that sport remains open and inclusive for all while protecting an even field of play. We appreciate the complexity and sensitivity of the discussion and look forward to ongoing research to support a greater understanding of the issue both around the world, and here in New Zealand.

You will be aware that Sport NZ supports Women and Girls through the Strategy for Women and Girls in Active Recreation. To learn more about the strategy you may like to look at our website at the following location: <https://sportnz.org.nz/focus-areas/diversity-and-inclusion/women-and-girls-in-sport-and-active-recreation/>

Sport NZ considers that New Zealand's reputation for fair play remains at the highest level our commitment to diversity and inclusion is set out clearly on the Sport NZ website and as such this information can be used for your research.

Thank you for taking the time to write.

The Policy Team.

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**From:** s9(2)(a) <s9(2)(a)@gmail.com>  
**Sent:** Wednesday, 1 July 2020 3:59 PM  
**To:** Peter Miskimmin <Peter.Miskimmin@sportnz.org.nz>; Julie Morrison <x@xx>; HPSNZ Info <Info@hpsnz.org.nz>  
**Subject:** Protecting female sport

Dear

We are a group of New Zealanders passionate about preserving biology-based eligibility standards for participation in female sports. We are currently running a research project to determine whether transgender

participation in female sport is a growing trend in New Zealand, and to understand whether sporting organisations have a plan to deal with this issue, should it ever arise.

Please find a letter attached with more information, along with a link to our research questionnaire we'd love your input on [here](#).

Should you have any questions, please don't hesitate to get in touch, and we will look forward to hearing from you soon.

Regards

s9(2)(a)  
on behalf of

s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

s9(2)(a)

**From:** Alice Hume  
**Sent:** Monday, 6 July 2020 1:01 pm  
**To:** s9(2)(a)  
**Subject:** RE: FOR APPROVAL: Commissioning email: In defence of women's sport

That's ok, thanks,.

Ngā mihi,  
Alice

**Alice Hume**  
Policy Manager



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



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**From:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Sent:** Monday 6 July 2020 12:05 PM  
**To:** Alice Hume <Alice.Hume@sportnz.org.nz>  
**Subject:** FOR APPROVAL: Commissioning email: In defence of women's sport

[Response re transgender athletes July 2020.docx](#)

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**From:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Sent:** Monday, 6 July 2020 10:57 AM  
**To:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Subject:** Commissioning email: In defence of women's sport

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From: s9(2)(a) s9(2)(a) <s9(2)(a s9(2)(a)@parliament.govt.nz>  
Sent: Monday, 6 July 2020 10:55 am  
To: s9(2)(a) <s9(2)(a)sportnz.org.nz>  
Subject: FW: In defence of women's sport

Hi s9(2)(a)

Can I please transfer this one direct to Sport NZ to respond to?

Thanks,  
s9(2)(a)

**s9(2)(a)** | Private Secretary for Sport and Recreation, and Arts, Culture and Heritage | Office of the Hon Grant Robertson  
Minister of Finance, Minister for Sport and Recreation, Minister Responsible for the Earthquake Commission, Associate Minister for Arts, Culture and Heritage  
Parliament Buildings | Wellington | + s9(2)(a) | + s9(2)(a)

From: s9(2)(a) [mailto:s9(2)(a)@gmail.com]  
Sent: Saturday, 4 July 2020 10:34 PM  
To: G Robertson (MIN) <s9(2)(a)@ministers.govt.nz>  
Subject: In defence of women's sport

Dear Grant

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Standard Template email received.

RELEASED UNDER THE OFFICIAL INFORMATION ACT





**SPORT**  
**NEW ZEALAND**  
IHI AOTEAROA

08 July 2020

s9(2)(a)  
Email: s9(2)(a)  
Dear s9(2)(a)

Thank for your email of 4 July 2020 to the Minister for Sport and Recreation regarding transgender athletes participating in sport. Your correspondence has been transferred to Sport New Zealand for response.

New Zealand has a reputation in the international sporting community of upholding fair play and promoting diversity and inclusion. It is vital to the wellbeing of all New Zealanders that everybody has the opportunity to play and compete in sport or recreation activities in a safe and inclusive environment.

You may be aware that the International Olympic Committee (IOC) has developed a consensus statement which is currently guiding eligibility requirements for international sporting federations and, as a result, elite competitions including the Olympic and Commonwealth Games. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play. The New Zealand Olympic Committee supports all athletes that are part of the New Zealand team by providing a safe and secure high performance environment.

These guidelines set permitted levels of testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded. While developed by medical, scientific and human rights experts, research into this area continues. We support ongoing steps to understand this issue and ensure that sport remains open and inclusive for all while protecting an even field of play.

Sport New Zealand appreciates the complexity and sensitivity of the discussion and look forward to ongoing research to support a greater understanding of the issue both around the world, and here in New Zealand.

We consider that New Zealand's reputation for fair play remains at the highest level and thank you for taking the time to write to the Minister.

Yours sincerely

s9(2)(a)

**Dr Alice Hume**  
Policy Manager

s9(2)(a)

**From:** Julie Morrison  
**Sent:** Monday, 17 August 2020 7:29 am  
**To:** Alice Hume; Peter Miskimmin  
**Subject:** FW: Fair sport for women

FYI

**Julie Morrison**  
General Manager, Strategy, Policy & Corporate



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



**From:** s9(2)(a) <s9(2)(a)@gmail.com>  
**Sent:** Sunday, 16 August 2020 8:04 PM  
**To:** Julie Morrison <Julie.Morrison@sportnz.org.nz>  
**Subject:** Fair sport for women

Dear Sport NZ,  
As a group of concerned women and athletes, we write to you again about maintaining fairness and safety in sport for female players. Since writing to you six weeks ago there have been some important developments in improved understanding of the issue by sports bodies.

World Rugby has become the first sport to convene a comprehensive multi-disciplinary working group, composed of experts in performance, science, medicine, risk, law, and socio-ethics, to consider



transgender participation. Last month the report was completed and it states that "there is likely to be at least a 20-30% risk of injury" when a female player is tackled by someone who has gone through male puberty. It also confirms that the latest science shows that trans women retain "significant" physical advantages over biological women, even after they take medication to lower their testosterone.

The recommendation from World Rugby is not that trans women be banned from playing, but that they play in either mixed touch rugby teams, or men's teams where they are physically better matched to their opponents. This is a safe and fair proposal that has been welcomed by women's groups, female athletes, and also endorsed by Boxing NZ.

**President of NZ Boxing, Steve Hartley**, says: "Our sport prides itself on how safe it is for participants and one of the layers of safety we encourage is even matching of participants and the division between female and male competitors."

**Former NZ Olympian, Lorraine Moller**, also agrees with the findings: "I was privileged to have an athletic career at a time of emergence of equity in middle-distance and distance events for women. The inclusion of the marathon in the 1984 Olympics was a huge milestone achieved by the efforts of women runners around the world lobbying to have their own category as female competitors. Without this biological distinction I, and my fellow women competitors, would never have been selected to run in the Olympics, and I certainly would have had zero opportunity of realising my lifelong dream of standing on the Olympic podium. While I appreciate that transgender people wish to compete in the category of their choosing, the well-documented hormonal advantage of biologically-born males over females simply undoes all that we worked so hard for. I would fully support transgender women lobbying for their own category, as pioneering sportswomen successfully did in the late 20th century."

We think now is an opportune time for your sport to take advantage of the detailed investigation carried out by World Rugby and recognise that policies are urgently needed to prioritise and protect safety and fairness for women.

Everyone is entitled to participate in sport and should be encouraged to do so. However, no-one is entitled to compete in whichever category they choose. We divide sport by sex, age, and capability for good reason.

We are collating information from all sports and would appreciate a reply from you to indicate what your sport is planning to do to ensure the rules of eligibility for female competition remain safe and fair for biological women and girls. This is a link to our research questionnaire. We'd love your input [here](#).

Should you have any questions, please don't hesitate to get in touch, and we will look forward to hearing from you soon.

Regards

s9(2)(a)  
on behalf of s9(2)(a)

Contact:

s9(2)(a) Ph + s9(2)(a) s9(2)(a) [gmail.com](#)





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**From:** s9(2)(a) <s9(2)(a)@netballnz.co.nz>  
**Sent:** Monday, 24 August 2020 10:40 am  
**To:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Subject:** FW: Protecting women's sport

Kind regards

s9(2)(a)  
Head of Community  
Netball New Zealand

Mobile s9(2)(a)

---

**From:** Info @ Netball New Zealand <inxx@xxxxxxxxxx.nz>  
**Sent:** Friday, 31 July 2020 1:08 PM  
**To:** s9(2)(a) <s9(2)(a)@netballnz.co.nz>  
**Subject:** FW: Protecting women's sport

FYI

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**From:** s9(2)(a) <s9(2)(a)@gmail.com>  
**Sent:** Friday, 31 July 2020 12:37 PM  
**To:** Info @ Netball New Zealand <info@netballnz.co.nz>  
**Subject:** Protecting women's sport

Dear Netball NZ,

We are a group of New Zealanders passionate about preserving biology-based eligibility standards for participation in female sports.

In February, World Rugby became the first sport to convene a comprehensive multi-disciplinary working group, composed of experts in performance, science, medicine, risk, law, and socio-ethics, to consider transgender participation. The resultant report states that "there is likely to be at least a 20-30% risk of injury" when a female player is tackled by someone who has gone through male puberty. It also confirms that the latest science shows that trans women retain "significant" physical advantages over biological women, even after they take medication to lower their testosterone.

The recommendation from World Rugby is not that trans women be banned from playing, but that they play in either mixed touch rugby teams, or men's teams where they are physically better matched to their

opponents.

This is a safe and fair proposal that has been welcomed by women's groups, female athletes and also endorsed by Boxing NZ. President, Steve Hartley, says: "Our sport prides itself on how safe it is for participants and one of the layers of safety we encourage is even matching of participants and the division between female and male competitors."

Everyone is entitled to participate in sport and should be encouraged to do so. However, no-one is entitled to compete in whichever category they choose. We divide sport by sex, age, and capability to ensure fairness and player safety.

We are currently undergoing research to understand the growing trend of demands for transwomen to compete against females and to learn whether sporting organisations have a plan to deal with this issue.

We think now is an opportune time for your sport to take advantage of the detailed investigation carried out by World Rugby and recognise that policies are urgently needed to prioritise and protect safety and fairness for women.

Please find a letter attached with more information, along with a link to our research questionnaire. We'd love your input on [here](#).

Should you have any questions, please don't hesitate to get in touch, and we will look forward to hearing from you soon.

Regards

s9(2)(a)  
on behalf of s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

s9(2)(a)

**From:** s9(2)(a)  
**Sent:** Thursday, 22 October 2020 8:43 am  
**To:** s9(2)(a)  
**Subject:** FW: Letter of Response to October 2020 Sport NZ Survey  
**Attachments:** Letter to CEO Sport NZ Peter Miskimmin.pdf

Hi s9(2)(a)

Is this the same person who written to us previously re gender/transgender unfairness in sport?

Would you be able to draft a response please for Pete or should I ask someone else (I know you're busy ..)?

Ngā mihi

s9(2)(a)

EA to Chief Executive



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



**From:** s9(2)(a) <s9(2)(a)@gmail.com>  
**Sent:** Wednesday, October 21, 2020 2:24 PM  
**To:** Peter Miskimmin <Peter.Miskimmin@sportnz.org.nz>  
**Subject:** Letter of Response to October 2020 Sport NZ Survey

Dear Mr Miskimmin,

Attached is a letter of response to the recent survey conducted by Sport New Zealand.

Yours sincerely

s9(2)(a)



Mr Peter Miskimmin  
Chief Executive  
Sport New Zealand  
PO Box 2251  
Wellington 6140

s9(2)(a)

s9(2)(a)

s9(2)(a)

s9(2)(a)

20 October 2020

Dear Sir,

On 28 August 2020 I received a letter from Sport New Zealand inviting me to take part in an "Active NZ" survey about how physically active I am and my attitude to sport to accommodate the changing needs of New Zealanders in policy decisions. I chose not to do the survey for the following reasons:

1. Some questions are not valid because of this year's COVID situation in which people's usual activities and incomes have been severely curtailed.
2. A questions about gender in addition to sex (biological sex) is completely irrelevant
3. There is a glaring omission of what I consider to be the most important question of all which relates to motivation, or rather the demotivating effect, for biological women when they have to compete with biological males who self-identify as female.

I will not elaborate on the first point because I think we are all acutely aware of the current effects of the pandemic on our activity, health and income.

However, regarding the second point I do wonder why the question on gender is included. The term 'gender' and the concept of 'gender identity' is imaginary and the problems associated with it appear to be growing exponentially. The only reason I can see for a question on gender to be included in any survey is to pander to the transgender community and allow further incursions of biological males into biological female sports events which is blatantly unfair and physically dangerous. The imaginary concept of gender has no place in sport.

This leads to my third point which is, why has a question about the fairness and safety of allowing biological males to compete with biological women in sport, not been included? The survey seems to ask about everything else, and appears interested in what motivates people to be active in sport, yet ignores the demotivating effect of pitting biological males against biological females in the same sport event. The difference in strength is a hazard and risk which cannot be mitigated against in contact sports such as rugby. Do you not have a duty of care to make sure that what you set up and support with surveys is within the general community's expectation of reasonable behaviour and safety?

Are you aware of what a laughing stock New Zealand is around the world regarding the weightlifter Laurel Hubbard? Hubbard is used as an example of how ridiculous the situation has become. In an interview with Piers Morgan on Good Moring Britain, New Zealand along with the U.S. state of Connecticut where two transgender biological males competed in women's running events, were presented as examples of outstanding unfairness to biological women. How embarrassing for New Zealand.

I appeal to your sense of decency to stand up for what is right. Omit questions about gender, and include questions about whether having biological males competing against biological women is unfair or not. Otherwise, it's just not cricket.

Yours sincerely

s9(2)(a)

s9(2)(a)

**From:** s9(2)(a)  
**Sent:** Thursday, 22 October 2020 10:15 am  
**To:** Hamish McEwen  
**Cc:** s9(2)(a)  
**Subject:** FW: Letter of Response to October 2020 Sport NZ Survey  
**Attachments:** Letter to CEO Sport NZ Peter Miskimmin.pdf

Hi Hamish

Please see attached letter to Pete re Active NZ Survey.

Can you/someone in your team please draft up a response?

Note, the new Privacy Act 2020 comes into force on 1 December 2020 so suggest the drafter ensures there is a response to each of the items where we are requesting data and the reasons for it.

Once the draft text has been completed (re the Active NZ survey) the Policy team can add in some lines around the inclusion of Transgender participants in the community. s9(2)(a) is happy to help with these lines once you've drafted a response.

Ngā mihi

s9(2)(a)

EA to Chief Executive



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



**From:** Peter Miskimmin <Peter.Miskimmin@sportnz.org.nz>  
**Sent:** Wednesday, 21 October 2020 10:48 PM

To: s9(2)(a) <s9(2)(a)sportnz.org.nz>  
Subject: FW: Letter of Response to October 2020 Sport NZ Survey

Can you get someone to craft a reply.  
Thanks P

---

From: s9(2)(a) <s9(2)(a)gmail.com>  
Sent: Wednesday, October 21, 2020 2:24 PM  
To: Peter Miskimmin <Peter.Miskimmin@sportnz.org.nz>  
Subject: Letter of Response to October 2020 Sport NZ Survey

Dear Mr Miskimmin,  
Attached is a letter of response to the recent survey conducted by Sport New Zealand.  
Yours sincerely  
s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT



s9(2)(a)

**From:** s9(2)(a)  
**Sent:** Thursday, 22 October 2020 10:09 am  
**To:** s9(2)(a)  
**Subject:** RE: Letter of Response to October 2020 Sport NZ Survey

Great, thanks s9(2)(a)

Ngā mihi

s9(2)(a)

s9(2)(a)  
EA to Chief Executive



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



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**From:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Sent:** Thursday, 22 October 2020 10:08 AM  
**To:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Cc:** Alice Hume <Alice.Hume@sportnz.org.nz>  
**Subject:** RE: Letter of Response to October 2020 Sport NZ Survey

Hi s9(2)(a)

No I don't believe we have received an email from s9(2)(a). Given that the content refers to the Active NZ survey the response should be lead by the intelligence team. The new Privacy Act 2020 comes into force on 1 December 2020 so I would suggest the drafter ensure there is a response to each of the items where we are requesting data and the reasons for it.

Once the draft text has been completed (re the Active NZ survey) the Policy team can add in some lines around the inclusion of Transgender participants in the community. I am happy to help with these lines once we get a draft provided by the Intelligence team.

Thanks

s9(2)(a)

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From: s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
Sent: Thursday, 22 October 2020 8:43 am  
To: s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
Subject: FW: Letter of Response to October 2020 Sport NZ Survey

Hi s9(2)(a)

Is this the same person who written to us previously re gender/transgender unfairness in sport?

Would you be able to draft a response please for Pete or should I ask someone else (I know you're busy ..)?

Ngā mihi

s9(2)(a)

s9(2)(a)  
EA to Chief Executive



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



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From: s9(2)(a) <s9(2)(a)@gmail.com>  
Sent: Wednesday, October 21, 2020 2:24 PM  
To: Peter Miskimmin <Peter.Miskimmin@sportnz.org.nz>  
Subject: Letter of Response to October 2020 Sport NZ Survey

Dear Mr Miskimmin,  
Attached is a letter of response to the recent survey conducted by Sport New Zealand.

Yours sincerely  
s9(2)(a)





XX October 2020

s9(2)(a)

By email:

Dear s9(2)(a)

Thank you for writing to us in response to receiving an invitation to participate in the "Active NZ" survey.

In your letter dated 20 October you describe three reasons why you chose not to complete the survey, which I have summarised below and have responded to.

1. Some questions are not valid because of this year's COVID-19 situation in which people's usual activities and incomes have been severely curtailed.

*Response from Sport NZ – you are correct in that COVID-19 has interrupted the usual physical activity behaviours of New Zealanders. The fact that behaviours have been interrupted by COVID-19 means that it is important that understand the nature of the interruptions, to determine how we might respond to encourage New Zealanders to remain active due to the significant benefits from being physically active. We would encourage you to share how COVID-19 has impacted your physical activities through the Active NZ survey if you choose to.*

2. A question about gender in addition to sex (biological sex) is completely irrelevant.

*Response from Sport NZ – as a crown agency Sport NZ follows the guidance from Statistics NZ on the capture of sex (biological sex) and gender in its surveying programmes. If you are seeking more information on this, the following link has detailed information - <https://www.stats.govt.nz/topics/gender-and-sex>.*

3. There is a glaring omission of what I consider to be the most important question of all which relates to motivation, or rather the demotivating effect, for biological women when they have to compete with biological males who self-identify as female.

*Response from Sport NZ – As you rightly point out, the Active NZ survey asks a variety of questions. However, does not specifically ask any questions relating to the impacts of "biological males against*



*biological females in the same sport*". When including questions in our national survey we consider many things, and importantly we use wider research to inform the questions to include. The impact of biological males competing against biological females is an evolving area of research both nationally and internationally, and we continue to monitor this.

New Zealand has a reputation in the international sporting community of upholding fair play and promoting and supporting diversity and inclusion. It is vital to the wellbeing of all New Zealanders that everybody has the opportunity to play and compete in sport or recreation activities in a safe and inclusive environment.

Ms Hubbard met all the Pacific Games, International Federation, Olympic Weight Lifting New Zealand, and the New Zealand Olympic Committee requirements and guidelines for selection and participation at the various international events she has competed in including the 2019 Pacific Games. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play.

As you may be aware, these guidelines set permitted levels testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded. While developed by medical, scientific and human rights experts, research into this area continues. We support ongoing steps to understand this issue and ensure that sport remains open and inclusive for all while protecting an even field of play. We appreciate the complexity and sensitivity of the discussion and look forward to ongoing research to support a greater understanding of the issue both around the world, and here in New Zealand.

You will be aware that Sport NZ supports Women and Girls through the Strategy for Women and Girls in Active Recreation. To learn more about the strategy you may like to look at our website at the following location: <https://sportnz.org.nz/focus-areas/diversity-and-inclusion/women-and-girls-in-sport-and-active-recreation/>

Thank you for taking the time to write and express your concerns.

Regards,

**Peter Miskimmin**  
CEO Sport New Zealand

s9(2)(a)

**From:** s9(2)(a)  
**Sent:** Tuesday, 27 October 2020 3:29 pm  
**To:** Peter Miskimmin  
**Subject:** FW: another for Petes signature

Hi Pete

If you're happy with the below letter of response I'll put your signature on it and send.

Ngā mihi

s9(2)(a)

?(a)

EA to Chief Executive



+ s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



**From:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Sent:** Tuesday, 27 October 2020 12:03 PM  
**To:** s9(2)(a) <s9(2)(a)@sportnz.org.nz>  
**Subject:** another for Petes signature

This has been transferred from the Minister's office to us.

Response [http://kc.sportnzgroup.org.nz/site/Requests/Active/MIN-11931-s9\(2\)\(a\)%20-%20transgender%20women%20in%20sport,s9\(2\)\(a\)%20-%20Transgender%20women.docx](http://kc.sportnzgroup.org.nz/site/Requests/Active/MIN-11931-s9(2)(a)%20-%20transgender%20women%20in%20sport,s9(2)(a)%20-%20Transgender%20women.docx)  
Letter to Minister: [2020-10-26 22-43-45 s9\(2\)\(a\) s9\(2\)\(a\) RE In defence of women's.msg](#)

s9(2)(a) (she /her)  
Acting Ministerial Services Lead





30 October 2020

s9(2)(a)

By email: s9(2)(a)@gmail.com

Dear s9(2)(a)

Thank you for your email to the Minister for Sport and Recreation (Hon Robertson). Your email has been forwarded to me to respond to as Chief Executive of Sport NZ.

As you have noted in your email to the Minister, New Zealand has a reputation in the international sporting community of upholding fair play and promoting and supporting diversity and inclusion. It is vital to the wellbeing of all New Zealanders that everybody has the opportunity to play and compete in sport or recreation activities in a safe and inclusive environment.

Ms Hubbard met all the Pacific Games, International Federation, Olympic Weight Lifting New Zealand, and the New Zealand Olympic Committee requirements and guidelines for selection and participation at the various international events she has competed in, including the 2019 Pacific Games. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play.

As you may be aware, these guidelines set permitted levels testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded. While developed by medical, scientific and human rights experts, research into this area continues. We support ongoing steps to understand this issue and ensure that sport remains open and inclusive for all while protecting an even field of play. We appreciate the complexity and sensitivity of the discussion and look forward to ongoing research to support a greater understanding of the issue both around the world, and here in New Zealand.

You will be aware that Sport NZ supports Women and Girls through the Strategy for Women and Girls in Active Recreation. To learn more about the strategy you may like to look at our website at the following location: <https://sportnz.org.nz/focus-areas/diversity-and-inclusion/women-and-girls-in-sport-and-active-recreation/>.



Thank you for taking the time to write and express your concerns.

Regards

  
s9(2)(a)

**Peter Miskimmin**  
Chief Executive

RELEASED UNDER THE OFFICIAL INFORMATION ACT

s9(2)(a)

**From:** s9(2)(a) <s9(2)(a)@parliament.govt.nz>  
**Sent:** Friday, 30 October 2020 2:48 pm  
**To:** s9(2)(a)  
**Cc:** Alice Hume  
**Subject:** FW: Keeping Athletics Fair for Your Female Athletes  
**Attachments:** Transgender\_Research\_Summary\_of\_data\_EN.pdf; Key Inclusions for Transgender Guidelines.pdf  
**Categories:** OnePlaceMail Deletion

For your information.

s9(2)(a) | Private Secretary for Sport and Recreation, and Arts, Culture and Heritage | Office of the Hon Grant Robertson  
Minister of Finance, Minister for Sport and Recreation, Minister Responsible for the Earthquake Commission, Associate Minister for Arts, Culture and Heritage  
Parliament Buildings | Wellington | Ph: s9(2)(a) Cell: s9(2)(a)

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**From:** s9(2)(a)  
**Sent:** Friday, 30 October 2020 2:07 PM  
**To:** s9(2)(a) <s9(2)(a)@parliament.govt.nz>  
**Subject:** FW: Keeping Athletics Fair for Your Female Athletes

FYI.  
This email is being sent to children's sports clubs in NZ.

Kind Regards  
s9(2)(a)  
s9(2)(a)  
Hon. Grant Robertson  
Minister of Finance, Minister for Sport and Recreation, Minister Responsible for the Earthquake Commission, Associate Minister for Arts, Culture and Heritage

MP for Wellington Central  
Electorate Office:  
220 Willis Street  
PO Box 27351  
Wellington  
Email: [office@grantrobertson.co.nz](mailto:office@grantrobertson.co.nz)  
Phone: s9(2)(a)

[facebook.com/WellingtonCentralMP](https://facebook.com/WellingtonCentralMP) | [twitter.com/grantrobertson1](https://twitter.com/grantrobertson1) | [labour.org.nz](https://labour.org.nz) | [blog.labour.org.nz](https://blog.labour.org.nz)

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----- Forwarded message -----  
**From:** s9(2)(a) <s9(2)(a)@gmail.com>  
**Date:** Wed, Oct 28, 2020 at 4:37 PM

Subject: Keeping Athletics Fair for Your Female Athletes

>

Kia ora

We understand that Sport New Zealand may soon be seeking your input on behalf of the Greerton Amateur Athletics Club for the development of diversity and inclusion policies for Athletics. On October 9th World Rugby announced that it would bar transgender women—people born male, but who identify as women—from playing in the international women’s game.

World Rugby made this decision after conducting a thorough research and consultation process, which confirmed what our everyday experience tells us. Most males are bigger, faster and stronger than most females; and some males are bigger, faster or stronger than any female. The research also found that suppressing testosterone, the male sex hormone that is responsible for much of that sporting advantage, doesn’t undo the advantages bestowed by male puberty. In addition, there is an increased injury risk to female athletes when competing against males in contact sports. This in turn has the potential to create issues in regards to insurance and legal culpability for sporting organisations

That evidence matters for non-contact sports too, for it also concerns fairness. Women’s sport exists precisely to exclude males. That is true at both the elite level, where the rewards are greatest, and at the recreational one, where the vast majority of sport is actually played. Without it, half the population would be left struggling against an insurmountable advantage granted by mere biological chance to the other half. If testosterone suppression cannot remove that advantage, then it is unjust for those who still possess it to compete against those who never did.

Advocates for transwomen often argue that inclusion should trump such worries. But sport is a zero-sum game, which means inclusion cuts both ways. If transwomen possess a biological advantage, then allowing them to compete risks depriving female athletes of victories they might otherwise have won, or a starting position they might otherwise have earned.

Unfortunately, a desire to be inclusive is seeing poorly thought out trans eligibility guidelines being implemented around the world, which is having unintended negative consequences for women and girls, who are starting to lose fair and meaningful competition at all levels of female sport. Sport must be segregated by biological sex, and our attention should shift to identifying how we can all be far more accepting of the diversity of our own sex.

In order to help you develop your own trans eligibility guidelines, we have attached a suggested clause and appendix that could be included in your Code of Conduct & Ethics Policy, and which will protect the fairness and safety for female athletes in your sport. We have also attached the summary of the Transgender Biology and Performance Research undertaken by World Rugby for your information.

And finally, I’d like to leave you with a message from Lorraine Moller MBE, Four-time Olympian, Boston Marathon Winner & Forerunner for Equality in Women’s Sport:

*I was privileged to have an athletic career at a time of emergence of equity in middle-distance and distance events for women. The inclusion of the marathon in the 1984 Olympics was a huge milestone achieved by the efforts of women runners around the world lobbying to have their own category as female competitors. Without this biological distinction I, and my fellow women competitors, would never have been selected to run in the Olympics, and I certainly would have had zero opportunity of realising my lifelong dream of standing on the Olympic podium. While I appreciate that transgender people wish to compete in the category of their choosing, putting biological males and females in the same competitive categories once again, simply undoes the female sporting autonomy that we worked so hard for.*



Should you have any questions, or would like to provide us with feedback, please don't hesitate to get in touch.

Ngā mihi nui

s9(2)(a)  
s9(2)(a)  
s9(2)(a)  
Ph + s9(2)(a) | [www](#) s9(2)(a)

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# Suggested Transgender Guideline Inclusions Into Your Sporting Organisations Code of Conduct & Ethics Policies

*A decent and tolerant society understands that there are people whose gender identity doesn't match their biological sex and accepts that's happening. But the trouble for sports is that it has created a situation of colliding rights because there's a question now of whether that person's self-ID imposes on another person's rights for fair competition, and in the situation of contact sports, safe competition. In order to protect the fairness and safety for female participants of your sport, we recommend you insert the following into your Code of Conduct & Ethics Policies:*

## **Athletes [Include Following Clause]**

- Must properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, biological sex classification [see APPENDIX for guideline], or other reason.

## **APPENDIX - Transgender Guidelines**

**Sporting Organisation Name** is committed to being inclusive and respectful of all participants in the sport of Track & Field Athletics. For the purpose of eligibility, members of your **Sporting Organisation Name** compete on the basis of biological sex classification. Since male sex confers physical performance advantages, it is particularly important to ensure that the female sex category is protected.

## **Definitions**

The following terms have these meanings in this document:

- a) **"Sex"** – Either of the two categories (male and female) into which humans are divided on the basis of their reproductive and biological functions [as usually denoted on their birth certificate].
- b) **"Gender"** – A set of cultural expectations regarding prototypical behaviour (the most common manifestation is behaviour that is "stereotypical" of boys/men or girls/women)
- c) **"Gender Identity"** – A person's perception of having a particular gender, which may or may not correspond with their birth sex
- d) **"Gender Dysphoria"** - A term used to describe condition of feeling one's emotional and/or psychological identity as being different or opposite to one's biological sex.
- e) **"Gender Transitioning"** – Intentional actions undertaken by an individual (or, if underage, by their legal guardian) to alter physical characteristics that enable them to satisfy the desire to identify as the opposite sex.
- f) **"Medical Practitioner"** – A person licensed to practice medicine in New Zealand who has obtained a Bachelor of Medicine and Bachelor of Surgery (MBChB) degree, who worked for two years as a house officer and is registered with the Medical Council of New Zealand.
- g) **"Gender Reassignment"** – Intervention by a *"medical practitioner"* to facilitate *"gender transitioning"*; the most common forms of medical treatment include (but are not limited to) hormone therapy and/or surgery.

- h) **“Transgender” person** – An individual who is one sex at birth but, due to a *“gender dysphoria”*, identifies with the opposite sex. In order to align the body with *“gender identity”*, a *“transgender”* person makes an intentional effort to alter observable characteristics using various means including *“gender reassignment”*.
- i) **“Transathlete”** – A transgender person participating in sport & recreation.

### Purpose

**Sporting Organisation Name** believes in equal opportunity for all participants. However, in instances where an athlete self-declares as transgender, **Sporting Organisation Name** will implement biology-based eligibility guidelines (see below) in order to ensure a fair and level playing field for each category: male and female.

### Eligibility Guidelines

The following guidelines will be used to determine the eligibility of transgender participants (this applies to all ages):

- i. **Male-born Transathlete** must compete in the male category.
- ii. **Female-born Transathlete** has the option of competing as male or female under the following provisions:
  - a. Permitted to compete as male irrespective of intervention strategy undertaken to alter sex.
  - b. Permitted to compete as female after careful review of the individual case. The female-born athlete who self-declares as transgender must submit documentation from a Medical Practitioner concerning the nature of gender reassignment intervention. Inclusion in the female category will be permitted if it is deemed that the intervention has not resulted in the participant having a competitive advantage over fellow female athletes. For example, testosterone supplementation commonly used in the medical treatment of gender reassignment might cause the athlete to be in violation of international anti-doping guidelines. In the case of developmental situations (athletes still growing and developing), a female athlete found to have testosterone concentration exceeding the upper limit of the normal female range for the given age category (as reported in biomedical research), will be ineligible to compete as female.

NOTE: All athletes must be aware that they may be subject to doping control testing pursuant to the New Zealand Drug Free Sport Program.



## PERFORMANCE RANGE BETWEEN MALES AND FEMALES



The performance differences between biological males and females range from **10% to 160%**.

These differences are the result of biology. Males have **higher muscle mass, larger muscle cross sectional area, longer levers** (different skeleton), less fat mass, higher tendon stiffness and higher cardiovascular capacity (larger heart and lungs, more hemoglobin).



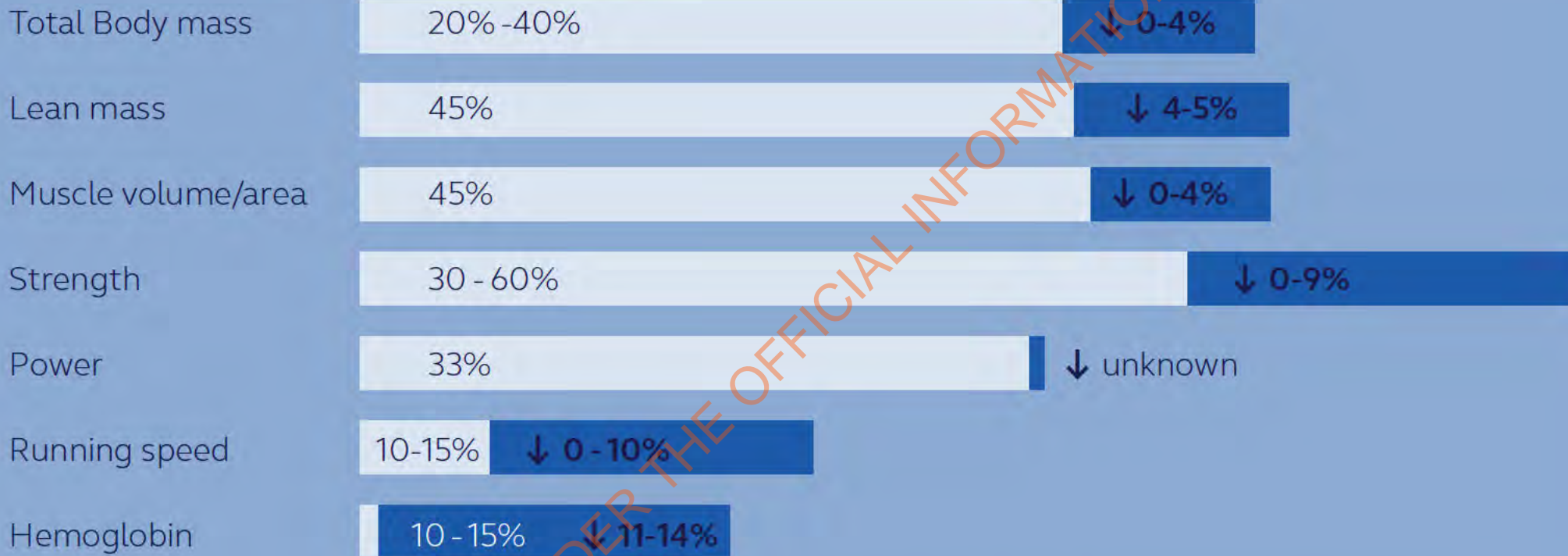
Current policy requires transgender women to reduce testosterone levels below **5 nmol/L for 12 months** in order to be eligible to compete in women's sport.

There is as yet, no direct evidence on how this affects **sports performance outcomes** like speed, throwing, weight-lifting performance.



There is evidence on **physiological changes** including mass, lean mass, and strength measured in laboratory trials.

## PHYSIOLOGY RANGE BETWEEN MALES AND FEMALES \*



\* Light bars show the typical male vs female difference for each attribute, while dark bars show the documented reduction in each attribute with testosterone suppression from laboratory studies.



The reduction of testosterone removes only approximately **one-fifth of muscle** and strength advantages.

Reductions in power are unknown, running speed is reduced by **5% to 10%** and Hemoglobin **is reduced almost entirely**



# THE VARIABLES FROM CONTROLLED STUDIES



Biological differences between male and female are **only slightly reduced**

The reductions range between **0% and 9%** after **12 months** of testosterone reduction



The initial differences in these variables range between **20% and 60%**



For these variables, significant advantages for **biological males remain** after testosterone reduction



# THE IMPLICATIONS FOR MALES-TO-FEMALES TRANSGENDER RUGBY PLAYERS\*

Biomechanical modelling studies suggest that typical male players experience and create:

Head & neck forces **20% to 30% greater** in men's elite rugby than in women's elite rugby as a result of mass differences alone.



Scrum forces in men's elite rugby and community rugby range from **40% to 120% higher** than in women's rugby



\* To date, no direct studies on trans women rugby players. Evidence is drawn from studies on biological differences, effects of testosterone suppression, and known injury and performance factors



s9(2)(a)

**From:** SportNZ Web Email  
**Sent:** Friday, 30 October 2020 2:12 pm  
**To:** s9(2)(a)  
**Subject:** FW: SportNZ Website Enquiry

Hi s9(2)(a)

I believe the below enquiry is for you.

Thanks,

s9(2)(a)  
Administration Assistance

DDI + s9(2)(a)  
MOBILE + s9(2)(a)



**From:** Philip Clark <Philip.Clark@sportnz.org.nz>  
**Sent:** Friday, 30 October 2020 1:40 pm  
**To:** SportNZ Web Email <Web.Email@sportnz.org.nz>  
**Subject:** RE: SportNZ Website Enquiry

Thanks s9(2)(a) That's one for s9(2)(a)

Cheers  
Phil

**Philip Clark**  
Group Media Manager



s9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)



From: SportNZ Web Email <[Web.Email@sportnz.org.nz](mailto:Web.Email@sportnz.org.nz)>  
Sent: Friday, 30 October 2020 11:10 am  
To: Philip Clark <[Philip.Clark@sportnz.org.nz](mailto:Philip.Clark@sportnz.org.nz)>  
Subject: FW: SportNZ Website Enquiry

Hi Phil,

Enquiry for you below.

Thanks,

s9(2)(a)  
Administration Assistance

DDI + s9(2)(a)  
MOBILE + s9(2)(a)



[sportnz.org.nz](http://sportnz.org.nz)





**From:** [noreply@sportnz.org.nz](mailto:noreply@sportnz.org.nz) <noreply@sportnz.org.nz>  
**Sent:** Thursday, 29 October 2020 8:13 pm  
**To:** SportNZ Web Email <[Web.Email@sportnz.org.nz](mailto:Web.Email@sportnz.org.nz)>  
**Subject:** SportNZ Website Enquiry

## Form Submission

The following information has been submitted via the **SportNZ** website **Contact Us** page:

**Name:** s9(2)(a)

**Email:** s9(2)(a)@gmail.com

**Enquiry Type:** GeneralEnquiry

### Message:

What is your committee's thoughts about transgender males choosing to be female and expecting to participate in women's sports?  
Do you have guidelines that protect women and girls in sports, both on and off the field?  
How do you think the level of participation by transgender people meets the standards of fair play and ethics?

RELEASED UNDER THE OFFICIAL INFORMATION ACT





5 July 2021

9(2)(a)

Tēnā koe 9(2)(a)

**Official Information Act 1982 request – Draft Guiding Principles for the Participation of Transgender Players in Sports**

This letter responds to your Official Information Act 1982 (OIA) request received by Sport NZ on 31 May 2021. You requested the following information:

*Sport NZ's Guiding Principles for the Participation of Homosexual and Lesbians Players in Sports (or similar guidance document provided to all sports in NZ) its Guiding Principles for the Participation of Maori Players in Sports (or similar guidance document provided to all sports in NZ); and your Guiding Principles for the Participation of Female Players in Sports (or similar guidance document provided to all sports in NZ).*

*Please advise the date Allen and Clarke were engaged to undertake Drafting Guiding Principles for the Participation of Transgender Players in Sports, a full list of the women's organisations they met with and/or consulted? How much did their work cost (total).*

*What weight was given to the notion that it is incumbent on boys/men to make transwomen players feel welcome, supported in the category designated to them? Why was it determined that males/boys changing their behaviour was not worthy of mention, with a jump straight to women compromising their category to include a small proportion of players?*

*On what basis was it determined that the safety, inclusion of trans women is paramount to the safety/inclusion of women? What research was undertaken to establish the impact of including transwomen in female sports, on female participation, safety, competitiveness.*

*Please advise the basis for defining a transwoman as 'a woman identified as a male at birth? What is your definition for women, female and male? Does SportNZ consider biological differences between males and females to now be non-existent, or of no importance in sport? If yes, why? If no, why not?*

*What research did Allen and Clarke consider when determining that 'Research into the physiology of transgender sports players and impact of transitioning (for those going through a medical transition) is currently unsettled.' Please list, with full references, all evidence examined in the preparation of these Guidelines.*

*'The Guiding Principles accept that further research is continuing to be established and that any guidance will need to be regularly updated to reflect this.' On what basis will SportNZ update the guidance based on evidence? That is, what criteria will it use to update the guidance?*

### **Sport NZ's Guidance on diversity and inclusion**

You have requested Sport NZ's Guiding Principles, or similar, for homosexual and lesbian, Māori and female participants. Sport NZ's Overall strategy and policies on diversity and inclusion can be found here: <http://sportnz.org.nz/diversity-and-inclusion/> and the associated resources can be found here: <http://sportnz.org.nz/resources/diversity-and-inclusion/> and <http://sportnz.org.nz/resources/preventing-discrimination-policy-member-protection/>.

Sport NZ's work on Māori participation can be found here: <http://sportnz.org.nz/kaupapa-maori/te-wahanga-kaupapa-maori/> and our work advocating for women and girls here: <http://sportnz.org.nz/diversity-and-inclusion/advocating-for-women-and-girls/>.

### **Allen + Clarke's engagement on this work**

You have asked when Allen + Clarke were engaged to undertake the drafting of the Guiding Principles. Sport NZ engaged Allen + Clarke in September 2020.

You have requested what women's groups Allen + Clarke met with or consulted with on the drafting of the Guiding Principles. The specific women's groups that Allen + Clarke consulted were: Save Women's Sport Australasia, Women in Sport Aotearoa and the Ministry for Women. In addition, the other stakeholders included in the consultation included female participants, athletes, academics and administrators who were engaging as women in their sport.

You have requested the total cost of Allen + Clarke's work. We are withholding the amount of Sport NZ's contract with Allen + Clarke under s9(2)(b)(ii) of the Official Information Act 1982 because the work is still ongoing it is like to prejudice the commercial position of Allen + Clarke.

### **Matters considered in drafting the Guiding Principles**

I would like to note that the Guiding Principles are still in a draft form, and feedback from the recent consultation with stakeholders by Allen + Clarke is yet to be incorporated. Further, Sport NZ will also undertake our own process of consideration and consultation before finalising the Guiding Principles.

You have asked whether consideration was given to having transwomen participants being included and made to feel welcome in men's competitions.

It is important to note that the Guiding Principles will be for all transgendered, gender diverse and other non-binary participants rather than just transwomen and are intended to support sports to be able to



create an environment that all participants can participate. Part of this is giving consideration to allowing participants to compete in the gender in which they identify with. Once finalised, the Guiding Principles will give guidance and support to sports on this, including consulting with their members and developing guidance appropriate to their sport.

You have asked why the inclusion of trans women is prioritised over the safety and inclusion of women participants, and the impact on women's participation, safety and competitiveness.

In the draft Guiding Principles, while inclusion is a key principle, it needs to be balanced against the wellbeing and safety for all participants (the second principle). When it comes to implementing sport-specific policies, these may be balanced differently depending on the sport or community involved. The Guiding Principles are intended to provide high-level guidance to sports when they are considering this.

Research on Transgender participation in sport in New Zealand is limited. Research into transgender people in sport is a relatively new area of research, with current studies tending to focus on the physical differences between transgender persons and non-transgender persons. Currently, the exact number of transgender persons playing sports in New Zealand is unknown, however, this is an area that Sport NZ is considering further research into.

You have asked what the basis of the transgender definition is, and whether Sport NZ considers biological differences relevant to sport.

In the draft Guiding Principles, the term 'transgender' is used as an umbrella term for a person whose gender differs from their sex assigned at birth. The draft Guiding Principles use the terminology used in the Human Rights Commission's PRISM report.

The draft Guiding Principles are not a statement about biological differences between males and females, rather they provide a mechanism to support the participation of transgender players in community sport and to ensure that sport remains inclusive, safe and fair for all involved.

You have asked what research Allen + Clarke considered in noting that research into the physiology of transgender is currently unsettled. This position is taken by the United Nations Human Rights Council report: *Intersection of race and gender discrimination in sport*.

You have asked whether the Guiding Principles will be updated to reflect further research, and what criteria will be used to update them.

As with all of Sport NZ's policies, we monitor developments and update them as required. The specific criteria and processes around this will be considered during the finalisation and implementation of the Guiding Principles by Sport NZ. However as noted above, how the principles are implemented will depend on the individual sports.

Please note that if you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act.

Nāku noa, nā

9(2)(a)

**Simon Dunkerley**  
Acting Group Policy Manager  
Sport New Zealand Ihi Aotearoa



9(2)(a)

**From:** SportNZ Policy  
**Sent:** Friday, 9 July 2021 12:44 pm  
**To:** 9(2)(a)  
**Subject:** RE: SportNZ Website Enquiry  
**Attachments:** Draft Guiding Principles for the Participation of Transgender Players in Sports April 2021 OIA Release.pdf

Tēnā koe 9(2)(a)

This letter responds to for a copy of the draft Guiding Principles for the Participation of Transgender Players in Sport.

**Attached** is a copy of the draft Guiding Principles. I must strongly emphasise that the Guiding Principle are a consultation draft prepared by Allen + Clarke. This draft was provided to a closed group of stakeholders for consultation and feedback from that group is still being considered. Once Allen + Clarke have provided their final draft, Sport NZ will also undertake our own process of consideration and consultation before finalising the Guiding Principles.

It is important to note that the Guiding Principles will be for all transgendered, gender diverse and other non-binary participants. They are intended to support sports to be able to create an environment that all participants can take part in sport and active recreation. Once finalised, the Guiding Principles will give guidance and support to sports on this, including consulting with their members and developing guidance appropriate to their sport.

Ngā Mihi

9(2)(a)

9(2)(a) || Senior Policy Advisor || Sport NZ

**From:** 9(2)(a)@sportnz.org.nz  
**Sent:** Thursday, 10 June 2021 2:36 PM  
**To:** 9(2)(a)  
**Cc:** SportNZ Policy <policy@sportnz.org.nz>  
**Subject:** RE: SportNZ Website Enquiry

Kia ora 9(2)(a)

This email acknowledges receipt of your Official Information Act 1982 request on 8 June 2021 for the Draft Guiding Principles for the Participation of Transgender Players in Sport.

Sport NZ will respond within the legislated timeframes.

Ngā mihi

9(2)(a)

sportnz.org.nz

**From:** noreply@sportnz.org.nz <noreply@sportnz.org.nz>  
**Sent:** Tuesday, 8 June 2021 3:09 pm

To: SportNZ Web Email <[webe@sportnz.org.nz](mailto:webe@sportnz.org.nz)>  
Subject: SportNZ Website Enquiry

## Form Submission

The following information has been submitted via the SportNZ website  
Contact Us page:

Name: 9(2)(a)

Email: 9(2)(a)

Enquiry Type: ResearchEnquiry

Message:

Hi

I can't find the new paper about trans people in sport . anywhere...even on your website . Can you please email me a copy - eg PDF , Word , etc .

thanks

9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

9(2)(a)

**From:** SportNZ Policy  
**Sent:** Friday, 9 July 2021 12:46 pm  
**To:** 9(2)(a)  
**Subject:** RE: Acknowledgement of Official Information Act 1982 request  
**Attachments:** Draft Guiding Principles for the Participation of Transgender Players in Sports April 2021 OIA Release.pdf

Tēnā koe 9(2)(a)

This letter responds to for a copy of the draft Guiding Principles for the Participation of Transgender Players in Sport.

**Attached** is a copy of the draft Guiding Principles. I must strongly emphasise that the Guiding Principle are a consultation draft prepared by Allen + Clarke. This draft was provided to a closed group of stakeholders for consultation and feedback from that group is still being considered. Once Allen + Clarke have provided their final draft, Sport NZ will also undertake our own process of consideration and consultation before finalising the Guiding Principles.

It is important to note that the Guiding Principles will be for all transgendered, gender diverse and other non-binary participants. They are intended to support sports to be able to create an environment that all participants can take part in sport and active recreation. Once finalised, the Guiding Principles will give guidance and support to sports on this, including consulting with their members and developing guidance appropriate to their sport.

Ngā Mihi

9(2)(a)

9(2)(a) || Senior Policy Advisor || Sport NZ

**From:** 9(2)(a)@sportnz.org.nz  
**Sent:** Friday, 4 June 2021 3:52 PM  
**To:** 9(2)(a)  
**Subject:** Acknowledgement of Official Information Act 1982 request

Kia ora 9(2)(a)

This email acknowledges our receipt of your Official Information Act 1982 request on 4 June 2021.

Your request to be emailed a copy of the draft principles for participation of transgender players in sport was received by voicemail.

Sport NZ will respond within the legislated timeframes.

Ngā mihi

9(2)(a)  
Ministerial Lead  
[sportnz.org.nz](http://sportnz.org.nz)



9(2)(a)

**From:** SportNZ Policy  
**Sent:** Friday, 9 July 2021 12:49 pm  
**To:** 9(2)(a)  
**Subject:** RE: Draft Guiding Principles for the Participation of Transgender Players in Sport (April 2021)  
**Attachments:** Draft Guiding Principles for the Participation of Transgender Players in Sports April 2021 OIA Release.pdf

Tēnā koe 9(2)(a)

This letter responds to for a copy of the draft Guiding Principles for the Participation of Transgender Players in Sport.

Attached is a copy of the draft Guiding Principles. I must strongly emphasise that the Guiding Principle are a consultation draft prepared by Allen + Clarke. This draft was provided to a closed group of stakeholders for consultation and feedback from that group is still being considered. Once Allen + Clarke have provided their final draft, Sport NZ will also undertake our own process of consideration and consultation before finalising the Guiding Principles.

It is important to note that the Guiding Principles will be for all transgendered, gender diverse and other non-binary participants. They are intended to support sports to be able to create an environment that all participants can take part in sport and active recreation. Once finalised, the Guiding Principles will give guidance and support to sports on this, including consulting with their members and developing guidance appropriate to their sport.

Ngā Mihi

9(2)(a)

9(2)(a) | Senior Policy Advisor | Sport NZ

-----Original Message-----

**From:** 9(2)(a)@sportnz.org.nz  
**Sent:** Thursday, 10 June 2021 2:35 PM  
**To:** 9(2)(a)  
**Cc:** SportNZ Policy <policy@sportnz.org.nz>  
**Subject:** RE: Draft Guiding Principles for the Participation of Transgender Players in Sport (April 2021)

Kia ora 9(2)(a)

This email acknowledges receipt of your Official Information Act 1982 request on 8 June 2021 for the Draft Guiding Principles for the Participation of Transgender Players in Sport.

Sport NZ will respond within the legislated timeframes.

Ngā mihi

9(2)(a)  
sportnz.org.nz

-----Original Message-----

**From:** 9(2)(a)

Sent: Tuesday, 8 June 2021 9:29 am

To: SportNZ Web Email <webe@sportnz.org.nz>

Subject: Draft Guiding Principles for the Participation of Transgender Players in Sport (April 2021)

Hi - I am trying to inform myself about this... where can I find a copy of the document please?

9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

# Draft Guiding Principles for the Participation of Transgender Players in Sports

April 2021



[Trigger warning - This document includes references to suicide in the transgender community].

Some of the information contained in this report is subject to an obligation of confidence under section 9(2) (ba) of the Official Information Act 1982.

Released under the Official Information Act

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## Glossary

Using appropriate terminology is important to respect the diverse range of individuals within our community.

Terminology is continually evolving and contested; however, the following is a list of useful definitions. These are the definitions used throughout the Guiding Principles.

Useful Definitions	
Ally <sup>1</sup>	An ally is someone who supports and advocates for the equal treatment of a community other than their own.
Bullying <sup>2</sup>	Deliberately hurting a specific person either physically, verbally, psychologically, or socially.
Cisgender <sup>3</sup>	A person whose gender aligns with their sex designated at birth.
Discrimination <sup>4</sup>	The practice of structurally or interpersonally excluding or being hostile toward a person or population on the basis of an aspect of their identity/ies.
Gender <sup>5</sup>	Gender is part of a person's internal sense of self. Someone can be a man/woman/non-binary/gender diverse. A person's relationship with their gender can also change over time as well.
Gender diverse <sup>6</sup>	An umbrella term used by some who identify outside of the male/female gender binary. Being transgender can be one way of being gender diverse, but not all gender diverse people identify as transgender and vice versa.
Gender expression <sup>7</sup>	Refers to a person's presentation of gender through physical appearance – including dress, hairstyles, accessories, cosmetics, mannerisms, speech, behavioural patterns, names, and personal references. Gender expression may or may not conform to a person's gender.

<sup>1</sup> LUSH (n.d.) How to be a trans ally – A beginner's guide. [Online] Available: [https://nz.lush.org/sites/aus\\_lush\\_website\\_nz/files/nz\\_a6\\_ally-booklet-digital.pdf](https://nz.lush.org/sites/aus_lush_website_nz/files/nz_a6_ally-booklet-digital.pdf)

<sup>2</sup> Sport New Zealand (2020), Discrimination, harassment and bullying. [Online] Available from: <http://sportnz.org.nz/resources/discrimination-harassment-and-bullying/>

<sup>3</sup> Human Rights Commission (June 2020), 'PRISM: Human Rights issues relating to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) in Aotearoa New Zealand - A report with recommendations' pp 61-63. [Online] Available from: [https://www.hrc.co.nz/files/9215/9253/7296/HRC\\_PRISM\\_SOGIESC\\_Report\\_June\\_2020\\_FINAL.pdf](https://www.hrc.co.nz/files/9215/9253/7296/HRC_PRISM_SOGIESC_Report_June_2020_FINAL.pdf)

<sup>4</sup> InsideOUT, March 2021.

<sup>5</sup> InsideOUT, March 2021.

<sup>6</sup> PRISM Report, above at 3.

<sup>7</sup> PRISM Report, above at 3.



## Useful Definitions

Gender identity <sup>8</sup>	Refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with their designated sex at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical, or other means) and other expressions of gender, including dress, speech, and mannerisms.
Harassment <sup>9</sup>	Unwelcome behaviour that is offensive, humiliating or intimidating and is either repeated, or of such significant nature, that it has a detrimental effect on the person, their performance, contribution or their environment.
Intersectionality <sup>10</sup>	Intersectionality describes how different parts of a person's identity or circumstances – such as age, race, culture, disability, gender, sex, location, or religion – intersect and combine to shape people's life experiences, including of discrimination.
Intersex <sup>11</sup>	An umbrella term that describes people who have (or are born with) variations in sex characteristics such as chromosomes, gonads, reproductive organs, and hormones, resulting in bodies that don't fit within typical understandings of male or female.
LGBTQIA+ <sup>12</sup>	An acronym of different identities including: Lesbian Gay Bisexual Transgender Queer Intersex Asexual + denotes inclusion of other terms not listed).
MVPFAFF <sup>13</sup>	Pacific Communities have their own culturally specific terms relating to sexual orientation and gender identities. These concepts are more, or just as much, about familial, genealogical, social, and cultural selfhood.

<sup>8</sup> PRISM Report, above at 3.

<sup>9</sup> Sport New Zealand (2020), Discrimination, harassment and bullying. [Online] Available from: <https://sportnz.org.nz/resources/discrimination-harassment-and-bullying/>

<sup>10</sup> Victorian Public Sector (2020), LGBTQIA+ Inclusive Language Guide. [Online] Available from: <https://www.vic.gov.au/inclusive-language-guide>.

<sup>11</sup> InsideOUT, March 2021.

<sup>12</sup> PRISM Report, above at 3.

<sup>13</sup> Phylesha Acton-Brown. LeVa (2020), Rainbow/LGBTQI. [Online] Available from: <https://www.leva.co.nz/our-work/suicide-prevention/finding-help/support-services/rainbow/>

	<p>MVPPFAFF is an acronym that reflects some of the range of terms used:</p> <p>Mahu (Hawai'i and Tahiti)</p> <p>Vaka sa lewa lewa (Fiji)</p> <p>Palopa (Papua New Guinea)</p> <p>Fa'afafine (Samoa &amp; American Samoa)</p> <p>Akava'ine (Rarotonga)</p> <p>Fakaleiti/Leiti (Tonga)</p> <p>Fakafifine (Niue).</p> <p>The abbreviation is gaining increasing use to signify the existence of different Pacific cultures that have a strong presence in New Zealand. Other terms include Fakaleiti, Rae rae, and Afafine.</p>
Non-binary <sup>14</sup>	An umbrella term for gender identities which are neither male nor female.
Pronoun <sup>15</sup>	Pronouns are one-way people refer to each other and themselves. Most but not all men (including trans men) use the pronoun 'he'. Likewise, most but not all women (including trans women) use the pronoun 'she'. Some people use a gender-neutral pronoun such as 'they' (e.g., "Pip drives them out to work. They don't like walking because it takes them too long").
Rainbow communities <sup>16</sup>	An umbrella term commonly used in Aotearoa to describe those who have a diverse sexual orientation, gender identity or expression, and sex characteristics.
Safety	Safety includes the physical, emotional, cultural, and spiritual wellbeing of players.
Sex designated at birth <sup>17</sup>	All babies are designated a sex at birth, usually determined by a visual observation of external genitalia. A person's gender may or may not align with their designated sex at birth.
Sex characteristics <sup>18</sup>	Refer to each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty.

<sup>14</sup> PRISM Report, above at 3.

<sup>15</sup> Victorian Public Sector (2020), LGBTIQ+ Inclusive Language Guide. [Online] Available from: <https://www.vic.gov.au/inclusive-language-guide>.

<sup>16</sup> PRISM Report, above at 3.

<sup>17</sup> PRISM Report, above at 3.

<sup>18</sup> PRISM Report, above at 3.



Useful Definitions	
SOGIESC <sup>19</sup>	An acronym including sexual orientation, gender expression and identity, and sex characteristics.
Takatāpui <sup>20</sup>	A traditional Māori term which means 'intimate companion of the same sex.' It has been reclaimed by some Māori to describe their diverse sexual orientation, gender identity or expression, and sex characteristics.
Tangata ira tāne <sup>21</sup>	A term that some Māori people may use to describe their gender. This term does not have a Western equivalent but is usually translated to mean 'in the manner of a man.' Its meaning is best understood within its cultural context and may mean something different to each individual.
Transgender <sup>22</sup>	An umbrella term for a person whose gender differs from their sex designated at birth. Transgender people may be binary or non-binary, and some opt for some form of medical intervention (such as hormone therapy or surgery). Used as an adjective rather than a noun, and often shortened to 'trans.'
Transition <sup>23</sup>	Steps taken by transgender people to live in their gender which may include social, legal, or medical aspects. A social transition may include changing clothes, hair, pronouns, or name; a legal transition may include changing name and/or gender marker on legal documents; and a medical transition may include medical treatments such as laser hair removal, hormone therapy, or various surgeries. There are no wrong or right ways to transition; each person will have their own personal goals.
Trans man <sup>24</sup>	A man who was designated female at birth.
Transphobia <sup>25</sup>	Refers to anything that insults, discriminates, or oppresses transgender and gender diverse people.
Transsexual <sup>26</sup>	An older term considered to be outdated by some younger populations. Transsexual is not an umbrella term; those who prefer this term often see it as an important distinction from transgender. It may refer to a person who has had or is in the process of changing their body to affirm their gender.

<sup>19</sup> PRISM Report, above at 3.

<sup>20</sup> PRISM Report, above at 3.

<sup>21</sup> In deed OT, March 2021.

<sup>22</sup> PRISM Report, above at 3.

<sup>23</sup> PRISM Report, above at 3.

<sup>24</sup> PRISM Report, above at 3.

<sup>25</sup> YGENER, MINUS18 (n.d.). Trans 1010 – Gender Diversity Crash Course. [Online] Available from: <https://www.trans101.org.au/pdf/Trans101-PDF-Web.pdf>.

<sup>26</sup> PRISM Report, above at 3.



## Useful Definitions

Trans woman <sup>27</sup>	A woman who was designated male at birth.
Whakawahine <sup>28</sup>	There is no direct English translation, but roughly translates as 'transgender woman'. More literally, it translates as being or becoming, in the manner or spirit of a woman.

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<sup>27</sup> PRISM Report, above at 3.

<sup>28</sup> PRISM Report, above at 3.

## 1. Introduction

These Guiding Principles are designed to help all sporting codes support an environment where transgender, gender diverse and non-binary people are welcome, accepted, and comfortable to enjoy the many benefits that sports have to offer, through the development of a transgender inclusion policy.

The Guiding Principles are intended to provide direction to sporting codes to support the development of their own transgender inclusion policy. In some cases, it might be more appropriate to expand existing policies to include consideration of transgender inclusion. These Guiding Principles also include reference to relevant consultation processes that sporting codes may wish to consider when developing their own transgender inclusion policy.

We appreciate that sporting codes will be at different points in their journey to transgender inclusion in sport. Sport, and in particular community sport, has a unique opportunity to genuinely support and help lead inclusion of the transgender community. It is anticipated that these principles will serve as a catalyst to help nurture a sporting environment that promotes, respects, and celebrates diversity.

There remains a need for further education and guidance about the practical steps' sporting codes can take to ensure that transgender, gender diverse and non-binary people are included in sport. These Guiding Principles seek to encourage members to continue to learn and engage in discussion so that sports can continue to support the transgender community, and therefore the broader community.



## 1.1. Background

The following Guiding Principles have been established following stakeholder engagement with members of the transgender and sporting communities, academics, researchers, and other advocacy groups. The Guiding Principles have also been informed by international sporting policies that are transgender inclusive.

The Guiding Principles: discuss the importance of each Principle to help assist understanding amongst sporting codes, provide tangible examples to support operationalisation of these policies, and include scenarios to support sporting codes with the implementation of the relevant Principles.

### 1.1.1. What does 'transgender' mean?

For the purposes of the Guiding Principles the term 'transgender' is used as an umbrella term for a person whose gender differs from their sex designated at birth.<sup>29</sup> We intend for this term to include Pacific communities such as MVPFAFF.<sup>30</sup>

Gender is part of a person's internal sense of self. It can be female, male, neither, a combination of the two, or exist completely outside of that. Sex however is usually determined by genitalia. A person's gender therefore may or may not align with their designated sex at birth.

Transitioning describes the steps taken by transgender people to live in their gender which may include social, legal, or medical aspects, or may simply be a personal and private decision made by an individual. There is no single approach to transition and no specific set of steps is necessary to 'complete' a transition.

A social transition may include changing clothes, hair, pronouns, or name; a legal transition may include changing name and/or gender marker on legal documents; and a medical transition may include medical treatments such as hair removal, hormone therapy, or various surgeries. There are no wrong or right ways to transition; each person will have their own personal goals and take varying actions as part of their transition. These may be obvious, or they may be very subtle, based on the person's individual choice. Transgender individuals may choose to share this information and their transition process with others, or they may choose to keep it confidential.

## 1.2. Scope

The scope of this work is focussed on community level sport in New Zealand, for all transgender players (both youth and adult). It is accepted that young people compete in different leagues and formats compared to adults for many sports. Principles and policies that are developed therefore need to be cognisant of this fact, as those developed for adults may not be appropriate in addressing the issue of inclusion for young people.

Research into the physiology of transgender sports players and impact of transitioning (for those going through a medical transition) is currently unsettled. The Guiding Principles accept that further research is continuing to be established and that any guidance will need to be regularly updated to reflect this.

Sport celebrates diversity in players. Community sport includes participants with a range of abilities and physiques. Some sports already have mechanisms in place (such as age grades and weight ranges) to address any relevant disparity of players, protect the health and safety of participants, and provide fair and meaningful competition.

<sup>29</sup> PRISM Report, above at 3.

<sup>30</sup> MVPFAFF is an acronym to describe Pasifika identities Mahu (Hawai'i and Tahiti), Vaka sa lewa lewa (Fiji), Palopa (Papua New Guinea), Fa'afafine (Samoa & American Samoa), Akava'ine (Rarotonga), Fakaleiti/Leiti (Tonga), Fakafifine (Niue).



Exclusion from sport can have significant disempowering impacts on transgender, gender diverse and non-binary people, resulting in negative impacts on both mental and physical health.<sup>31</sup> These Guiding Principles are based on the premise that unsettled science around the physiology of transgender players at the community level creates no legitimate exception to a duty of meaningful inclusion of every individual in the community sport of their choosing.<sup>32</sup> To support diversity and inclusion in the broader community, the transgender community needs inclusion in sport to be actively fostered. The foundation of these Guiding Principles is therefore one of inclusivity.

It is recognised that at the elite level, sporting codes will be guided by their relevant international sporting body. Sports are encouraged to have discussions with transgender players about the implications of the talent pathway so that individuals can make informed decisions when entering the sport.

These Guiding Principles accept that inclusion of players in community sport should be considered through an intersectional lens. Intersectionality describes how different parts of a person's identity or circumstances – such as age, race, culture, disability, gender, sex, location, or religion – all intersect and combine to shape people's life experiences. These Guiding Principles have been developed on the assumption that community sports will consider intersectionality in the development of their policies.

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<sup>31</sup> Hargie OD, Mitchell DH, Somerville IJ. 'People have a knack of making you feel excluded if they catch on to your difference': Transgender experiences of exclusion in sport. *International Review for the Sociology of Sport*. 2017;52(2):223-239. doi:10.1177/1012690215583283.

<sup>32</sup> United Nations High Commissioner for Human Rights Report (2020), '[Intersection of race and gender discrimination in sport](#)', p 7.



## 2. Guiding Principles

### 2.1. Inclusion.



**Inclusion.** Inclusion of transgender players in community sport is paramount. Transgender players have the right to play in the gender that they identify with.

#### 2.1.1. Why is this important?

Participation in sport is a powerful means of social inclusion, and a human right.<sup>33</sup> The opportunity to participate in sport should be available to everyone in the community, regardless of their gender.

In New Zealand community sport provides many physical and psychological benefits as well as providing an opportunity for people to socialise, build relationships and engage with their community.

It follows that exclusion from sport can have alienating impacts on individuals and groups. This is particularly harmful to members of the transgender community who already suffer from high levels of mental distress and marginalisation in New Zealand. This can be because of chronic, repeated experiences of exclusion, stigma, and discrimination in many facets of transgender people's daily life.<sup>34</sup>

In 2018 an anonymous survey of 1178 self-identified transgender people and non-binary people in New Zealand showed that of those surveyed:<sup>35</sup>

- more than half of the participants (56 per cent) had seriously thought about attempting suicide in the last 12 months
- almost two in five participants (37 per cent) had attempted suicide at some point and 12 per cent had attempted suicide in the last 12 months.

The survey further found that:

- only 14 per cent of transgender and non-binary people had participated in any sport competitions, events, or other organised activities in the last four weeks, such as bowls, a soccer practice, or a netball game. This is almost half the rate of participation by the general population (26 per cent)
- more than half (61 per cent) of participants were worried about how they would be treated as a transgender or non-binary person in competitive sport. This concern was more common for transgender men (81 per cent) and less common for transgender women (42 per cent)
- one in five participants had been told they could only participate based on their sex designated at birth.

<sup>33</sup> International Olympic Committee (2020) Olympic Charter - in force as from July 2020, page 11. [Online] Available from: <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>

<sup>34</sup> Schrieber K (2016), 'Why Transgender People Experience More Mental Health Issues' Psychology Today. [Online] Available from: <https://www.psychologytoday.com/nz/blog/the-truth-about-exercise-addiction/201612/why-transgender-people-experience-more-mental-health>

<sup>35</sup> Veale J, Byrne J, Tan K, Guy S, Yee A, Nopera T & Bentham R (2019), Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand. Transgender Health Research Lab, University of Waikato: Hamilton NZ, p 66. [Online] Available from: [https://countingourselves.nz/wp-content/uploads/2020/01/Counting-Ourselves\\_Report-Dec-19-Online.pdf](https://countingourselves.nz/wp-content/uploads/2020/01/Counting-Ourselves_Report-Dec-19-Online.pdf)



These results suggest that fear of discrimination and concerns about eligibility limit the opportunities of transgender people to have equal access to sports. This is concerning as exclusion from sport can have significant disempowering impacts on transgender people, negatively impacting both mental and physical health.<sup>36</sup>

A good sport is an inclusive sport. This not only reflects the core value of inclusion but reflects the ever-changing diversity of our local communities which should be welcomed and celebrated. The transgender community live, work and play across New Zealand and it is important that all our sporting community reflect this.

### 2.1.2. How can this best be operationalised? How does this apply in practice?

Establishing an inclusive transgender player policy shows a genuine commitment to ensuring that transgender players are able to take part in sport. It can help indicate to transgender people that they are welcome, encourage them to remain engaged in the sport and provide guidance to staff and volunteers on how to include transgender players and how to appropriately respond to any questions that may arise.

An inclusive transgender policy would allow for players to compete in the gender with which they identify and not the sex they were designated at birth. It would not ask people to prove or otherwise justify their gender.

Example from: Touch Football Australia:<sup>37</sup>

For all Touch Football Australia Affiliate competitions, an individual can participate in the competition/category which best reflects their gender identity.

<sup>36</sup> Hargie OD, Mitchell DH, Somerville IJ. 'People have a knack of making you feel excluded if they catch on to your difference': Transgender experiences of exclusion in sport. *International Review for the Sociology of Sport*. 2017;52(2):223-239. doi:10.1177/1012690215583283.

<sup>37</sup> Touch Football Australia (2020) *Participation Guidelines for the Inclusion of Transgender and Gender Diverse People in Touch Football Affiliates*.





An inclusive transgender policy would also include a clear statement and/or objectives that promotes the inclusion of transgender players.

**Example from Touch Football Australia:<sup>38</sup>**

- To affirm our commitment to supporting the inclusion of transgender and gender diverse identifying people in Touch Football Australia.
- To ensure we foster a safe, welcoming environment for gender-diverse people by eliminating discriminative behaviour within our facilities, programs, and services.
- To affirm our support of gender affirming practices in our programs, operations, and competitions.
- To promote a safe, inclusive, and welcoming environment that engages and keeps participants with diverse genders and sexualities involved in Touch Football.

**Scenario of the benefit of an inclusive transgender policy:**

- Ra is a transgender male. He loves tennis but has not played since he transitioned because he does not want to have to provide proof of identification. The sex listed on Ra's birth certificate and drivers licence differs to his gender identity.
- Ra looks at the application criteria for local tennis clubs and finds one that says all players can participate in the gender with which they identify. Ra calls up the club manager and asks if he can sign up to the men's league.
- The club manager is warm and welcoming and helps Ra process his application.

To ensure that sports are inclusive of transgender, gender diverse and non-binary people it is essential that those who lead sporting bodies (for example the Board) are committed to the inclusion of transgender, gender diverse and non-binary players.

**Example of what leadership demonstrating inclusion could involve:**

- A written commitment in governance processes that the Board will take steps to welcome and include transgender players in their sport and the broader sporting community.
- Actively engaging in the education of players, coaches, staff, and members by providing them with information in induction packs about how to support transgender players.
- Supporting and paying for members to take part in educational rainbow workshops.
- Appointment of an inclusion officer as a point of contact and support for transgender players.

<sup>38</sup> Touch Football Australia (2020) *Participation Guidelines for the Inclusion of Transgender and Gender Diverse People in Touch Football Affiliates*.

## 2.2. Wellbeing + Safety



**Wellbeing + Safety.** The health, safety and wellbeing of all players must be supported.

### 2.2.1. Why is this important?

Player health, safety and wellbeing is central to sport. Caring for players encourages them to become involved in sport, to continue to engage in sport and foster existing talent.

Sporting codes have a duty of care to all players to ensure that they provide a safe and enjoyable sporting environment. Safety includes the physical, emotional, cultural, and spiritual wellbeing of players, including transgender players.

### 2.2.2. How can this best be operationalised? How does this apply in practice?

#### Health and safety policy

The wellbeing and safety of players can be ensured through a health and safety policy.

If a sport code already has their own health and safety policy, this policy should be reviewed to ensure it is inclusive of the transgender community.

If a health and safety policy has not been established, codes can visit [Sport NZ Health and Safety for Clubs](#) for further guidance

Sports codes should support community sport clubs to implement a health and safety policy which applies to their community and considers the diversity of its players. The policy should also align and comply with the *Health and Safety at Work Act 2016*.

#### Commitment to player wellbeing

Consideration of the wellbeing of players can best be operationalised by including a commitment to wellbeing in the relevant Health and Safety policy or transgender inclusion policy.

#### Example of wellbeing principles from Waka Ama New Zealand:<sup>39</sup>

- *Manaakitanga*: We encourage the practice of reciprocity and inclusivity through the sharing of ourselves and of our resources, nurturing all people and accepting our differences.
  - *Whanaungatanga*: Is our sense of belonging, identity, and collective strength, not only through kinship/whakapapa but also being related to all within the Waka Ama community.
- Hauora*: We support and promote the physical, mental, emotional, and spiritual wellbeing of all our participants.
- *Tū Tangata*: We are accountable for our actions. We have respect for each other, for our waka and our environment. We stand proud in our integrity and passion.

<sup>39</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.



### Active steps

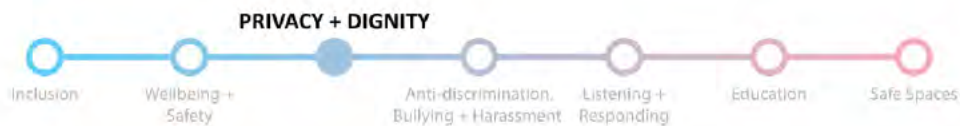
In addition to a transgender inclusion policy, further steps can be taken by sporting providers and organisations (such as clubs, schools and other sporting bodies) to support the health, safety and wellbeing of all players, including transgender, gender diverse and non-binary players.

### Example of active steps that can be taken to support the health, safety, and wellbeing of players:

- Regularly checking that equipment, facilities and programmes meet health and safety standards.
- Having mechanisms in place to allow players to compete safely and ensure the competition is comprised of an appropriately similar cohort of players, for example weight bands and age brackets.
- Appointing a wellbeing officer who is a point of contact and oversees player welfare.
- Providing an anonymous suggestion box so that the community can suggest changes that would enhance the sport and its members experiences.

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## 2.3. Privacy + Dignity

 **Privacy + dignity.** The privacy and dignity of all players must be respected.

### 2.3.1. Why is this important?

Everyone should be made to feel comfortable bringing their true selves to sport. To do so, all players must be treated with dignity and respect.

As the visibility of transgender, gender diverse and non-binary people in the community increases, some people can be curious and want to know more about the experiences of individuals. Disclosing their gender identity may create real or perceived risks of discrimination, and people’s privacy and dignity should be respected.

Transgender, gender diverse and non-binary players may be dissuaded from participating in community sport if they believe that they will be required to provide personal information.

When registering for sport players may be required to provide personal information such as their age, name, or gender. Collection of this information can create additional barriers for transgender, gender diverse and non-binary people because of differences between their sex designated at birth and gender, difference between their preferred name and name as it appears on identity documents, or the structure of the registration form (for example requiring a tick box of Ms/Miss/Mrs/Mr or M/F).

Gender identity is at the core of a person’s being. If someone has shared their gender identity and specifically requested that their identity be kept in confidence, it is an invasion of privacy to share that information elsewhere without the express consent of the individual concerned. It is also inappropriate to refer to people by the incorrect name, gender, and pronouns. Terminology can have an impact on a person’s identity, wellbeing, and inherent dignity. Using appropriate terminology is therefore important to respect and uphold individuality.

### 2.3.2. How can this best be operationalised? How does this apply in practice?

#### Privacy policy

The privacy of players can be ensured through a privacy policy.

If a sport code already has their own privacy policy, this policy should be reviewed to ensure it is respectful of the transgender community and that it is compliant with the provisions of the *Privacy Act 2020*.

If a privacy policy has not been established, more information on privacy responsibilities can be found at:

- The [Privacy Commissioners website](#).
- in the [Privacy Act 2020](#).
- From the [Statistics New Zealand website](#)

Sport bodies should ensure that their transgender inclusion policy refers to the relevant privacy policy and/or includes a privacy and confidentiality section which establishes that all personal information will be collected and handled with confidentiality.

**A strong privacy and confidentiality statement may include the following points:**

- Personal information will only be collected from participants if absolutely necessary and with the individual’s consent (or consent of the parent or guardian where the individual is under the age of 18 years).
- Any information collected, including information about an individual’s gender or sex designated at birth, will not be used, or shared without the express consent of the individual.
- Information will be collected, held, and disclosed in accordance with the *Privacy Act 2020*.

Sports bodies should also consider the type of information they are collecting and ask themselves:

- Why do we collect this information? Is the collection of all private information necessary?
- How do we collect private information? Is it secure? Do we offer safe spaces for people to share their private information?
- What do we do with the private information? Do we ensure that confidentiality is upheld?
- Are we inclusive in the language that we use?

**Registration forms**

Many sporting codes will already have established registration forms in place. Sports codes are encouraged to consider whether the information that they are collecting with their current registration forms is necessary, and if so, whether the language and options could be more inclusive. This could also be supported by ensuring that correct names and pronouns are used and updated on databases, documents, and other correspondence.

Statistics New Zealand provides a [step-by-step guide to determining if and how to collect data](#) relating to sex and gender:

- Is sex or gender information needed?
  - If yes, collect data relating to sex and/or gender.
- Does collection need to identify transgender and cisgender respondents/population?
  - If yes, collect ‘Two-step’ sex at birth and gender information.
- Is intersex population data needed?
  - If yes, collect intersex variation data.





Example questions include:<sup>40</sup>

Gender	Sex at birth	Intersex
What is your gender? <ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• Another gender</li> </ul> Please specify: _____	What was your sex at birth? (for example, what was recorded on your original birth certificate?) <ul style="list-style-type: none"> <li>• Male</li> <li>• Female</li> </ul>	Were you born with a variation of sex characteristics (otherwise known as an intersex variation)? <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• Don't know</li> </ul>

Note: a single gender question will be limited in its ability to identify transgender/cisgender population

Note: multiple responses to these questions are valid.

*Two-step sex at birth and gender information* is recognised as international best practice for identifying transgender and cisgender populations in representative collections. It combines a question on sex at birth with an inclusive gender question.

It should not be assumed individuals grouped as cisgender or transgender identify with these terms – it is reflective only of the relationship between a person’s sex at birth and their gender.

Sex at birth questions can be particularly sensitive for some respondents, therefore steps taken to maximise privacy are recommended (see Statistics New Zealand detailed guide for more information).

Current best practice for collecting information about the intersex population is to ask a question on whether someone was born with an intersex variation separately from a general question on sex or gender.<sup>41</sup>

**Language**

Using inclusive language, asking, and correctly using someone’s pronouns are also simple ways to show respect.

Pronouns are words used to refer to people, for example, she/her, he/him, they/them. It is important to accept and respect the pronouns chosen by people. They should not be assumed based on appearance, name, or any other factor.

It is important to normalise the sharing and asking for pronouns, and as such, it may be appropriate to respectfully ask someone what pronoun they use to describe themselves and use that pronoun. One way to open this conversation is by having an option on any relevant paperwork/forms which asks people what pronoun they use.

<sup>40</sup> Statistics New Zealand, [Guide to determining if and how to collect sex and gender data](#).

<sup>41</sup> Statistics New Zealand, [Guide to determining if and how to collect sex and gender data](#)





**Example of how to ask someone what pronouns they use:**

Respectfully and privately use a question such as “Can I ask what pronoun you use?”. Be careful not to ask what pronoun someone *prefers* as a person’s pronoun and identity are not a preference.

Sports should be gender inclusive in the language that is used. This includes the language used in greeting, on signup sheets and in publications such as on websites.

**Examples of gender inclusive language:**

- “Hey everyone” or “Welcome everyone” rather than “Hi guys” or “Welcome ladies and gentlemen”.
- Using the word “partner” rather than “boyfriend/girlfriend” or “husband/wife”.
- Asking all players what pronouns they use when they register, then using these pronouns in all verbal and written communications.

**Commitment to respect individuals**

Showing a commitment to uphold dignity and respect could also be reflected in a transgender inclusion policy.

**Example of the member expectations from Waka Ama New Zealand and Hockey New Zealand:<sup>42,43</sup>**

Treat the individual with dignity and respect.

<sup>42</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.

<sup>43</sup> Hockey New Zealand (2019) *Transgender Athlete Policy Draft*.



## 2.4. Anti-discrimination, Bullying and Harassment



**Anti-discrimination, Bullying + Harassment.** There is zero-tolerance for discrimination, bullying, and harassment.

### 2.4.1. Why is this important?

Every person in sport, in every role, has the right to participate in an environment that is fun, safe, and healthy, and to be treated with respect, dignity and fairness.

Sports providers and organisations should provide an environment where people are treated fairly and respectfully and free from any form of discrimination. Members, participants, and the community will not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, or harassed. Sports providers and organisations also run the risk of losing their members and volunteers if people feel they have not been treated fairly.

Discrimination is when you are treated worse than someone else in the same or a similar situation. Discrimination on the grounds of race, country of origin, gender identity or sexual orientation that happens in an area of public life is against the law.<sup>44</sup>

Discrimination can be both direct and indirect. Direct discrimination would be a sports provider refusing a transgender woman's application because she is transgender. While indirect discrimination occurs when a condition, requirement or practice that applies to everyone, disadvantages persons of a particular group, and the condition is not reasonable in the circumstances. For example, a sports code requiring a birth certificate on registration can disadvantage transgender players if it does not align with their gender identity.

Bullying is deliberately hurting a specific person either physically, verbally, psychologically, or socially. Bullying can occur both in and outside the area of sport or activity and can involve participants, parents, organisers, volunteers, coaches, spectators, or officials. It is prohibited by most organisations under their Code of Conduct and can result in penalties and punishments being applied. Some forms of bullying constitute assault, harassment, or discrimination.

Harassment means unwelcome behaviour that is offensive, humiliating or intimidating and is either repeated, or of such significant nature, that it has a detrimental effect on the person.

Unwelcome behaviour can be harassment even if the recipient does not tell the other party or parties that their behaviour is unwelcome – and even if there is no intention to offend, humiliate or intimidate. It could even include gossip, jokes, teasing or the use of inappropriate nicknames.

Transgender, gender diverse and non-binary players face many forms of subtle and overt discrimination, teasing, bullying, harassment, and exclusion. Outlined below are some examples of the barriers that transgender players may face:<sup>45</sup>

- being told they are in the wrong bathroom and asked/told to leave
- forms and paperwork being binary in nature
- being asked invasive questions about physical characteristics
- having team members or players from other teams refuse to play with them or otherwise bullying or harassing them

<sup>44</sup> For more information, see the *Human Rights Act 1993*.

<sup>45</sup> Australian Human Rights Commission (2019), *Guidelines for the inclusion of transgender and gender diverse people in sport*, p 38. [Online] Available from: [https://humanrights.gov.au/sites/default/files/document/publication/ahrc\\_transgender\\_and\\_gender\\_diverse\\_guidelines\\_2019.pdf](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_transgender_and_gender_diverse_guidelines_2019.pdf)



- having their privacy breached (for example, walked in on while in the shower)
- being intentionally addressed by incorrect pronouns (for example, calling a transgender woman or girl 'he').

### 2.4.2. How can this best be operationalised? How does this apply in practice?

#### Code of Conduct or Bullying and Harassment Policy

All sports should promote their organisation as one that will not allow or tolerate bullying. This could be supported through a Code of Conduct or a policy that specifically addresses bullying behaviours, such as a Bullying and Harassment Policy.

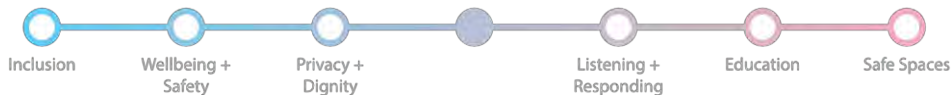
Sports codes should consider reviewing existing Codes of Conduct to ensure that the harassment and discrimination of transgender, gender diverse and non-binary players is specifically addressed. Reference to anti-discrimination should also be included in any policy specifically developed to address the inclusion of transgender, gender diverse and non-binary players.

Good policies address a range of inappropriate behaviours including discrimination, harassment and bullying. These policies can also provide a complaint handling process so organisations can deal with incidents of discrimination, harassment or bullying in a practical manner that is consistent with other inappropriate behaviour. The complaints process should also include avenues for legal redress if appropriate.

For assistance developing a Bullying and Harassment Policy, visit the Sport NZ website:

- [Preventing Bullying and Harassment Policy](#)
- [Preventing Discrimination Policy](#)
- [Equality, Diversity, and Inclusion Policy](#)





**A robust anti-discrimination and harassment policy should:**

- State that discriminatory behaviour and harassment is not condoned.
- Clearly state who the policy applies to (such as coaches, umpires and other officials, staff and administrators, spectators, players, volunteers).
- Indicate what the consequences of a breach are (for example spectators may be asked to leave the sports ground or if the breaches are illegal, may be referred to the relevant authorities)
- Provide members with clear guidance as to where they can complain and how their complain will be handled.
- Communicate the policy with members. For example, clearly display that there is zero tolerance for harassment and discrimination at the sports facility so that all members are aware. This may include posters and flyers in the club house, kitchen and other frequently used areas


**Education**

Education is also important to address discriminatory behaviour [see principle 2.6 below]. All members of the sporting community including staff, officials, coaches, volunteers, and spectators should be educated as to what behaviour is considered harmful and inappropriate, and to help members identify ways that they can be an ally to the transgender community.

**Scenario of the benefit of a good anti-discrimination and harassment policy:**

- Sam is a young transgender female who plays football. When playing a game against another local team one of the opposition players starts yelling offensive things at her and saying that she should not be playing in their competition.
- Sam is upset and is unsure whether there is anything she can do about it. Her coach notices that she is upset and talks with Sam about what happened. The coach reminds Sam that bullying is not tolerated on or off the field and offers her support.
- Following their club Bullying and Harassment Policy, the coach talks with Sam about the possibility of meeting with the opposition coach and player. Sam decides she does not want to meet with the player but would like her coach to speak to the other player. Sam’s coach therefore arranges a meeting with the opposition coach and player to discuss the incident. The opposition coach advises that the player has received a warning.
- The player apologises for their actions and writes a letter of apology to Sam.

## 2.5. Listening + Responding

 **Listening + Responding.** Players must be listened to and provided appropriate options and complaints procedures.

### 2.5.1. Why is this important?

It is important that a grievance and complaints procedure is available to all players so that members can have confidence that any concerns raised will be heard. Providing appropriate grievance procedures also communicates to players the importance of transgender inclusion and that the sports provider takes their commitment to inclusion seriously.

### 2.5.2. How can this best be operationalised? How does this apply in practice?

Complaint's procedures

It is important that complaints procedures are accessible, transparent, and anonymised so that members are comfortable raising a complaint. Sporting providers may choose to incorporate grievance procedures into their specific transgender inclusion policy, or if they already have relevant grievance and complaints procedures, they may seek to expand them to reference transgender inclusion.

All players should know where they can raise a complaint and need to be encouraged to do so should discriminatory or inappropriate behaviour take place. The grounds under which grievances or complaints can be made should be clearly stipulated in any transgender inclusion policy. There also needs to be an independent avenue of review for any decision made.

For assistance developing a Complaints Policy visit Sport NZ's [Complaints Procedure](#).

Example of what a good complaints process should consider:

- Listen to players and hear their concerns. Ask them how they would like the issue to be addressed.
  - Clearly direct the player to where they can make a complaint.
  - Allow a complaint to be made on behalf of a player (for example a coach laying a complaint on behalf of a player).
  - Outline how the complaint will be responded to.
  - Offer a formal complaints process and where appropriate, offer informal resolution. Where possible offer a confidential and/or independent complaints process.
  - Inform members that they can contact the [NZ Human Rights Commission](#) who offer a free, formal enquiries and [complaints service](#) to deal with unlawful discrimination.
- Include a statement that encourages the community to speak out and raise complaints when there is inappropriate conduct or practice taking place.



## 2.6. Education



**Education.** Education of ourselves and our communities must be a priority to help us support transgender players.

### 2.6.1. Why is this important?

Education is crucial to support the inclusion of transgender, gender diverse and non-binary players and further embed any relevant policies within sporting codes. The sporting community needs to continue to expand their understanding of the transgender and rainbow community, understand the importance of taking steps to include transgender players, and recognise what they can do to be an active ally.

Education is critical as it can help to increase the confidence of communities to engage in these matters. Education can also be used to help raise awareness about harassment, provide tools to recognise harassment and develop skills to address it.

More broadly education is important to help create a cultural shift. More can and needs to be done to include the transgender and rainbow community. To see a change in culture and conversation we need to educate ourselves.

### 2.6.2. How can this best be operationalised? How does this apply in practice?

#### Frequently Asked Questions

One way to support education is to link or attach some Frequently Asked Questions to the transgender inclusion policy. This can help respond to questions or concerns that may be raised in relation to transgender sports.

**Example of information that could be included as Frequently Asked Questions drawn from the Australian Human Rights Commission:**<sup>46</sup>

**1. Are transgender, gender diverse and non-binary players really excluded from sports?**

Yes. Sport, particularly at the community level, is supposed to be a mechanism by which people can enjoy physical exercise and gain a sense of community. However, there are many examples of transgender players being excluded from sports. Examples of exclusion may include: a transgender woman being excluded from participation in a men's sporting club, or a transgender player not having an appropriate bathroom, change room or uniform.

**2. What about testosterone?**

The hormone testosterone is produced by the body with males generally producing more testosterone than females. There is some research relating to the impact of testosterone on the sporting performance of transgender women. The research is unsettled. There are a diverse and varied range of factors that impact on sporting ability and prowess.

<sup>46</sup> Australian Human Rights Commission (2019) [Guidelines for the inclusion of transgender and gender diverse people in sport](#).



### 3. What about safety?

In considering the safety of players at the community level, a multifaceted view should be taken which includes the physical, psychological, and cultural safety of all players.

The gender identity of a player does not create a danger or risk to safety. Transgender players, as with all cisgender players, are diverse and varied in their height, weight, strength, and stamina. Depending on the sport, mismatches or significant disparities among players may contribute to a risk to safety. Various sports have age and weight restrictions to reduce mismatches and any subsequent injuries that may arise. In some sporting codes, there is a long-established acceptance of physical mismatches, such as basketball.

Sports often have codes of conduct which include principles of fairness and respect, as well as rules for participation in the game. All players must know the rules of the game, and participate in the sport with informed consent, knowing that injury is an inherent risk when playing sport. If rough conduct or unsafe play occurs, the code of conduct or rules of the relevant sporting code should be enacted, and players should be penalised appropriately to ensure the safety of all players.

#### Commitment to education

A strong transgender inclusion policy would include a commitment to continuing education. Sports should engage with resources and information that are available about the transgender community and provide links to members so they can access the information themselves.

**Example of a commitment to education from Waka Ama New Zealand and Hockey New Zealand:**<sup>47,48</sup>

Waka Ama is committed to educate the membership about trans identified and principles of transgender inclusion. If any clubs need support in this area Waka Ama NZ will do all they can to assist.

#### Link to further resources

Another way to support education is to provide links to relevant resources. For example, for further information and resources visit the following sites:

- [Drug Free Sport NZ](#) – New Zealand’s national anti-doping organisation.
- [F’INE](#) – a Pasifika LGBTQI-focussed provider, providing whānau ora navigational services in the Auckland region.

<sup>47</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.

<sup>48</sup> Hockey New Zealand (2019) *Transgender Athlete Policy Draft*.

<sup>49</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.

<sup>50</sup> Hockey New Zealand (2019) *Transgender Athlete Policy Draft*.

- [Gender Minorities Aotearoa](#) – a cross cultural, transgender-led organisation that operates on a Kaupapa Māori public health framework. It provides research, information and resources, advocacy, education and training, support, and referrals to other services.
- [How to be a trans ally](#) – a resource created in collaboration with Lush and InsideOUT is a simple guide about how to be a great ally to the transgender and gender diverse communities.
- [InsideOUT](#) – works to give rainbow young people in Aotearoa New Zealand a sense of safety and belonging in their schools and communities.
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- [OUTLine](#) – confidential, free, LGBTQI+ affirming support line and face-to-face counselling.
- [Rainbow YOUTH](#) – a charitable organisation dedicated to helping young queer and gender diverse people up to the ages of 27, as well as their wider communities.
- [Sport New Zealand](#) – is the kaitiaki of the play, active recreation and sport system in Aotearoa New Zealand.

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## 2.7. Safe Spaces



**Safe Spaces.** Safe and welcoming spaces, facilities and uniforms need to be designed.

### 2.7.1. Why is this important?

An inclusive sporting organisation is a good organisation, and an inclusive event is a good event. To help ensure that transgender, gender diverse and non-binary players are genuinely included in the sporting community consideration needs to be given to supporting the design and development of safe and welcoming spaces, facilities, events, travel arrangements and uniforms. These will be complemented by the use of inclusive language [see above at 2.3]. It is important to ensure that the sporting provider’s ‘home-base’ is inclusive. To the greatest extent possible, providers should also ensure that any host environments when people travel for sport are also inclusive.

Transgender, gender diverse and non-binary players may face additional difficulty participating in sport if there are no appropriate facilities, uniforms, or travel arrangements for them.

### 2.7.2. How can this best be operationalised? How does this apply in practice?

#### Facilities

Ask the player which facilities they would prefer to use and endeavour to accommodate their wishes.

Facilities should be user friendly, well maintained, and safe. There needs to be suitable changing rooms and bathroom facilities that ensure the privacy of individuals. Some individuals may choose to use the facilities of their gender, while others may prefer private or gender-neutral facilities.

Where new facilities are being built or upgraded, sports should advocate for more inclusive gender-neutral spaces and more private spaces so that people can use them safely and comfortably.

Many sports providers may be operating with older facilities. Below are some suggested changes that providers could make to ensure facilities are more welcoming.

#### Example of how to create safer facilities:

- Making some bathrooms unisex by removing urinals and including cubicles,
- Modifying changerooms and bathrooms to create private spaces by hanging curtains or putting in room dividers,
- Making men showers private, and
- Changing signage to be unisex/gender neutral.

#### Uniforms

Players should be allowed to participate in the uniform in which they feel most comfortable.

Sports could reconsider current uniform requirements to consider whether different men’s and women’s uniforms are necessary. If they are, sports should ensure that players are able to dress consistently with their gender (this includes uniforms, formal attire, and any other team dress code). Sports should also consider whether they redesign uniforms so that they are more accommodating of a range of different body types and shapes.





**Travel**

Sports are encouraged to be proactive when taking trips and to consider where a transgender, gender diverse and non-binary player would like to stay and to endeavour to accommodate those wishes.

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### 3. Consultation and development of transgender inclusive policies

This section of the Guiding Principles seeks to provide support to sporting codes to develop their own policies based on the Principles above.

It considers who and how to consult, what to consider when drafting policies, what content to include and what broader policy support is required.



#### 3.1. Consultation

To ensure that a robust and appropriate transgender inclusion policy is adopted, each sporting code should ensure that they consult with relevant stakeholders in a meaningful way.

Relevant stakeholders include:

- Transgender community
- Sports providers and organisations (such as community clubs/school clubs/other sporting bodies)
- Current sports players
- Relevant leadership body (for example the Board)
- Governing sports body (for example Netball New Zealand)
- Representative bodies for the rainbow community.

In drafting the transgender inclusion policy, it is helpful to remember the slogan: *Nothing about us without us*. No policy should be decided by any representative without the full participation of members who are affected by that policy.

If sporting codes are not aware of any transgender, gender diverse and non-binary players in their sporting code who can help inform the development of the transgender inclusion policy, consideration should be provided to engagement with transgender or rainbow organisations, or members of a similar code that can provide additional support.

**Benefits of effective consultation**

Consultation is a valuable investment as it helps add value to the policy that is developed, maintains transparency, and strengthen community trust, and create a more sustainable and appropriate policy.

Consultation is important so that members of the community and users of the policy are part of its development. Bringing members of the relevant community along the journey not only helps ensure that the final product is fit for purpose, but it also creates a sense of ownership and understanding within the community of the importance of the policy.

**How to consult**

Reach out to members and see if they would be interested in engaging in the development of a transgender inclusion policy.

Hold meetings in spaces that people would feel comfortable sharing their experiences and opinions on the policy.

Be tactful in the questions asked. A transgender person's experience is personal, so be respectful of their privacy and the information that they choose to share.

### 3.2. Drafting considerations

- Make sure the transgender inclusion policy is written in plain and simple language. The policy should be able to be picked up by community sports organisers and applied.
- Ensure that any linked policies (for example a privacy policy or health and safety policy) are updated and inclusive of the transgender community.
- Be clear who the policy applies to. For example, clubs, organisers/administrators, officials/referees (coaches, players, families, and spectators).
- Establish the scope of the policy. A sticking point for many sporting codes will be determining at what level the community game ends. Community sport in New Zealand can quickly become competitive and there is no one size fits all approach. The line between community and elite/competitive sport should be made clear in the relevant policy.

Codes are encouraged to include an Appendix to the policy which establishes what grades/competitions/teams are considered within the scope of the policy. Including this list as an Appendix allows for the list to be amended and updated.

Competitions, leagues, or events that would not be subject to the policy may include events for those seeking representative selection to national teams that would compete in competitions governed by the code's international sporting body.

- Determine how often the policy will be reviewed to ensure that it remains relevant. For example, it may be reviewed annually.

### 3.3. Content

In developing a transgender player policy, consider the Guiding Principles and the discussion about how they can best be operationalised and applied in practice.

A summary of the relevant elements to consider to ensure a robust transgender inclusion policy are outlined in Table 1 below.



Table 1: Elements to consider for a robust transgender player policy

Guiding Principle	Policy Considerations
 <p><b>Inclusion</b></p> <p>Inclusion of transgender players in community sport is paramount. Transgender players have the right to play in the gender that they identify with.</p>	<ul style="list-style-type: none"> <li>Do you allow for players to compete in the gender with which they identify?</li> <li>Do you have any statement or objectives that promote the inclusion of transgender, gender diverse and non-binary players?</li> <li>Does your leadership take active steps to include transgender players?</li> </ul>
 <p><b>Wellbeing + Safety</b></p> <p>The health, safety and wellbeing of all players must be supported.</p>	<ul style="list-style-type: none"> <li>Do you have a robust health and safety policy?</li> <li>Do you have any statement or objectives that promote player welfare?</li> <li>Do you take active steps to support the health, safety, and wellbeing of players?</li> </ul>
 <p><b>Privacy + Dignity</b></p> <p>The privacy and dignity of all players must be respected.</p>	<ul style="list-style-type: none"> <li>Do you have a privacy and confidentiality policy which establishes that personal information will be collected and handled appropriately?</li> <li>Do you have inclusive sign-up forms?</li> <li>Have you used the correct names and pronouns on databases, documents, and other correspondence?</li> <li>Do you ask members what pronouns to use?</li> <li>Do you use inclusive language?</li> <li>Do you have any statement or objectives that commits to treating all individuals with dignity and respect?</li> </ul>
 <p><b>Anti-discrimination, Bullying and Harassment</b></p> <p>There is zero-tolerance for discrimination, bullying, and harassment.</p>	<ul style="list-style-type: none"> <li>Do you have a Bullying and Harassment Policy or Code of Conduct with a zero-tolerance for discrimination and harassment?</li> </ul>
 <p><b>Listening + Responding</b></p> <p>Players must be listened to and provided appropriate options and complaints procedures.</p>	<ul style="list-style-type: none"> <li>Do you have a complaints process that is accessible, transparent, and anonymous? If not, consider using the all of sports complaints process.</li> </ul>
 <p><b>Education</b></p> <p>Education of ourselves and our communities must be a priority to help us support transgender players.</p>	<ul style="list-style-type: none"> <li>Have you engaged with resources about the transgender community to educate yourself?</li> <li>Do you have any statement or objectives that commits to continuing education?</li> <li>Have you shared helpful links with your community to help educate them?</li> </ul>



### Safe Spaces

Safe and welcoming spaces, facilities and uniforms need to be designed.

- Do you have appropriate facilities?
- Do you have uniform options for players?
- Have you considered what safe travel would look like for transgender, gender diverse and non-binary players?

## 3.4. Supporting implementation

Implementation of a transgender inclusion policy can be supported by appointing a Champion from within the sporting organisation and by complementing the relevant policy with an educative component.

### Appointing a champion

Sporting codes should consider if there is someone who can champion this work and be a point of contact for the community should they have any questions or concerns. The Champion would be expected to fully understand the policy and support its implementation and socialisation across the sporting organisation.

### Community education

To assist in uptake and understanding of the policy it is also suggested that community education takes place alongside implementation. This could include workshops with regional representatives, providing community organisers with information packs, holding an online seminar explaining the background to the policy and how it applies.

## 3.5. Further support and assistance

For further support in developing a transgender inclusion policy, sporting providers may wish to contact:

- [Drug Free Sport NZ](#) – New Zealand's national anti-doping organisation.
- [F'INE](#) – a Pasifika LGBTQI-focussed provider, providing whānau ora navigational services in the Auckland region.
- [Gender Minorities Aotearoa](#) – a cross cultural, transgender-led organisation that operates on a Kaupapa Māori public health framework. It provides research, information and resources, advocacy, education and training, support, and referrals to other services.
- [How to be a trans ally](#) – a resource created in collaboration with Lush and InsideOUT is a simple guide about how to be a great ally to the transgender and gender diverse communities.
- [InsideOUT](#) – works to give rainbow young people in Aotearoa New Zealand a sense of safety and belonging in their schools and communities.
- [NZ Human Rights Commission](#) – advocate for the fair treatment of all members of the LGBTQI+ community. The Human Rights Commission offers a free, informal enquiries and [complaints service](#) to deal with unlawful discrimination.
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- [Sport New Zealand](#) – is the kaitiaki of the play, active recreation and sport system in Aotearoa New Zealand.



**From:** 9(2)(a)  
**To:** 9(2)(a)  
**Cc:** [Simon Dunkerley](#)  
**Subject:** RE: Laurel Hubbard Selection  
**Date:** Monday, 21 June 2021 9:35:00 am

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Hi 9(2)(a)

Here's the revised criteria: [T2020-OS\\_Application-Process.pdf \(iwf.net\)](#) (here's the original link, but the document link doesn't work [IOC Approves Revised Weightlifting Olympic Qualification System For Tokyo 2020 - International Weightlifting Federation International Weightlifting Federation \(iwf.net\)](#))

This article explains the revision and quite well: [NZ weightlifter set to become first transgender Olympic athlete \(espn.com\)](#)

Any questions please let us know

9(2)(a)

9(2)(a) || Ministerial Lead  
9(2)(a)  
[sportnz.org.nz](#)

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**From:** 9(2)(a) <9(2)(a)@parliament.govt.nz>  
**Sent:** Monday, 21 June 2021 9:17 am  
**To:** 9(2)(a) <9(2)(a)@sportnz.org.nz>  
**Cc:** Simon Dunkerley <Simon.Dunkerley@sportnz.org.nz>  
**Subject:** Laurel Hubbard Selection

Hi 9(2)(a)

Can you acquire for me the specific **International Weightlifting Federation criteria** which Laurel Hubbard qualifies under? The Minister has requested it today if possible.

I've tried searching their website – which looks like it was made in 1995 - but can't find it!

Thanks.

Ngā mihi

9(2)(a)

9(2)(a) | **Private Secretary for Sport and Recreation | Office of the Hon Grant Robertson**  
Deputy Prime Minister, Minister of Finance, Minister for Infrastructure, Minister for Sport and Recreation, Minister for Racing  
Parliament Buildings | Wellington | 9(2)(a) |

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**From:** 9(2)(a)



**Sent:** Friday, 18 June 2021 5:05 PM  
**To:** 9(2)(a) <[REDACTED]@parliament.govt.nz>  
**Cc:** 9(2)(a) <[REDACTED]@parliament.govt.nz>  
**Subject:** Laurel Hubbard Selection

Hello,

See below. Laurel Hubbard will be selected to the New Zealand Team on Monday. Will go public at about 10am.

I'll pop this email in the Minister's weekend bag alongside a transgender participation briefing.

Ngā mihi

[REDACTED]

**9(2)(a)** | **Private Secretary for Sport and Recreation | Office of the Hon Grant Robertson**  
Deputy Prime Minister, Minister of Finance, Minister for Infrastructure, Minister for Sport and Recreation, Minister for Racing  
Parliament Buildings | Wellington | +64(0)22 379 9776 |

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**From:** 9(2)(a) <[REDACTED]@olympic.org.nz]>  
**Sent:** Friday, 18 June 2021 4:31 PM  
**To:** 9(2)(a) <[REDACTED]@parliament.govt.nz>  
**Cc:** Kereyn Smith <[REDACTED]@[REDACTED].xxx.xx>; Kay Thomson ([REDACTED]@[REDACTED].xxx.xx) <[REDACTED]@[REDACTED].xxx.xx>; [REDACTED]@[REDACTED].xxx.xx; [REDACTED]@[REDACTED].xxx.xx  
**Subject:** Laurel Hubbard Selection

Dear [REDACTED]

We wanted to let you know that Laurel Hubbard, along with other members of the NZ Weightlifting Team will be selected to the New Zealand Team next Monday 21<sup>st</sup> June. The news will be made public on Monday at about 10am and will be followed by a casual press conference led by Kereyn Smith and Richie Patterson (President Olympic Weightlifting NZ, Olympian and NZOC Athletes' Commission member). Laurel herself is not available for media however has prepared a short statement.

We will then host a media opportunity on Tuesday for the rest of the team.

We understand the issue of transgender athletes in sport in New Zealand has attracted public attention recently – both around Laurel but also the Sport NZ consultation. To assist you with any media queries:

#### General

- We welcome Laurel to the New Zealand Team (as of Monday)
- Like all athletes in the team, Laurel has met Commonwealth Games, International Federation and NZOC eligibility criteria.
- She also meets the guidelines outlined in the IOC Consensus Statement, on which IWF

eligibility criteria is based.

- As we do with all athletes, (If selected) the New Zealand Olympic Committee and Commonwealth Games Association will work with Laurel and the wider weightlifting team to make sure she has the environment and resources she needs to represent New Zealand with honour and pride at Tokyo 2020.

### **Gender Identity and Olympic Games**

- Gender identity and sport is a highly sensitive issue.-
- Human rights must be balanced with fairness on the field of play-
- The IOC Consensus Statement on sex reassignment and hypoandrogenism in athletes was developed by medical and sporting experts to put some guidelines in place around this sensitive issue.
  - These guidelines set permitted levels testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded.
  - While developed by medical, scientific and human rights experts, research into this area continues. We support ongoing steps to understand this issue and ensure that sport remains open and inclusive for all while protecting an even field of play.
- Eligibility criteria for the Olympic Games is set by the International Federation concerned – in this case the International Weightlifting Federation.
- There is a standard process for nomination and selection that applies to all athletes looking to be part of an Olympic or Commonwealth Games team.
- We appreciate the complexity and sensitivity of the discussion and look forward to ongoing research to support a greater understanding of the issue both around the world, and here in New Zealand.

### **NZOC Human Rights Policy**

- As enshrined in the NZOC's human rights policy, the New Zealand Olympic Committee recognizes, and is committed to upholding, the equal rights of everyone affected by its activities, in particular in providing NZOC Personnel and its Games Athletes and Team Support with a safe, inclusive and accessible environment in which to work and/or compete and excel at Olympic and Commonwealth Games.

Among other things, the NZOC will:

- Not tolerate any form of discrimination and enforce non-discriminatory policies and agreements.
- The New Zealand Olympic Committee oppose discrimination on the basis of ethnic origin, religion, political belief, gender, sexuality, marital status, family, age, disability or socio-economic background;
- Advocate equal opportunities for all through sport.
- Be committed to gender equality with a range of policies and programmes to support gender equity, in alignment to the themes and recommendations within the IOC Gender Equality Review Project (published by IOC in 2018);
- Use our role as a member of the International Olympic Committee and CGF to promote human rights within the Olympic and Commonwealth Games movements;
- Respect the eligibility provisions of International Federations, the International Olympic

Committee or the Commonwealth Games Federation (as applicable) on the participation of Transgender Athletes wishing to compete in their declared gender, and Athletes with Disorders of Sexual Differentiation wishing to compete on a case by case basis, in Olympic and Commonwealth Games. In the event there are no applicable provisions, the NZOC will apply the principles of the IOC Consensus in selecting athletes for the Olympic or Commonwealth Games;

#### **NZ Government Response (as per previous)**

- New Zealand has a reputation in the international sporting community of upholding fair play, and promoting diversity and inclusion.
- We are a nation that is known for its values in sport and commitment to inclusion, integrity, equity and diversity, and we can use our voice to help ensure our athletes – regardless of age, gender, ethnicity or sexual orientation – have access to sporting opportunities and the best possible pathways to reach the podiums on the world stage.
- XXX has met international conditions of eligibility for competition which are set by the International Federation, and the International Olympic Committee. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play.
- The New Zealand Olympic Committee aims to provide a safe and secure high-performance environment for all athletes that meet the relevant criteria and are part of the New Zealand Teams.

#### **NZ Team Environment**

- The New Zealand Olympic Committee is committed creating and supporting a strong and positive team culture at Olympic and Commonwealth Games.
- This team performance culture is founded on values such as excellence, respect and integrity.
- We have a number of processes and protocols in place that ensure the Commonwealth Games New Zealand Team environment is safe and supports all athletes.
- The Integrity Regulation, the Athlete Agreement, the Social Media Guidelines, Inclusion Position Statement and Child Protection Policy and the Team Manaaki (games time performance culture and protocols) are among these.
- The well-being of our team is our highest priority and we look forward to creating and supporting a games time environment that supports, respects and includes all athletes at Tokyo 2020

Kind Regards

9(2)(a)

The information contained in this message and or attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any system and destroy any copies.

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9(2)(a)

**From:** 9(2)(a)  
**Sent:** Wednesday, 4 August 2021 11:37 am  
**To:** 9(2)(a)  
**Subject:** FW: Laurel Hubbard Selection - additional messaging

9(2)(a) | Ministerial Lead  
9(2)(a)  
[sportnz.org.nz](http://sportnz.org.nz)

**From:** 9(2)(a)@sportnz.org.nz  
**Sent:** Tuesday, 22 June 2021 11:47 am  
**To:** 9(2)(a)@parliament.govt.nz  
**Cc:** Simon Dunkerley <Simon.Dunkerley@sportnz.org.nz>; 9(2)(a)@sportnz.org.nz  
**Subject:** Re: Laurel Hubbard Selection - additional messaging

Hi 9(2)(a)

Further to the messaging that has been sent thorough by NZOC, please find below some high level messaging that the Minister may want to use should he field any questions about Laurel Hubbard's selection.

- New Zealand has a reputation in the international sporting community of upholding fair play, and promoting diversity and inclusion.
- We are a nation that is known for its values in sport and commitment to inclusion, integrity, equity and diversity, and we can use our voice to help ensure our athletes – regardless of age, gender, ethnicity or sexual orientation – have access to sporting opportunities and the best possible pathways to reach the podiums on the world stage.
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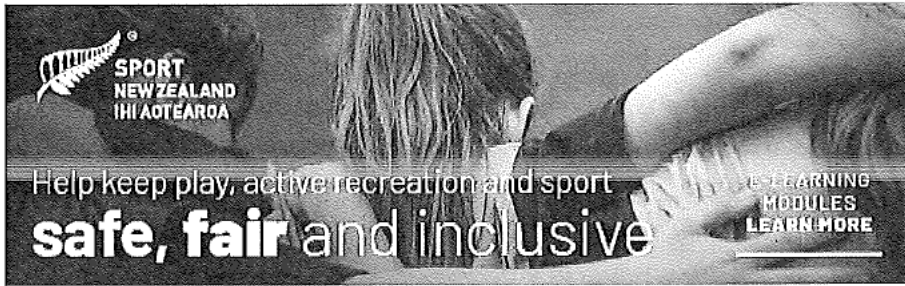
Ngā mihi

9(2)(a)  
Senior Ministerial Communications and Servicing Advisor  
Mobile 9(2)(a)



[sportnz.org.nz](http://sportnz.org.nz)





**From:** 9(2)(a)@olympic.org.nz  
**Sent:** Friday, 18 June 2021 4:31 PM  
**To:** 9(2)(a)@parliament.govt.nz  
**Cc:** Kereyn Smith <Kereyn@olympic.org.nz>; Kay Thomson <Kay.Thomson@sportnz.org.nz>; Michelle Pickles <Michelle.Pickles@sportnz.org.nz>; Philip Clark <Philip.Clark@sportnz.org.nz>  
**Subject:** Laurel Hubbard Selection

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- As we do with all athletes, (If selected) the New Zealand Olympic Committee and Commonwealth Games Association will work with Laurel and the wider weightlifting team to make sure she has the environment and resources she needs to represent New Zealand with honour and pride at Tokyo 2020.

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- Gender identity and sport is a highly sensitive issue.-
- Human rights must be balanced with fairness on the field of play-
- The IOC Consensus Statement on sex reassignment and hypoandrogenism in athletes was developed by medical and sporting experts to put some guidelines in place around this sensitive issue.

- These guidelines set permitted levels testosterone for males who have transitioned to female, as well as guidance around the period of time necessary for these levels to have been recorded.
- While developed by medical, scientific and human rights experts, research into this area continues. We support ongoing steps to understand this issue and ensure that sport remains open and inclusive for all while protecting an even field of play.
- Eligibility criteria for the Olympic Games is set by the International Federation concerned – in this case the International Weightlifting Federation.
- There is a standard process for nomination and selection that applies to all athletes looking to be part of an Olympic or Commonwealth Games team.
- We appreciate the complexity and sensitivity of the discussion and look forward to ongoing research to support a greater understanding of the issue both around the world, and here in New Zealand.

### **NZOC Human Rights Policy**

- As enshrined in the NZOC's human rights policy, the New Zealand Olympic Committee recognizes, and is committed to upholding, the equal rights of everyone affected by its activities, in particular in providing NZOC Personnel and its Games Athletes and Team Support with a safe, inclusive and accessible environment in which to work and/or compete and excel at Olympic and Commonwealth Games.

Among other things, the NZOC will:

- Not tolerate any form of discrimination and enforce non-discriminatory policies and agreements.
- The New Zealand Olympic Committee oppose discrimination on the basis of ethnic origin, religion, political belief, gender, sexuality, marital status, family, age, disability or socio-economic background;
- Advocate equal opportunities for all through sport.
- Be committed to gender equality with a range of policies and programmes to support gender equity, in alignment to the themes and recommendations within the IOC Gender Equality Review Project (published by IOC in 2018);
- Use our role as a member of the International Olympic Committee and CGF to promote human rights within the Olympic and Commonwealth Games movements;
- Respect the eligibility provisions of International Federations, the International Olympic Committee or the Commonwealth Games Federation (as applicable) on the participation of Transgender Athletes wishing to compete in their declared gender, and Athletes with Disorders of Sexual Differentiation wishing to compete on a case by case basis, in Olympic and Commonwealth Games. In the event there are no applicable provisions, the NZOC will apply the principles of the IOC Consensus in selecting athletes for the Olympic or Commonwealth Games;

### **NZ Government Response (as per previous)**

- New Zealand has a reputation in the international sporting community of upholding fair play, and promoting diversity and inclusion.
- We are a nation that is known for its values in sport and commitment to inclusion, integrity, equity and diversity, and we can use our voice to help ensure our athletes – regardless of age, gender, ethnicity or sexual orientation – have access to sporting opportunities and the best possible pathways to reach the podiums on the world stage.
- XXX has met international conditions of eligibility for competition which are set by the International Federation, and the International Olympic Committee. These requirements and guidelines have been designed to balance an individual's right to compete while ensuring a fair field of play.
- The New Zealand Olympic Committee aims to provide a safe and secure high-performance environment for all athletes that meet the relevant criteria and are part of the New Zealand Teams.

### **NZ Team Environment**

- The New Zealand Olympic Committee is committed creating and supporting a strong and positive team culture at Olympic and Commonwealth Games.
- This team performance culture is founded on values such as excellence, respect and integrity.
- We have a number of processes and protocols in place that ensure the Commonwealth Games New Zealand Team environment is safe and supports all athletes.



- The Integrity Regulation, the Athlete Agreement, the Social Media Guidelines, Inclusion Position Statement and Child Protection Policy and the Team Manaaki (games time performance culture and protocols) are among these.
- The well-being of our team is our highest priority and we look forward to creating and supporting a games time environment that supports, respects and includes all athletes at Tokyo 2020

Kind Regards

9(2)(a)

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# Transgender Guiding Principles Update

Provided to Minister's office on 6 July 2021

<b>To</b>	Minister for Sport and Recreation
<b>Date</b>	6 July 2021
<b>Subject</b>	Update on Sport NZ's Transgender Guiding Principles
<b>From</b>	Simon Dunkerley, Acting Policy Manager
<b>Sensitivity</b>	In Confidence

## Purpose

1. The purpose of this briefing is to provide you with an update on Sport NZ's work with Allen + Clarke to prepare a set of draft Guiding Principles for transgender participation in sport ahead of a meeting with officials and representatives from the National, ACT and Green parties on Wednesday 7 July.

### **Sport NZ commissioned Allen + Clarke to develop Guiding Principles for community level sport, this work is still ongoing**

2. Sport New Zealand (Sport NZ) is currently working on drafting a set of Guiding Principles for the inclusion of transgender individuals in community sport. Sport NZ has engaged a consultancy firm, Allen + Clarke to assist with this work.
3. In July 2020, NZ Rugby engaged Allen + Clarke to develop a proposed transgender policy for rugby players at the community level. This was following transgender player guidance released by World Rugby, which meant that NZ Rugby needed to develop their own policy.
4. Shortly thereafter (September 2020), Sport NZ engaged Allen + Clarke to establish a set of Guiding Principles for the inclusion of transgender players in community sport. The purpose was to create Principles that we can share with partners across the sector to help them develop their own policies.
5. Allen + Clarke are expected to provide Sport NZ with a report (including final draft Guiding Principles) in mid July 2021.
6. It is important to note that the Guiding Principles are for sport at the community level. International guidelines and regulations from international bodies (ie, specific levels of

testosterone) will continue to govern elite level sport (eg, the Olympics or international competitions).

### The Guiding Principles will have wider consultation with sports and athletes

7. This is a new and complex issue for the sport sector, and one in which there is a need to balance human rights and safety. We recognise it will take time for everyone to become comfortable with it and how it is best managed. Meaningful consultation is an important step towards this.
8. There have been two phases of consultation so far. Initial stakeholder engagement took place over a three-week period in November and December last year. This involved a representative group of stakeholders (e.g. rainbow community, academics, sports and advocates for women's sport).
9. The second phase of consultation is currently taking place to confirm with those initially consulted that the draft guidelines reflect what they discussed and fed into the process.
10. The Guiding Principles are not yet final and will be subject to further consultation. Once a final draft has been received from Allen + Clarke a broader consultation process with sports and athletes will be undertaken to finalise the Guiding Principles. After this broader consultation is completed, and once the Guiding Principles are finalised, they will be shared with sports organisations and Sport NZ will then support them to develop policies for individual codes.
11. The Guiding Principles will not impose any obligations on sporting organisations. The issues around transgender participation vary significantly from sport to sport. Any decision about new policies, what they look like and when they are implemented will be a decision for individual sports.

### There are seven Guiding Principles

12. The draft Guiding Principles (attached) are intended to provide overarching guidance for all sporting codes to consider when looking at supporting the inclusive, safe and fair participation of all participants in community sport. It is intended that this guidance will be a resource for sporting codes to use as the basis for the development, in consultation with their members, of their own policies specific to the particular features of their sport.
13. There are seven draft Guiding Principles:
  - **Inclusion** – the opportunity to participate in sport should be available for everyone in the community, and transgender participants should be able to participate in the gender they identify with.
  - **Wellbeing and Safety** – player health, safety and wellbeing must be supported.
  - **Privacy and Dignity** – of all players must be respected.
  - **Anti-discrimination, bullying and harassment** – zero tolerance for this behaviour.
  - **Listening and Responding** – players must be listened to and provided appropriate options and complaints procedures.
  - **Education** – education of ourselves and our communities must be a priority to help us support transgendered players.
  - **Safe Spaces** – safe and welcoming spaces, facilities and uniforms for all participants need to be designed.



14. The Guiding Principles are for participation in community sport. That is sports that are below the elite level, usually amateur or social sport and active recreation. While many of these types of sport are competitive they are comprised of participants who are not expected to be subject to medical or hormonal testing.

### Elite level sport

15. The Guiding Principles recognise that at the elite level, sporting codes will be guided by their relevant international sporting body. Depending on the characteristics of the sport, there may be implications on the talent pathway to elite sport – the Guiding Principles encourage sports to consider this and discuss with their members when designing their policies. For example, competition, leagues or events that may not be subject to the policy may include events for those seeking representative selection to national teams that would compete in competitions governed by the codes international body.

#### *Example: International Olympic Committee's Transgender Guidelines*

16. International Olympic Committee (IOC) in 2015 changed its rules allowing male to female transgender athletes to compete as a woman if their testosterone levels are below a certain threshold in the 12 months leading up to the event.

17. The purpose of the guidance is to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition. The restrictions are to ensure that there is fair competition. The IOC decided that to require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights. The IOC guidance is a living document and is subject to review in light of any scientific or medical developments.

18. The guidelines state that:

- Those who transition from female to male are eligible to compete in the male category without restriction.
- Those who transition from male to female are eligible to compete in the female category under the following conditions:
  - i. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
  - ii. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
- The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category. 2.4. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

19. These are the requirements New Zealand weightlifter Laurel Hubbard had to meet to be eligible to be selected for the New Zealand Olympic weightlifting team for the Tokyo 2020 Olympic Games.

**Appendix One: Current draft Guiding Principles**

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