

Appendix B: Documents for release

Document 1:

From: Withheld under s9(2)(a)
Sent: Saturday, May 12, 2018 12:23 PM
To: Rt. Hon Jacinda Ardern
Subject: Proposed changes to Birth Certificate names.....

Dear Jacinda & Labour Party Officials.....

My wife & I have been told that there is a proposal to be able to change gender and names at birth?
We don't agree with these changes. It would be different, however, if later there is a sex change....
But the original gender, we feel, is important to record.

Out of scope

Best Regards from Withheld under s9(2)(a) . Withheld under s9(2)(a)

Sent from [Mail](#) for Windows 10

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 2:

From: [Redacted]
Sent: Wednesday, 13 June 2018 4:08 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: Internal Affairs Passport Policy
Importance: High

Hi Tracy,

I hope you are happy to use your first name and that.

This email and contents are quite extensive and definitely not bedtime reading but the subject is seriously important!

The Letter and file attached marked official request is being sent to you in an attempt to make you aware of some of the facts relating to passports, you may not realise and of course your action.

It relates to the ability of a man to call himself female and have his passport show 'F' as his sex simply by making a declaration with no guarantees he will stay that way forever. In effect allowing access to female spaces without having any medical intervention that makes him equal anatomically – overseas that condition is being questioned by women in the light of the #metoo movement.

I believe the information I proved here is self explanatory.

I may be contacted by email or by phone [Redacted]

Pease note: my contact details must remain private as my life could depend on it.

Regards

[Redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 2B:

Hi Tracy,

I am sending you this as a means to have you understand, that as a woman I am certain you already do, the lengths some men will go to satisfy their inbuilt fascination for women and their spaces especially their private spaces.

Being first to recognise their driving force is one created by natural forces they really do have little control over and I can confirm that as I have lived in a male body for decades even though inside and mentally I was, and now am a woman. That I now understand was always my greatest conflict – a mind thinking as a woman – but having at the same time the body of a man with male sexual urges that simply would not go away.

<https://www.bbc.com/news/uk-england-42578440>

As women in this day and age that kind of behaviour has no place even if it is a biological and natural sexual response.

In this instance not being satisfied with just a few pictures to satisfy his sexual gratification, he took at least 50,000 – that by itself, shows clearly the depths to which some men will go to.

Allowing men to self identify in any way as women – as is the case currently at issue in many countries – and allowing them to call themselves transgender – without confirming their intentions or providing guarantees on their beliefs in any way, is quite simply wrong and does a great disservice to those who are genuine about their gender conflict.

Unfortunately as a society we must realise that even though other men might realise the wrongness of the situation – because they are men – and but by the grace of God, so to speak – it could be their issue. The result all too often, is they side with the male fraternity and refuse to acknowledge the effects placed on women. And I suspect they do this, maybe even subconsciously without realising the consequences – but society will never know for certain, as is shown by the response to this case by another man who objected to the government taking action. See below.

<https://www.theguardian.com/world/2018/jun/15/tory-mp-christopher-chope-blocks-progress-of-upskirting-bill>

Something I have found out in my own assessment of the conflict I held for many years – is that those born female with male minds – transgender men but not all I believe – have the same male reactions.

Hopefully you will understand the reasons for my asking for a review of the way Internal Affairs chose to change the policy on defining the sex definition on passports.

Regards,

Withheld under s9(2)(a)

Document 2C:

Letter to the NZ Minister of Internal Affairs Tracy Martin

I believe the official request is self explanatory on its own merit.

In addition, this letter contains some links to material used overseas that explain the issue in a little more detail although they are of a journalistic nature.

The predominant issue is the concern about men invading female spaces – in actual fact it is more about men identifying as transgender who identify as women – and the way IA changed their policy.

As a result, the public concept of the term Transgender is not completely understood for the simple reason it is now used for every individual who feels to some degree they identify as the opposite sex to that assigned at birth. And does not take into account the anatomical differences, meaning men who refuse to make themselves match the anatomy of a woman by having their male bits removed can call themselves women and enter their spaces legally.

Withheld under s9(2)(a) I know what men per-se are like – I have also spoken to some who feel they are women but when I make the suggestion that will mean surgery to remove the male bits – frequently the answer is now way I like my penis too much – in my mind you cannot have it both ways as it were.

Now after my surgery and identifying as a woman I see clearly the reason females feel the way they do. The issue is mostly a male issue and as we know men have wanted to get into female spaces probably for ever – it seems it is seldom the other way around.

The following article is from NZ

https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12060723

This one talks about the issue of gender self identification.

<https://www.theguardian.com/politics/2018/may/23/labour-suspends-activist-challenging-gender-self-identification-policy>

This one shows how complicated things are getting!

<http://www.dailymail.co.uk/news/article-5817699/Baby-person-born-England-Wales-without-legal-mother.html>

This article essentially explains that those with a gender recognition certificate may as appropriate (meaning having surgery) be allowed in to women's spaces as most likely they will have been appropriately deemed female – a required process for obtaining a change of the sex designation as Female. I had to go through this process myself by virtue of my having reassignment surgery making my body conform anatomically to that of a female.

<http://www.dailymail.co.uk/news/article-5825513/Transgender-women-banned-female-areas-theres-justifiable-reason.html>

Unfortunately NZ does not have any recognition of gender hence it is one of the issues – presumably as there are not a significant numbers of people identifying as transsexual in NZ that who required gender recognition – and as many that have paid for the surgery out of their own pocket and not truly understanding the term transgender – I can easily see how IA came up with the policy they did – but never understood the implications.

The following article is interesting for the posts that give a greater insight by the public.

https://www.mumsnet.com/Talk/womens_rights/3273961-Equalities-Office-men-who-identify-as-women-can-be-banned-from-female-only-areas

Also include is my article on the meaning of the word transgender and it implications.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 2D:

Official request To the Honourable Tracy Martin

Minister of Internal Affairs

Dear Minister,

This issue gets more complex every day – I am now very concerned about something that started out as affecting me personally – that has snowballed into affecting so many others. Had I been asked for my thoughts at the time, as Internal Affairs implied in their final decision to my request. I never thought they would go as far as they did, making a decision almost a year later I thought was suspect and had implications they would never understand.

This is the thing about the transgender issue worldwide there are too many experts out there who have never walked in our shoes – who only think they understand the condition and more often than not get it wrong!

Background:

It is a while now (2011) that together with assistance from the Human Rights Commission I challenged Internal Affairs on my right as a fully transitioned Transsexual woman, to have my passport designation as to my sex, recorded as Female. This had been recognised in law as a result of a legal action and a finding by Judge Fitzgerald's finding in the "Michael case" where he stated "a transgender person who had reassignment surgery was entitled to have their legal documents changed to reflect their new gender".

As I now reject the word transgender because of the implications that make any use of the word confusing, unclear and unreliable, covering far too many aspects of gender – I prefer the term transsexual as this is also the medical term.

Medical facts: Terms used.

The APA DSM5¹ manual of gender Identity Disorders (GID) defines Transsexual in this way:–

A person with the external genitalia and secondary sexual characteristics of one gender, but whose personal identification and psychosocial configuration are that of the opposite gender

'The term, transsexual, is used to refer to adults who meet diagnostic criteria for GID and have employed hormonal and/or surgical treatments in the process of transitioning gender or who plan to do so'.

It also defines Transgender in this way:–

¹ https://www.psychiatry.org/File%20Library/Psychiatrists/Directories/Library-and-Archive/resource_documents/rd2012_GID.pdf

Societal View: Reality.

'Transgender denotes individuals with cross-gender identification whether or not hormonal or surgical treatments have been, or are planned to be, employed in transitioning gender'.

The implications of these terms are confusing to the general population unfamiliar with the medical terms. As a result they confuse them, and as a result tend to use the word transgender for everything.

Even transsexuals, who have transitioned both hormonally and surgically to the sex opposite to that they were born, find the word transsexual an unfortunate word, as is all too often seen as referring to the physical act of sexual intercourse – rather than that used at birth to describe a biological status.

In layman's terms I suggest we think about this confusion in this way:–

A transsexual person will make every effort to become the opposite sex to that they were born – to the point where frequently, suicide is preferable if they cannot.

True transsexuals,² living under the transgender umbrella because they prefer the name, will always want to transition to the opposite sex completely.

On the other hand, Transgender people usually male will seldom if ever make the decision to transition surgically believing they can identify as women without going that far. This means effectively they retain their original biological maleness, which may or may not mean they can achieve physical intercourse. Transgender men may identify as female in varying degrees and at various times as they choose to identify their gender. This option is far more complicated or in most cases applicable, for women identifying as men.

Internal Affairs:

In reality it is only those identifying as transsexual where the desire to live in the opposite sex to that they were born – that should be classified as "M" or "F" as that denotes what is essentially a binary state – binary in terms of two sexes male and female.

Having already considered as was done in 2005³ when the concepts of the provision to use X was decided on with the presumption of "X" being known universally as the unknown.

The original intention to use "X" for every state of gender identification that is not fixed by hormonal and surgical intervention be reserved for all those identifying as transgender who decide they cannot make the decision to commit to a full transition that will make their anatomy equal to that of the opposite sex. This is the concern of all Women – the not being able to be certain and feel they are safe in spaces designated female.

Questionable facts: For consideration.

² http://www.genderpsychology.org/transsexual/benjamin_gd.html

³ https://www.hrc.co.nz/files/8214/2378/7655/24-Nov-2008_11-36-6_To_Be_Who_I_Am_HTML_Aug_08.html
Passport Section6.11

There would appear to be legal and moral implications Internal Affairs failed to recognise at the time they made the decision to allow choice by the individual as there remain many countries in the where being transgender is unacceptable.

Allowing an individual to be described as female – on their passport – a travel document – while still retaining their maleness may be seen as deception. As such the implications for the passport holder could be very serious, particularly that due to increased identity checks where full body scanners are becoming normal. The traveller can no longer rely on how they look and a bit of paper – security can easily tell just by looking at an image on a scanner – the reality.

Need for Review:

The decision may be seen as a deliberate intention to deceive another countries security and the implications for the traveller, places them at an unnecessary disadvantage, if for no other reason they may be held to question and depending on the country they visit it may mean arrest – or worse.

I do not believe Internal Affairs have thought these implications out – there is a definite need for a review, the entire world has changed a lot since 2012.

It is also more aware of the rights of women thankfully – legal implications that must also be considered – together with the rights held by all women to have their personal spaces protected.

One suggestion:

The classification “F” in addition to natural born females might also apply only to transsexuals and have that right accorded automatically following completion of the transition, which could be confirmed medically – prior to that they would use “X”.

It is a fact I never understood until I went through the process myself – one that the general public may not realise is that a Passport is not a legal document it is a travel document and although it may be used for identification of name – the same is not true for Gender – that is a birth certificate.

Internal affairs has made a decision that there is only a need to self identify gender with the use of a declaration as to the way the individual sees themselves at the time, and although the individual may mean it at that time, there is no process to ensure they will remain in that gender permanently.

If there can be no guarantee the individual will stay permanently in their new gender surely there must be legal consequences – even using the X as the indicator used when a person who cannot commit to their new gender – is no guarantee.

Until the request for gender change can confirm that the individual’s anatomical status is the same as their biological status – a legal conflict must exist. That must be the conclusion and the only one that can legally be considered in allowing any change alternate to that used at birth.

Naturally there may be considerable resistance to this especially from the male point of view as men have the most to gain. It should be noted here that the potential for allowing male intrusion into the female domain has always been strongly denied by all women for obvious reasons.

Conclusion: Understanding the issue.

What is becoming loudly clear from a women's point of view is that as transgender people become more acceptable in society, there is a greater need to understand what it means to be transgender. Unfortunately as a profession the medical profession has not been particularly helpful. This is not surprising as it has taken decades for them to understand that transsexual people were not sick and were born that way.

However including all gender identities under an umbrella term like transgender, that also includes men who think they are women but will never commit to a surgical intervention that will make them equal anatomically with women, there is a very understandably, an issue for women. This is now becoming a more of a real issue today since the #metoo movement, as it sees the objections involving the relationship between men and women and become far less tolerant.

Gender aside society must realise even after all understands biologically –as a species we have maintained a binary status that is male and female – each has its own issue as they relate to the other and there is no reason for that to change.

For too long society has found difficulty in accepting those who are seen as different – now that we are, we have a chance to look at the next step making certain, we do not make the same mistakes.

Transgender people collectively, no matter how they identify must realise that acceptability can only ever be tolerated if they conform to the majority – and for that majority, a binary system exists when we consider gender – Males and Females.

No amount of societal waffle can or should change that.

It is completely wrong for one of the binaries to say one thing when it wrongfully affects the other and vice versa. Society mostly understands the differences between men and women and the conflicts of that association.

Now it must understand the challenges faced by those who are unable to exist within that binary state and realise they were born that way, society has a duty to allow co-existence with the consequences of difference. And Governments have a duty to be certain it understands society's needs.

As the minister of Internal Affairs I ask for a review of the present passport policy on sex markers in light of the issues I mention in this email. And I am reminded of the statements made by the minister at the time who considered my initial request, as needing a legislative change when in fact did not – as it was only a policy.

Regards

Withheld under s9(2)(a)

Note: reference to my original complaint can be found by contacting the Withheld under s9(2)(a)

Document 2E:

Know the Meaning of Transgender? – It is Probably Wrong!

There is a general consensus that transgender people by being more visible than ever, they are becoming more acceptable.

The truth is the word transgender was intended to be an umbrella term that covered every gender situation where the individual had issues with how they identify their own gender. It was never about feelings or fluidity and anything else. The original medical definition for a person who knew their body was the wrong one they should have been born with, is – transsexual.

Transsexual is an unfortunate word for by including the word sex, it gives the impression the condition is more about sex as an activity, in the same way that homosexuality is about sexual attraction. Nothing could be further from the truth – as in reality it is about the sex they are assigned at birth.

It is important to remember much of what was understood decades ago, took place before the concept of gender was ever spoken about – it was not until the early 70's a now largely discredited sexologist John Money made that distinction.

Transsexuals should be considered as a subset of the transgender community – many disliked the name preferring transgender instead. However they are the only ones who understand the need to live in a body that is not the one they were born in.

And the only way they can do that is to ask for what is now recognised as – medically necessary surgery by the medical profession.

Except that most likely as medical specialists, they were more concerned they might be sued for giving the wrong diagnosis. With that in mind – together with some of the ideas held by Money and others like him. A decision was made medically, should a patient decide about transitioning surgically – that effectively transsexuals should jump through as many hoops as possible – they should have their mental capability scrutinised by Psychiatrists – and initially live as a woman for two years – before they could be considered for surgery.

This is the reason transsexuals asked for the right to decide their own identity – after all, who best knows about their need to identify as their authentic self – certainly no doctor, who are frequently men who cannot understand why any man would want to be a woman!

The problem today is that by using an umbrella term Transgender that covers all gender issues society has come up with the wrong concept about something only true transsexuals wanted.

Also due to the fact that included in the term Transgender – there are many who are unable to or don't want to give up their maleness to become a woman and will never need surgery as a result.

What this proves very simply is that self identification of gender should only be applicable to those who actually are women in their mind and who are in need of the medically necessary surgery – so they can bypass the control the medical profession holds.

As for those unable to meet the commitment required physically, morally and legally necessary to become a woman – self identification should be denied.

Women have a right to decide their own protection needs, as they have forever suffered the consequences of male domination – their demands on this question must be seen as vital.

Ask any counsellor about the response from men who think they might be more female than male – when they are reminded that in order to be a real female the male bits had to go – their usual response, shock horror – no way!

From the standpoint of a female view that Society must not simply let this happen – for just as Theresa May recently speaking about homosexuality, as being “wrong then and it is wrong today” sadly a wrongful medical diagnosis at the time – she also spoke about transgender people as not being sick – another mistake. They are like it or not a marginalised part of humanity with specific needs — the medical profession must finally get it right this time and take on the responsibility of finding a solution to this dilemma – one that if nothing is done puts both genders at risk.

Understand this and what doing nothing will mean – somewhere – sometime – someplace – some women or woman will suffer the consequences.

Withheld under s9(2)(g)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 2F:

From: **Withheld under s9(2)(a)**
Sent: Saturday, 23 June 2018 12:26 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Cc: Hon Nikki Kaye <Nikki.Kaye@parliament.govt.nz>; Louisa Wall <Louisa.Wall@parliament.govt.nz>
Subject: Passport Issues
Importance: High

Hi Tracy,

I realise you are busy and I understand your office has received my emails and request for a review of the IA policy – but it would be nice to believe my correspondence to you is being taken seriously.

Below is another example of the issues I mention. In NZ we do have the option of using an 'X' in reference to sex – the comments by the Judge in this case suggesting the importance of materially making a false declaration on a passport. NZ is currently doing just that with its acceptance of simply making a declaration that provides no guarantee or medical confirmation that the individual has refused to make any anatomical changes to their body – that would remove any sexual advantage held by a male over other females.

<http://www.dailymail.co.uk/news/article-5873985/Gender-neutral-campaigner-Christie-Elan-Cane-loses-High-Court-bid-X-option-passports.html>

Please add this the previous emails sent to you.
A simple call would do for a start!

Regards

Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 2G:

From: **Withheld under s9(2)(a)**

Sent: Monday, 25 June 2018 12:15 PM

To: T Martin (MIN) <t.martin@ministers.govt.nz>

Cc: Hon Nikki Kaye <Nikki.Kaye@parliament.govt.nz>; Louisa Wall <Louisa.Wall@parliament.govt.nz>

Subject: Transgender in Womens Spaces

Importance: High

Hi Tracy, Nikki and Louisa,

I just read this.

<http://www.dailymail.co.uk/news/article-5880533/Women-allowed-bar-transgender-people-female-changing-rooms-toilets-ministers.html>

The NZ government needs to comment on this publically.

The people must be made to understand all the reasons behind this decision and the fact that the issues relating to Transgender are almost completely misunderstood. Driven in many cases by some men who have their own issues!

Regards

Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 3:

From: **Withheld under s9(2)(a)**
Sent: Sunday, 12 August 2018 7:26 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: Gender self-identification on Kiwi birth certificates

Hi Tracey,

As a Kiwi, I am disappointed to see your ideological move to allow Kiwis to self-identify their own gender for their NZ birth certificates. This is activism, not politics or science. There are only two genders: male and female. One cannot self-identify one's own gender. This should be self evident. One either has a Y chromosome or not.

There is nothing wrong with the current system: Allowing people to change their gender without medical evidence makes a birth certificate meaningless. Likewise, this will put people at risk when they need to be treated by a doctor in an emergency. If a doctor is not able to correctly identify a person's gender, the wrong medical procedure could be followed. You're putting people's lives in danger for ideology.

Gender is based on biology. This social constructionist idea put forth by humanities departments across the world is not based on logic, reason, or the scientific method. It's utter nonsense.

Your Bill is pure political correctness, an unfortunate aspect of modern-day life against which Kiwis have been speaking out over the last few weeks. You should watch the recent debate featuring Don Brash at Auckland University. The vast majority of Kiwis are against political correctness.

Why are you wasting our tax money on this postmodernist rubbish?

Please look into this. There are only two genders.

Best regards,

Withheld under s9(2)(a)


RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 4:

From: [Redacted]
Sent: Sunday, 12 August 2018 6:33 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: "Identity certificates"

Are you utterly insane?

When I read the NZ Herald article, I had to check the date, I thought it must be 1st April again in winter.

A birth certificate records FACTS, immutable facts, for very good reasons. It is not a way of boosting credibility someone's personal sexual preferences, their wish list for biological bits, or a marketing programme for "diversity"

If this act goes through, so much value of birth certificates will be lost forever.

However, if it does go through, personally, I would like to be a Puma, if you must put this insanity through, can you please add Puma to the list because X just doesn't do it for me. I have always identified with big cats, I wish I had been born one, and would like to scare the cr** out of a few left wing liberal politicians by roaring at them. Please, please, please can I be a Puma, I shan't feel fulfilled until I am a Puma.

Thanking you in anticipation of growing fur and getting longer claws

Sincerely,

[Redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 5:

From: Withheld under s9(2)(a)
Sent: Monday, 13 August 2018 5:44 AM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: Destroying the integrity of birth records

Dear Tracey

I write to you in the no doubt vain hope that you will resile from your support of the bill to destroy the integrity of New Zealand's birth records.

The problems that will arise from this move are obvious, avoidable, and will be viewed by history as another component of a particularly misinformed fashion trend that metastasised into changes to key elements off our legal and regulatory system

Sincerely

--
Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 6:

From: Withheld under s9(2)(a)
Sent: Friday, 17 August 2018 1:52 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: Bill about gender identification

Dear Ms Martin,

I am interested in making a submission regarding the bill about changes to gender identification on birth certificates. I only heard about this recently and wonder if it's too late to make a submission. I checked the website about making submissions and this bill wasn't listed there.

I have a concern about possible impacts of this bill and hope that I can articulate this to you and others in Parliament.

Kind regards,

Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 7:

From: Withheld under s9(2)(a)
Sent: Friday, 31 August 2018 1:47 PM
To: Hon. Dr David Clark <David.Clark@parliament.govt.nz>
Subject: BDMRRA

Dear Dr Clark

I am concerned about the proposed one step self declared sex change in the amendment to the BDMRRA currently in the House.

How would self-declaration into the other sex enable women/girls to retain sex protection as a distinct ontological class, and protected under the Human Rights Act, if males can self ID into the category 'female'?

What are the implications for safety and dignity of women/girls if there is no longer sex segregated spaces such as changing rooms, toilets, or when biological males are able to enter womens refuges, rape crisis centres, the prison estate, drug/alcohol rehab facilities, homeless shelters, Girl Guides etc or if a self-ID male identifying as female is employed to conduct smear tests or mammographies?

What is the implication for women and girls sport?

How will self-ID impact on crime statistics and data collection such as sex difference in pay rates?

Has the NZ Parliament conducted a risk assessment if this change is adopted?

Finally, I'd like to bring your attention, as Minister of Health, to the following recent research paper regarding Rapid-Onset Gender Dysphoria - and ask what is your position regarding the current approach in the health sector to 'affirm' gender identity' as opposed to a 'watchful waiting' approach with appropriate medical gatekeeping before children and young people are put on a path involving off-label puberty blockers, cross sex hormones and elective surgery including double mastectomies in girls and castration of boys?

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0202330>

Thank you for your time.

Sincerely

Withheld under s9(2)(a)

Document 8:

From: **Withheld under s9(2)(a)**
Sent: Sunday, 2 September 2018 2:22 PM
To: Hon Ron Mark <Ron.Mark@parliament.govt.nz>
Subject: BDMRR Bill: self-ID proposals

Withheld under s9(2)(a)

Dear Minister,

I am a **Withheld under s9(2)(a)** although I write in my personal capacity.

I have recently learned of the Government's proposals to introduce "self-identification" in relation to the "sex" specified on birth certificates. I have real concerns about how this proposal will impact female-only spaces and the protections for women under the Human Rights Act.

I also have concerns about the lack of public/stakeholder consultation surrounding these significant proposals, which were not included in the Births, Deaths, Marriages and Relationships Registration Bill when it was introduced. As you may know, these issues are currently being debated in the UK, and the government there has facilitated a 12 week public consultation process (still ongoing) and has publicly confirmed its commitment to existing protections for women under the UK equivalent to the Human Rights Act.

I would really appreciate an opportunity to speak with you to discuss my concerns.

I look forward to hearing from you.

Yours sincerely

Withheld under s9(2)(a)

Document 9:

From: **Withheld under s9(2)(a)**
Sent: Sunday, 2 September 2018 4:15 PM
To: Hon Tracey Martin <Tracey.Martin@parliament.govt.nz>
Subject: Changes to the BDMRR Bill (1995)

Dear Tracey,

I'm writing to express my concern and dismay at the proposed changes to the Births, Deaths, Marriages, and Relationships Registration Bill (1995). You'll be aware that the changes proposed to this act include a move to allow the process of changing the registered sex on a birth certificate to a one step declaration ("Self- ID"). The implications for women are far reaching, but there's been no public consultation process about it. It is women who will be at risk through these proposed changes, not men.

There has been no consultation, risk assessment, or consideration of the following:

- What are the implications for women's dignity and safety on losing sex-segregated spaces? What are the implications of growing numbers of male-bodied people present in women's prisons, women's refuges, changing rooms, rape crisis centres?
- What are the implications for women's representative political and civic positions, which have been established through the hard work of women, to counterbalance women's historic under-representation in those areas?
- What about women's sport? Is it fair that women should compete against male-bodied people on the basis of their "identity"?
- What are the implications for reliable statistics, upon which government policy is created? What are the implications for health, crime statistics, and sex differentiation in employment & pay, if self-ID is introduced?
- What happens to the definition of biological sex, which is a protected category? How can this be reconciled with self-ID?

There is no evidence to indicate that male pattern violence decreases when men transition to, or identify as, women¹. Former Prime Minister Helen Clark yesterday described male violence against women as a "national crisis."² Given our culturally high levels of violence against women, legal gatekeeping processes that protect vulnerable women and girls from male-bodied people – whether those people identify as women or not – should not be removed.

So my first questions to you: Why has there has been no public process of consultation with women, and women's organisations, regarding these proposed changes? Will you advocate for consultation? How can you guarantee women's safety under a system of self-ID? The wider public must be made broadly aware of these changes, and appropriate risk assessment must be carried out before any changes are made – not as a 'review' in five years time, as has been recommended.

Furthermore, there are cultural and social implications for women when the ontological category of 'woman' becomes a "feeling" to be identified with, rather than a word to describe the lived experience of having a female body. The proposed changes re: self-ID to the BDMRR Bill, and the language that surrounds it, enshrines "gender identity" (gendered stereotypes) in law over material reality. Women have been fighting against this for decades.

There has been a significant increase in the number of young women identifying as transgender over the past decade.³ This has occurred in New Zealand, and throughout the western world. Our society places huge pressure on young women in regard to gendered and sexualised stereotypes, and it seems many young women are choosing to "identify" out of being a woman. There is also recently published international evidence that "Rapid Onset Gender Dysphoria" is occurring in 'clusters' among young people within peer groups – that is, an element of social contagion is present.⁴

So my second question/s to you: What are the implications for young people when we culturally affirm "gender identity"? And how will a one step approach to self-ID contribute to that affirmation, and potentially, a lifetime of medicalization and surgeries?

I am emailing all of the NZF MPs, hoping that you will consider these questions and advocate for a process of consultation regarding changes to the BDMRR Bill.

The UK government is going through this same process of consultation in regard to self-ID: Why not New Zealand?

Thank you for your time.

Withheld under s9(2)(a)

(1) "Second, regarding any crime, male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6, 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime." <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

(2) <https://www.radionz.co.nz/news/national/365452/violence-against-women-is-a-national-crisis-helen-clark>

(3) This is a Wellington based case study: <https://www.nzma.org.nz/journal/read-the-journal/all-issues/2010-2019/2018/vol-131-no-1468-19-january-2018/7463>

(4) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0202330>

Document 10:

From: **Withheld under s9(2)(a)**
Sent: Monday, 3 September 2018 10:39 AM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject:

Hi Tracey.

I'm aware that parliament is close to passing amendments to the Births, Deaths, Marriages, and Relationships Registration Act.

The amendments include provision for one-step legal self-ID.

The intentions of these amendments are noble: making it easier for trans people to have official documents that reflect their feelings.

However the unintended consequences have not been considered. The amendments are open to abuse. Specifically: abusive men will find it very easy to change their legally recognized sex and then be able to access female-only spaces, services and provisions.

No assessment has been done by any ministry on the possible impacts of the amendments on women.

This is a huge change in law and it directly impacts women.

However, women have not been consulted on these changes.

I share the concerns of the Lesbian Rights Alliance and Speak Up For Women.

Their concerns can be seen here.

<https://speakupforwomen.nz/>

I'm based in Auckland central. If at all possible I'd like to meet (either on person or via video or voice call) to discuss my concerns.

Thank you.

Withheld under s9(2)(a)

Document 11:

From: **Withheld under s9(2)(a)**
Sent: Tuesday, 4 September 2018 11:00 AM
To: Hon Chris Hipkins <Chris.Hipkins@parliament.govt.nz>
Subject: Question - Please reply

Dear MP,

I understand parliament is considering implementing full legal sex changes based solely on "self declaration". This would allow males to be legally recognised as females and vice versa. **How will females retain their right to female only spaces, services & provisions if males can be legally recognised as females?**

Please explain. I need to know.

Sincerely,

Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 12:

8 September 2018

Withheld under s9(2)(g)

To: Ron Mark
New Zealand First List MP
25 High Street
CARTERTON 5713

Dear Hon Ron Mark

I am writing to you as a Wairarapa resident and constituent, because I'm hoping you will be able to take some action on my behalf. I am hoping you will:

- talk to your caucus colleagues about the "self-ID" provisions in Section 22 of the Births, Deaths, Marriages and Relationships Registration Bill (in Hon. Tracey Martin's name), and
- support measures to pause the passage of the Bill so that further analysis and consultation can be undertaken, to ensure against negative unforeseen consequences.

The intention of the Section 22 self-ID provisions is to make life easier for transgender people, a principle I support. I believe the changes have potentially negative unintended consequences for women and girls.

It is becoming a fraught issue, however, with claims made in the media and on social media that anyone concerned about this matter is "anti-trans", a bigot or worse. Unfortunately, some of your Parliamentary colleagues, (who up till now I admired very much) have recently joined in the barrage of accusation and name-calling on social media, which is very disappointing indeed. It is creating a climate of fear, and ordinary New Zealanders who are aware of the issue (and most are not) are afraid to speak up because of this.

I urge you to familiarize yourself with this issue and to discuss with your caucus colleagues the issues I have raised, and to consider supporting measures to pause the progress of the Bill so that further analysis and more democratic consultation can take place. Further detail of my concerns is set out below.

Yours sincerely

Withheld under s9(2)(g)

Details of my concerns

The Births, Deaths, Marriages and Relationships Registration Bill is set down for its second reading in Parliament. It contains provisions to enable anyone to change the sex on their birth certificate via one-step process and does away with the current requirement for medical consultation and application through the Family Court.

This also enables any man at all to legally change his birth certificate sex, with no oversight from anyone else, nor requirement for any surgery or hormonal treatment. Intact adult males will be able

to call themselves women, legally, and will have access to all women-only spaces and institutions. I believe that this could be open to exploitation by people with bad intentions and will also undermine women's and girls' ability to have sex-segregated facilities and opportunities.

By a simple administrative process, an intact adult male who "identifies" as a woman could insist on being able to become involved in girls' activities such as Girl Guides, because the Guides' organisation could risk a discrimination lawsuit if they didn't allow this.

Female prisoners are also at risk because if, for example, a convicted rapist decides to "identify" as a woman, he would then be able to be moved to a women's prison, where a high proportion of the inmates have suffered sexual abuse by males at some time in their lives. This type of scenario occurred [recently in the UK](#). Other matters affected include sports, education, scholarships & quotas, accommodation and public facilities.

The original drafting of the Bill before Parliament retained the existing Family Court process, and initial consultation was based on that. The Green Party (via Jan Logie) worked through the Government and Administration Select Committee to replace Part 2, Subpart 7 of the Bill as introduced and inserted new clauses 22A -22J to the Bill with "self-ID" provisions. These new provisions were based on a 2014 petition by with 53 signatures, and not subject to consultation with the public. Only the petitioner, DIA and the Human Rights Commission were consulted.

All consultation, analysis and advice has focused only on the rights of trans people, and no consideration has been made of at all, by anyone, on the potential effects of the rest of the population, including on women and girls' safety, opportunities and freedom of association and speech.

I am no bigot and I support making society safer and fairer for people facing disadvantages because of factors over which they have no control. I believe this is an instance of significant social engineering, effectively changing the meaning of the words "man" "woman" "boy" and "girl" in New Zealand. By intending to make life more convenient and comfortable for one tiny sector of the population, Parliament may unwittingly allow negative effects on the rights and protections of 51% of the rest. Parliament owes it to New Zealanders all to have a chance to consider these changes and must also call for more expert analysis and advice on the potential effects of women and girls.

I hope you will talk to your colleagues about this matter.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 13:

From: Contact Contact [mailto:contact@speakupforwomen.nz]

Sent: Sunday, 9 September 2018 8:45 PM

To: Hon Tracey Martin <Tracey.Martin@parliament.govt.nz>

Cc: Brett Hudson <Brett.Hudson@parliament.govt.nz>

Subject: Urgent: Letter to Min Tracey Martin re: BDMRR Bill

Dear Minister,

We are writing to you for a second time, to raise with you further information relating to the "self-ID provisions" contained in Section 22 of the Births, Deaths, Marriages and Relationships Registration Bill, currently set down for its second reading in Parliament. Please see the attached letter by our lawyers which outlines the new information that has come to light.

Thank you,
Georgina Blackmore

Speak Up For Women NZ

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



Speak Up
for Women

9 September 2018

From: Georgina Blackmore
Spokesperson
Speak Up For Women

To: Hon Tracey Martin
Minister of Internal Affairs

by email

Dear Minister

We are writing to you for a second time, to raise with you further information relating to the "self-ID provisions" contained in Section 22 of the Births, Deaths, Marriages and Relationships Registration Bill, currently set down for its second reading in Parliament.

New information about the background to self-ID

As Speak Up For Women set out in our letter of 3 September 2018, the genesis of the "self-ID" proposals is Allyson Hamblett's Petition (2014/0086) signed by only 53 people. Notwithstanding the Government's recent claim that the public had "the opportunity to submit on"¹ this Petition, in fact the Select Committee considering the Petition in 2017 received submissions **only** from Ms Hamblett, the Department of Internal Affairs (DIA) and the Human Rights Commission. We noted that the DIA appeared to have raised concerns about the "wide ranging implications" of self-ID at this time.²

We have since obtained the original DIA advice on the Petition (advice dated 5 April and 19 May 2017).³ It confirms the DIA had concerns about self-ID. Three significant points emerge:

1. The DIA did not recommend self-ID;
2. The DIA did not recommend **any** amendment to the birth certificate sex provisions of the BDMRR Act, and considered that existing provisions met international law standards;

¹ DIA Report dated 11 June 2018 At p11

² We set out the following quote from the GAC report on the Petition: "DIA said that **because a birth certificate involves core identity information, any potential law change has wide-ranging implications**. A birth certificate forms the basis for information on other official documentation, such as passports and driver licenses. Passports and driver licenses are considered "transactional" documents that involve less formal processes than s 28 [of the BDMRR Act 1995]. Unlike a registered birth record they can be revoked." Petition 2014/0086 of Allyson Hamblett, Report of the Government [sic] Administration Committee (undated, but appears to be 11 August 2017) at p4

³ This advice was evidently on the parliamentary website but was not linked to the Petition. We located it as a result of an Official Information Act request.

3. The DIA noted that in 2006-8, the Human Rights Commission conducted an in-depth inquiry into discrimination faced by transgender people.⁴ The Commission recommended some changes to the birth certificate process, but **did not endorse self-ID**. In fact, the Commission **favoured retention of the Family Court declaration process and medical gatekeeping**.⁵

Central to the DIA's concerns was the identified need to **balance the personal interests of transgender people, against the need for certainty and integrity in official documentation**.⁶ The DIA noted that medical gatekeeping under the existing law⁷ had been interpreted broadly in case law, such that gender reassignment surgery is no longer required. This, the DIA said, provides sufficient flexibility to address Ms Hamblett's concerns.⁸

The DIA said that self-ID for birth certificates:⁹

"would have potentially wide-ranging implications for New Zealand government and society, including at an international level, because it involves core identity information... the Department is not in a position to confirm the government's support for [self-ID] or otherwise."

Notwithstanding these clearly expressed concerns, the Committee instructed officials to review the Act "with a view to amending it to an approach predicated on self-identification."¹⁰

The Human Rights Commission 2008 Inquiry

In 2006 the Human Rights Commission commenced the world's first in-depth inquiry into discrimination faced by transgender people, and reported in 2008. Its terms of reference included consideration of legislative amendments needed to improve the position of transgender people. The inquiry was led by three Commissioners and a team of staff, and they consulted widely.

The Report's discussion of the legal issues around birth certificate sex is nuanced and considered. Like the DIA in 2017, the Commission recognised the **importance of striking a balance between the personal interests of transgender people, and other interests**. Some of the Commission's key findings:

1. The needs of transgender people need to be balanced against the integrity of official documents;¹¹
2. The value of setting a "threshold" before sex can be changed on official documents was recognised.¹² This must be "**robust**" and ensure "**a high standard of integrity in official birth records**".¹³

⁴ NZ Human Rights Commission "To Be Who I Am" (2008) Report of the Inquiry into Discrimination Faced by Transgender People.

⁵ DIA supplementary advice 19 May 2017 at para [1]

⁶ DIA advice 5 April 2017 at para [47]

⁷ BDMRR Act s 28

⁸ DIA advice 5 April 2017 para [49]

⁹ DIA supplementary advice 19 May 2017 at para [5]

¹⁰ Petition 2014/0086 of Allyson Hamblett, Report of the Government [sic] and Administration Committee (undated 2017), p4

¹¹ NZ Human Rights Commission "To Be Who I Am" (2008) Report of the Inquiry into Discrimination Faced by Transgender People, at para [9.30]

¹² Ibid at para [9.30]

¹³ Ibid at para [9.33]

3. While a transgender person's subjective view of their gender identity should be taken into account, there also needs to be **objective evidence** they have taken steps to live in the appropriate sex;¹⁴
4. The potential impact on existing exceptions under the Human Rights Act was also recognised: **"a common sense, practical approach is needed to balance the rights of others in order to determine when and how exceptions relating to sex (including gender identity) apply."**

As set out above, the Commission recommended retention of the existing Family Court declaration process, and retention of the medical gatekeeping requirements (although it recommended a modest amendment to the wording of the latter.¹⁵)

The Commission essentially repeated this position in its 2010 report "Human Rights in New Zealand."¹⁶

The Human Rights Commission's current position

It is unclear why the Human Rights Commission has reversed its position and now favours self-ID.

The Commission's submission on the BDMRR Bill (dated 2 March 2018), which appears to have been written by two legal advisers, **does not even refer to the 2008 Inquiry and its clear rejection of self-ID.** We set out in our earlier letter our concern that this submission was somewhat misleading in its legal analysis in other respects (i.e. overstating the extent to which self-ID is reflected in international law).

The Commission's earlier (2017) submission on the Hamblett Petition was likewise supportive of self-ID. Written by one of the same legal advisers, it refers in passing to the 2008 Inquiry, but makes no reference to the Inquiry's recognition of the need for integrity of official records; the need for an objective threshold; or the need to consider the effects on the sex exemptions under the Human Rights Act. To the contrary, the Submission suggests that the reason the Inquiry favoured retention of existing Family Court and medical gatekeeping for birth certificates was because of the need for consistency with passports and driver licenses (which at that time were difficult for transgender people to change).¹⁷ **This is simply an incorrect interpretation of the Inquiry's Report.** Indeed, the Commission's current argument - that birth certificate self-ID is necessary because self-ID is now permitted for passports - overlooks the clear distinction between these documents, recognised by the 2008 Inquiry.¹⁸

¹⁴ Ibid at [9.31]

¹⁵ The Commission recommended changing the wording of s 28(3)(c)(i)(B). Rather than requiring evidence the person has undergone medical treatment to enable "physical conformation" with the nominated sex, the Commission preferred requiring medical evidence that the person has undertaken "decisive steps" to live fully and permanently in the nominated sex. (However, as the DIA 2017 advice notes, the Commission's concerns in this regard were in large part overtaken by subsequent case law that made it clear sexual reassignment surgery is not a prerequisite).

¹⁶ Cited in DIA advice 5 April 2017 at para [30]

¹⁷ Human Rights Commission Submission on Petition 2014/0086 of Allyson Hamblett at paras [16]-[18]

¹⁸ NZ Human Rights Commission "To Be Who I Am" (2008) Report of the Inquiry into Discrimination Faced by Transgender People, at para [9.39]-[9.40] (recognising that if a person is able to change the sex on their birth certificate, then they should also be able to change it on their passport. But the reverse does not follow. There may be reason to adopt a lower threshold for passports.

We note that the DIA clearly shared our concerns about the quality of the Human Rights Commission's Hamblett submission. The DIA criticised the Commission's characterisation of NZ's existing law as an "outlier", noting that on an international continuum New Zealand can reasonably be regarded as close to the liberal end.¹⁹ The DIA also criticised the Commission for providing "incomplete information" and implying that the existing law is interpreted more strictly than it is in fact.²⁰ Finally, the DIA noted that the Commission relied on a **submission** to the UN Human Rights Council (by the Sexual Orientation, Gender Identity and Intersex Coalition ("SOGII")). As the DIA pointed out, however, the Council did not make any recommendation in relation to this submission: a rather significant point the Commission omitted to mention.²¹

We suggest the Commission's current position is poorly-reasoned, and based on a flawed understanding of its own comprehensive 2008 Inquiry.

Conclusion

Both the Department of Internal Affairs in 2017, and the Human Rights Commission in 2008, rejected self-ID for birth certificates. Both agencies recognised the need to strike a balance between the personal needs of transgender people, and other rights and interests (including those protected by the exemptions under the Human Rights Act). The administrative change that deleted Part 2, Subpart 7 of the Bill as introduced and inserted new clauses 22A -22I (the "self-ID clauses" has not been subject to public consultation.

We call on you to work with your Parliamentary colleagues on both sides of the House to identify a way to amend the BDMRR Bill perhaps by a supplementary order paper, to protect sex-based exemptions under the Human Rights Act.

Your sincerely

Georgina Blackmore
Spokesperson, Speak Up For Women

cc

Withheld under s9(2)(a)

¹⁹ DIA supplementary advice 19 May 2017 para [8]

²⁰ DIA supplementary advice 19 May 2017 para [9]. (The Commission had relied on an article written by a student).

²¹ DIA supplementary advice 19 May 2017 at para [10]

Document 14:

From: **Withheld under s9(2)(a)**
Sent: Tuesday, 11 September 2018 2:29 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: Erosion of women's rights

Dear Hon. Tracey Martin

Please consider my letter attached.

Yours sincerely

Withheld under s9(2)(a)

10 September 2018

Withheld under s9(2)(a)

To: Tracey Martin
NZ First List MP

Dear Ms Martin

I am writing to you as a concerned NZ citizen. I ask you to familiarise yourself with the "self-ID" proposal in Section 22 of the Births, Deaths, Marriages and Relationships Registration Bill (in Hon. Tracey Martin's name) and support measures to pause the passage of the Bill so that analysis and consultation can be undertaken on the possible impact self-ID could have on existing sex-based rights for women and girls.

I urge you to vote against the administrative change made to the BDMRR Bill at the Select Committee stage and allow proper consultation to occur with the New Zealand public.

To vote against this change may require two actions:

1. Voting against the Bill at its second reading, and
2. Tabling a Supplementary Order Paper at the Committee stage of the Bill to revert to the original wording.

I am very worried about the change of the legal definition of 'female' which will occur if this Bill is adopted. There will be no gatekeeping as there currently is involving medical professionals and the Family Court. Any male, with full genitalia intact, could fill out a form and be legally classified as female.

This is not only an affront to women, but could result in predatory males using the law to infiltrate women/girl's spaces for sexual offences; unscrupulous males could enter women/girls sports, take scholarships, etc.

This ideology of transgenderism is already impacting on women through the Correction Department housing male prisoners with no medical 'transition' into the Women's Estate. In the UK last week, one such male with a history of rape, sexually assaulted 4 women

prisoners; there is a call there for an inquiry and questions are being raised there about how such madness could have occurred.

Also, there has been no public debate about this issue. As a long time Green Party voter, I am disgusted at the way that Party has by stealth, snuck the amendment through; I am also appalled at some Green MP's abusive behaviour on social media towards people such as myself who are critical of this legislation.

Needless to say, I will never vote Green again, and will be working hard to ensure they are gone from Parliament for good.

I hope I can rely on you to further the interests of the women of NZ and to safeguard our democracy.

Yours sincerely

Withheld under s9(2)(a)



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 15:

From: 9(2)(a)
Sent: Friday, 21 September 2018 5:24 PM
To: Erica Mangin <Erica.Mangin@parliament.govt.nz>
Subject: Re: Meeting request to Hon Tracey Martin

Kia ora Erica,

Will Hon Tracey Martin be willing to present this petition on my behalf? I'm aware I need to be in touch with an MP to arrange that, and OIA requests have shown that the analysis I ask for in my petition has not occurred :)

https://www.parliament.nz/en/pb/petitions/document/PET_79009/petition-of-charlie-montague-consult-with-women-before

I know there are many other women who would like to meet with Minister Tracey Martin to discuss this issue. Do you think perhaps we could reduce the time pressure by organising a group of women to meet with her at once?

Thank you so much for being in touch with me,

9(2)(a)

On Fri, 21 Sep 2018 at 16:26, Erica Mangin <Erica.Mangin@parliament.govt.nz> wrote:

Dear 9(2)(a)

Thank you for your request to meet with the Minister to discuss proposed changes to the Births, Deaths, Marriages and Relationship Registration Act.

Unfortunately due to pressures on her diary the Minister is unable to meet with you. However, the Minister is glad you have taken other opportunities to make your concerns known (e.g. submitting on the Bill and lodging a Petition on the issue).

Kind regards,

Erica Mangin

Private Secretary for the Minister of Internal Affairs

Hon Tracey Martin

Document 16:

From: **Withheld under s9(2)(a)**
Sent: Sunday, 23 September 2018 12:08 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>; Hon Tracey Martin
<Tracey.Martin@parliament.govt.nz>
Subject: BDMRR Bill

Dear Tracey

I write to you about the proposed Births, Deaths and Marriages Relationships Registration Bill (BDMRR). I write to you in your capacity as Minister of Internal Affairs, Minister for Children, and as list MP,

I am concerned about the proposed amendment to make retrospective changes to the birth sex recorded on birth certificates a matter of self-declaration. I am concerned that there has been insufficient consultation with those most likely to be impacted by this change, that is women and girls.

When this bill was opened for consultation with the public, the self-identification amendment was not included. This amendment was introduced *after* lobbying from transgender activists during the Select Committee consultation, meaning that the general public have not had the opportunity to submit on this particular amendment. No impact assessment has yet been undertaken by government on the potential consequences of introducing self-identification of sex.

I believe that the birth certificate should remain an accurate legal document, recording the material facts relating to the birth of an individual. Biological sex identified at birth is a matter of material reality, and the birth certificate should accurately reflect this. I do not believe it is appropriate to retrospectively falsify the factual record of birth to something as subjective as gender identity and feelings. If necessary a personal identity marker could be added alongside the biological sex at birth.

Transgender people do currently have a mechanism for making retrospective changes to the sex recorded on their birth certificate. They are able to make this change by demonstrating a commitment to medical and/or social transition to their chosen gender, involving an assessment by the Family Court. I believe this process allows for safe-guarding the process from abuse, whilst giving genuinely transgendered people a mechanism.

Making the category "woman" a subjective identity, rather than a matter of material, immutable, biological reality prevents us from being able to define, and accurately measure matters such as health outcomes and crime. The amendment to the BMDRR bill confuses the biological reality of "sex" with "gender", a set of socially constructed behaviours and roles.

I am concerned that there has been insufficient consideration of the potential risks to female only spaces, such as women's prisons, refuges and changing rooms, should the current safeguarding processes be lost. Male bodied persons would be entitled to access these women only spaces with only a cursory self-declaration. Women prisoners are particularly vulnerable to this, and there are already examples of male-bodied prisoners, whilst identifying as trans-women, committing assaults on women prisoners in New Zealand prisons.

I therefore ask the following things of you:

- Please do not vote for the BMDRR in its current form- please request that further consultation takes place given the potential impact on women's rights.

- Please request that passage of the bill be deferred until an impact assessment can be undertaken on the likely consequences of this proposed change.
- Please consider requests to meet with women who are concerned about these matters.

I would welcome the opportunity to meet with you in person to discuss my concerns.

Kind regards

Withheld under s9(2)(a)



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 17:

From: **Withheld under s9(2)(a)**
Sent: Monday, 24 September 2018 7:35 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: BDM amendments

Dear Tracey.

I've recently learned that parliament is considering passing amendments to the Births, Deaths, Marriages, and Relationships Registration Act.

The amendments include provision for one-step legal self-ID.

The intentions of these amendments are noble: making it easier for trans people to have official documents that reflect their feelings.

However the unintended consequences have not been considered. The amendments are open to abuse. Specifically: abusive men will find it very easy to change their legally recognised sex and then be able to access female-only spaces, services and provisions.

No assessment has been done by any ministry on the possible impacts of the amendments on women.

This is a huge change in law and it directly impacts women.

However, women have not been consulted on these changes.

I share the concerns of the Lesbian Rights Alliance and Speak Up For Women.

Their concerns can be seen here:

<https://speakupforwomen.nz/>

My fear is not of trans women. Rather, on behalf of women, I fear the men who may insincerely adopt female identity for nefarious reasons. There *are* predatory men in this country who will view this legislation as an open door to places where they can access vulnerable women and girls. Places like: women's prisons, Girl Guide tents, changing rooms, and Womens' Refuges. I fear that New Zealand women and girls will be at risk, and some of them - and their families - will suffer if this legislation passes.

My worries only increase when I read stories like that of Karen White, a male pedophile and rapist identifying as a woman (sometimes, according to his girlfriend) who was recently charged with sexually assaulting inmates while incarcerated at a women's prison in England. The UK prison system accepted his identification as a woman and, as a result, four women who had nowhere to run or hide were assaulted.

The question that legislators must consider is this is: how many sexual assaults against women by males identifying as women will be enough to reverse this legislation? Will it be one rape? Or five? Or ten?

Again, this isn't about genuine transwomen. This is about men who could flout such a provision to gain access to vulnerable women.

Before you progress this legislation, please: engage in consultation with the women whom it will affect, and gather and analyse research on the possible consequences.

Thank you.

Kind regards,

Withheld under s9(2)(a)

A large black rectangular redaction box covers the signature area.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 18:

From: **Withheld under s9(2)(a)**
Sent: Monday, 24 September 2018 9:32 PM
To: W Peters (MIN) <W.Peters@ministers.govt.nz>
Subject: Fw: BDMRR Bill: self-ID for birth certificates

Dear Deputy Prime Minister,

I am a **Withheld under s9(2)(a)** but emphasise that I am writing to you in my personal capacity.

On 10 August 2018 I learned of the Government's proposals to introduce "self-identification" in relation to the "sex" specified on birth certificates. I was surprised to discover this proposal had already been through a Select Committee process and was well on the way to becoming law. For several months I had been closely following the self-ID debate in the UK, yet was oblivious to the New Zealand developments.

I have real concerns about the proposals, especially in relation to the effect on female-only spaces and services currently protected under the Human Rights Act 1993. As a criminal lawyer of over 20 years' experience I have particular concerns about safeguarding. The Human Rights Act recognises that sex segregation exists for good reasons, including privacy, dignity and safety. Changing the meaning of birth certificate "sex" to reflect a person's subjective feelings will, in my view, have a significant impact on existing protections, even if that impact is not immediate.

Male-pattern violence (including sexual violence, and associated conduct like voyeurism, intimate recording and exhibitionism) is an unfortunate reality and there is no evidence that males identifying as women pose any less of a risk in this regard. Indeed, in 2016, the President of the British Association of Gender Identity Specialists warned of an "ever increasing tide" of incarcerated sex offenders seeking to "transition". And some 48% of trans-identifying inmates currently in UK prisons are sex offenders (compared to 19% of all inmates).

Self-ID also means that for day to day purposes it will be impossible to distinguish males identifying as women from the ordinary population of males, with obvious consequences for female-only spaces. A recent (2 September 2018) investigation carried out by UK newspaper the Sunday Times showed that almost 90% of reported sexual assault, harassment and voyeurism in swimming pool and sports centre changing rooms happened in unisex facilities. This is despite the fact that unisex facilities make up less than half the total.

I also have concerns about the lack of public/stakeholder consultation surrounding these significant proposals, which as you know were not included in Bill when it was introduced. These issues are currently being debated in the UK, and the government there has facilitated a 12 week public consultation process (still ongoing) and has publicly confirmed its commitment to existing protections for women under the UK equivalent to the Human Rights Act. In other jurisdictions (e.g. Western Australia) similar proposals are undergoing Law Commission scrutiny.

In my reading around the background to the Bill I have seen no sign that the issue of potential impact on sex-based exceptions under the HRA has been acknowledged. Self-ID is presented (misleadingly in my respectful view) as a simple administrative change that will bring New Zealand up to international law standards. This is contrary to advice from the Department of Internal Affairs in 2017. It is also contrary to the carefully reasoned position of the Human Rights Commission in 2008, following its lengthy inquiry into transgender discrimination. Then, the Commission rejected self-ID, recognising the need to balance the interests of transgender persons against the need for integrity of official documentation and the rights of others. (The Commission's recent submission on the Bill, which supports self-ID, does not even refer to this history, and its legal analysis is in my view flawed).

The Bill also proposes removing existing Family Court gatekeeping, and the need for medical treatment, in relation to children and young persons who wish to change their recorded sex. These protections will be replaced by a "recommendation" from a "health professional" (defined extremely widely to include social workers and counsellors).

Again the UK experience is instructive. The Government has very recently (15 September 2018) announced an inquiry into the skyrocketing numbers of children and adolescents presenting for gender identity treatment. Referrals for girls have risen by 4400% in the past decade and "little is known of the reasons, or of the long term impact." A 2018 study in New Zealand into referrals to Wellington's Endocrine Services, reflects similar trends. There is growing disquiet among clinicians, and emerging evidence about the role of social contagion in these figures.

I believe the UK Government's announcement of an inquiry should serve as a red flag. There is a need to sound a note of caution about what is happening in our communities, particularly in relation to our girls. It is deeply troubling to me that in this climate the Select Committee is proposing a removal of existing checks and balances in relation to children wishing to change their legally-recognised sex, without wide consultation or policy analysis.

I have written to the Hon Tracey Martin as Minister responsible for the Bill, but she has declined to meet. I appreciate your portfolios leave little or no time for meeting with constituents. But I would very much appreciate an opportunity to discuss my concerns with New Zealand First representatives. I look forward to hearing from you.

Yours sincerely

Withheld under s9(2)(a)

[Redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

ment to: Hon Andrew Little, Hon Julie Anne Genter, and Rt Hon Jacinda Ardern.

Document 19:

From: Withheld under s9(2)(a)

Sent: Sunday, 30 September 2018 5:09 PM

To: Hon Carmel Sepuloni <Carmel.Sepuloni@parliament.govt.nz>

Subject: proposed changes to Births Deaths, Marriages and Relationships Registration Act

September 30 2018

Withheld under s9(2)(a)

Dear Carmel,

On the subject of proposed changes to Births Deaths, Marriages and Relationships Registration Act (BDMRRA), in regards to changing the sex marker on birth certificates.

Currently transgender people in New Zealand are able to apply to change the sex marker on their birth certificates through the Family Court by proving they have "taken decisive steps to live fully and permanently in the gender identity of the nominated sex" as well as it being based on "expert medical evidence".

I understand the proposed changes to the BDMRRA seek to streamline this process and change it to a one-step administrative process based on self-declaration of gender identity.

I would like the government to fully consult with providers for women's services in New Zealand, and what may be the unintended consequences of changes to this Act, before passing it through Parliament.

So far only a select few members of the public who are transgender, along with the Ministry of Internal Affairs and the Governance and Administration Select Committee have been consulted in regards to these proposed changes.

Last year Internal Affairs said *"self declaration" of sex has wide-reaching implications - yet it's heading into law without any impact assessment or consultation.*

This warning has seems to have been ignored.

Women deserve consultation on an issue which clearly impacts women and girls, and their sex specific services and groups.

Overseas there have already been instances of Women's Services seeking to exclude trans women where inclusion in their particular service is inappropriate due to the needs of the women they help. These service providers have had to undertake lengthy and costly law suits to continue to have the right to choose biological women to work within their own services.

The proposed changes to the BDMRRA will mean prisons will not be able to use discretion when transferring transgender prisoners to prisons housing the sex of those the prisoner feels they identify as.

With the proposed change to streamline the system it will take only 30 days to alter a birth certificate. This opens up the possibility for the process to be abused by prisoners for nefarious reasons. It will mean male bodied prisoners, who have no intention of ever changing sex, could be given unquestionable access to females housed in female prisons.

Areas that may be affected by these changes are:

- women's sports
- women's rape crisis centres
- women's refuge
- Girl Guides
- healthcare providers
- women's prisons
- breaches of women's rights
- pay equity statistics
- all women lists of MPs in parliament
- statistics of crime rates that relate specifically to women
- women's changing rooms
- women's bathrooms
- Single sex schools

When all these areas have been properly looked at, and public consultation has been undergone, it may then be appropriate to change the BDMRRA with some provisions for findings arising from these consultations.

Please consult with women on law changes that involve us.

Kind Regards

Withheld under s3(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 19B:

From: Withheld under s9(2)(a)

Sent: Tuesday, 2 October 2018 10:43 AM

To: Hon Andrew Little <Andrew.Little@parliament.govt.nz>

Subject: Re: proposed changes to Births Deaths, Marriages and Relationships Registration Act

Thank you for your reply Andrew, I see the Select Committee has finished with the Bill, they were to write a report on August 10th this year. The bill will likely be before Parliament for a second reading soon. This is my chance, as the member of the public to raise awareness with all MP's that there will be consequences for women should the bill go ahead in it's current form. Particularly relating to S28-29 which I feel needs further public and Government consultation before being passed. Especially from women who have concerns about the services I mentioned in my last email.

I have attached a letter penned by Withheld under s9(2)(a) which explains it more fully.

This bill will affect 50% of your constituents and their services and it is important for you personally to take notice of the wording in regards to sex and gender and definitions of both within those sections. The bill can be rewritten at this point.

Please read Georgina's letter and at least be aware of possible ramifications of passing it in it's current form when it comes back for it's second reading.

Kind Regards

Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

2 March 2018

Submission on the Births, Deaths, Marriages, and Relationships Registration Bill

To the Governance and Administration Committee,

I am making this submission, as an individual, on the above Bill which re-enacts the Births, Deaths, Marriages, and Relationships Registration Act 1995 (BDMRRA). I am specifically addressing sections 28 - 29 of the Act and sections 67 – 72 of the proposed Bill. As outlined at the end of my submission I recommend that further public and governmental consultation be assured should these clauses be amended, that the clauses contain clear definitions of sex and gender identity, that secondary markers be included on birth certificates, that the intersex community is consulted on any changes and that the Minister of Corrections be requested to review any proposed amendments to these clauses.

PUBLIC CONSULTATION

I would like to make the following comments with regards to the report submitted by the Governance and Administration Committee, published on 11 August 2017 that was made in response to the petition of Allyson Hamblett, which was not made available on the parliament website adjoining and in relation to the Bill. (1)

This report was submitted the day after this Bill was introduced and the recommendations contained in this report, with regards to gender self-identification, are far-reaching and impactful on NZ law and policy.

The purpose of this Bill is stated on the parliament website as “to recast the access provisions in the 1995 Act and respond to the Law Commission’s review of burial and cremation law”.

If such a substantial change such as gender self-identification is being considered, I don’t believe this has been adequately communicated to the public. Although available elsewhere on the parliament website, this report was not available in relation to this Bill. The public are told that this Bill is “uncontroversial” and applies mainly to cremation and safe, accessible information pertaining to official identification documentation.

It is of concern that reasonable and transparent communication of intended amendments relating to self-identification are not being made freely available to the public. (See recommendation 1).

ISSUES PERTAINING TO THE GOVERNANCE AND ADMINISTRATION REPORT & SUPPORTING HUMAN RIGHTS COMMISSION DOCUMENT

The Governance and Administration Committee Report states that the Human Rights Commission (HRC) was invited to submit its view on Allyson Hamblett’s petition delivered on 25 October 2016.

The HRC states (point 18) in its submission that Section 28 of the current BDMRRA is “an outlier” now that passports and drivers licenses can be changed on the basis of self-identification. (2)

The Greens Aotearoa New Zealand website, inviting submissions to change the section to one of gender self-declaration, states that birth certificates are “one of the most important documents” we have. (3) I would go as far as to say that birth certificates are *the most* important piece of identification we have. Describing section 28 as ‘an outlier’ (which minimizes the importance of birth certificates), underestimates how impactful it would be for birth certificates to be changed based only on self-declaration.

I believe that birth certificates are extremely important. Especially when we take into account legislation, policies, services, funding, equal opportunities representation and discrimination law that currently rely on sex as a qualifying characteristic.

Adopting legislation that relies on gender self-identification and declaration, rather than biological sex will impact on statistical measurements required to determine funding and allocation of resources, spaces available based on sex and sex-segregation (such as prisons, hospital wards, rape crisis centers), sports, scholarships and schools.

Under Part Three: Testing of Legislative Content: Consistency with New Zealand's international obligations in the Departmental Disclosure Statement relating to this Bill it states:

"The Bill re-enacts the existing law in the BDMRA 1995, which gives effect to art 24(2) of the International Covenant on Civil and Political Rights 1966 (ICCPR) ("Every child shall be registered immediately after birth and shall have a name"). The Bill reflects the non-discrimination provisions in the Universal Declaration of Human Rights and the ICCPR, including sexual orientation and gender identity." (4)

However, both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) do not reference nor include 'gender identity'. Further to this, there is the potential for any gender identity legislation to come into conflict with domestic human rights legislation such as the Human Rights Act 1993 and the Bill of Rights Act 1990, which protect New Zealanders on the basis of sex.

Point 24 of the HRC report references the "Yogyakarta Principles" in the same breath as the ICCPR, so it is not surprising that one might think that these principles constitute current international human rights obligations for the New Zealand government. (2), (5)

It is important to note these the Yogyakarta Principles are not a legally binding part of international human rights law and do not appear, nor are referenced in the UDHR nor the ICCPR. To this day these principles have not been ratified in any treaty pertaining to international law by which New Zealand must observe. I find the HRC's suggestion that the Yogyakarta Principles are a requirement under international law, when they are not, an alarming misrepresentation.

The Governance and Administration Committee report concludes that:

"We recommend that the Minister of Internal Affairs instruct officials to review section 28 of the BDMRA with a view to amending it to an approach predicated on self-identification. We suggest that the review should take into account the process and requirements in other jurisdictions, in particular the GIGESC Act in Malta."

In Malta, the Gender Identity, Gender Expression and Sex Characteristics Act 2015 (GIGESC) defines Gender Identity as:

"Gender identity refers to each person's internal and individual experience of gender, which may or may not correspond with the sex assigned as birth, including the person sense of the body (which may involve, if freely chosen, modifications of bodily appearance and, or functions by medical, surgical or other means) and other expressions of gender, including name, dress, speech and mannerisms;" (6)

What is clear from this definition is that the word “gender” appears on both sides of the definition. For any definition to be coherent in law the word being defined should not appear as both:

- a) The thing to be defined, and;
- b) As part of the definition itself

The GIGESC’s circular and inadequate definition has been the subject of wide criticism since it was enacted in 2015.

The GIGESC definition for gender identity is adopted from the Yogyakarta Principles (to which the HRC recommends) and it is important to note these principles only briefly mention intersex people. They are wholly insufficient to address the issues facing the intersex community. (See recommendations 2, 3, 4 & 5).

IMPACTS ON SEX-SEGREGATED SPACES

I will use only one example, in the interests of submission length, of a service provided to New Zealanders that will be affected by gender self-identification and declaration. There are many examples that could be given, however.

An important question to consider is - does the politics of gender identity present us with laws and policies that actually operate to benefit the groups they are supposed to benefit and that represent a fair and reasonable balance among competing interests and groups?

Currently, New Zealand Department of Corrections has a process for determining the housing of transgender prisoners. This process takes into account the protections of all prisoners and therefore is accommodating to prisoners who wish to be housed with the sex to which they identify; but for obvious reasons, will not consider rehousing of a transgender prisoner if they are serving for a serious sexual offence, under remand for such, or have previously served a sentence of imprisonment for a serious sexual offence committed against a member of the sex to which they identify.

The impact on Corrections of self-identification legislation (especially as it pertains to birth certificates) would mean that new and current prisoners who have committed a serious sexual assault against the sex to which they identify will *automatically* be housed with the sex on their birth certificate. When it comes to the determination of prisoner housing placement, birth certificates are the main and ultimate form of identification considered. (7) (See recommendations 6 & 7)

A one-step, administrative self-declaration process as promoted by The Greens and the Governance and Administration Committee Report would have an impact on departments like Corrections, with potential life-threatening consequences.

In submission to parliament, The British Association of Gender Identity Specialists warned that some biological men convicted of sex crimes have falsely claimed to be transgender, for nefarious reasons.

“It has been rather naïvely suggested that nobody would seek to pretend transsexual status in prison if this were not actually the case. There are, to those of us who actually interview the prisoners, in fact very many reasons why people might pretend this. These vary from the opportunity to have trips out of prison through to.... a desire to make subsequent sexual offending very much easier, females being generally perceived as low risk in this regard.” (8)

A process that relies entirely on self-declaration, where identification is dependent on the veracity of the subject, and the subject only, could be exploited by a prisoner to demonstrate diminished risk and for other specific reasons. It would be reckless to pretend that this would or could never happen.

FINAL RECOMMENDATIONS

- 1) I would like to formally request that any amended clauses that seek an approach predicated on gender self-identification and declaration **be returned to public consultation** as well as all government departments and organizations that may be impacted by these amendments.
- 2) A clear, robust and non-circular **definition of "sex" and "gender identity"** be included as a preamble to s 28 and 29 of the BDMRRA and that all mention of "nominated sex" be replaced with "gender identity".
- 3) That it is made clear in the BDMRRA that the marker on birth certificates is a reference to "sex" (male, female or indeterminate). In the case of successful applications for altering birth certificates, a marker referencing "gender identity" (masculine, feminine or non-binary), be applied **in addition** to the sex marker; not in replacement of it.
- 4) In the case of intersex people, where sex has been incorrectly recorded at birth, that **the process for changing birth certificates be simplified**. For instance, that only a medical diagnosis and a recommendation from a doctor would be required. However, the intersex community should be consulted on what approach should look like.
- 5) That organisations that exist to advocate for the rights and protections of **intersex people be consulted, as a priority**, before any consideration is taken to adopt the Yogyakarta Principles - or laws such as the GIGESC, which have adopted these principles.
- 6) That the Minister for Corrections be **fully informed as to the potential impacts and risks posed by gender self-identification and declaration** to prisoners and staff within his/her remit.
- 7) That the Governance and Administration Committee request the Minister of Corrections to instruct officials **to review any proposed amendments to section 28 and 29 of the BDMRRA**. Especially those that may be predicated on self-identification.

I am willing to appear before the committee to answer questions about my submission.

Yours sincerely

Withheld under s9(2)(a)

REFERENCES

- (1) https://www.parliament.nz/en/pb/sc/reports/document/SCR_74921/petition-20140086-of-allyson-hamblett
- (2) https://www.parliament.nz/resource/en-NZ/51SCGA_EVI_51DBHOH_PET71439_1_A553623/01d30face64cb281d04c2bbb238d467a51156a01
- (3) http://action.greens.org.nz/document_dignity
- (4) <https://www.parliament.nz/en/pb/bills-and-laws/bills-digests/document/51PLLaw25331/births-deaths-marriages-and-relationship-registration>
- (5) https://en.wikipedia.org/wiki/Yogyakarta_Principles
- (6) <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12312&l=1>
- (7) http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-4.html
- (8) <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/transgender-equality/written/19532.pdf>

Document 20:

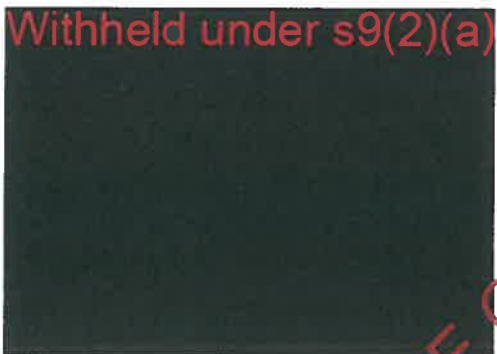
From: Withheld under s9(2)(a)
Sent: Thursday, 4 October 2018 1:26 PM
To: Erica Mangin <Erica.Mangin@parliament.govt.nz>
Subject: Re: Ministerial correspondence: Hon Tracey Martin

Thank you for the response. This is an interesting stance given the Human Rights Commission noted a conflict between female rights and a self-declared process in their earlier reports. The move to a self declaration system is not evidence based and has been abused overseas including the recent case with Karen White in the UK.

We will trust Hon Tracey Martin and if a male with a penis insists he can enter a female only space (or lesbian space) anytime soon because he will be legally seen as female we will make it clear she allowed this to happen.

It's been disappointing to see how Hon Tracey Martin has refused to engage with women, including many lawyers, on this issue.

Withheld under s9(2)(a)



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 21:

From: **Withheld under s9(2)(a)**
Sent: Wednesday, 10 October 2018 2:03 PM
To: Hon Tracey Martin <Tracey.Martin@parliament.govt.nz>
Subject: BMDRR

To: Tracy Martin, New Zealand First MP

Ahiah Marie, Tracy,

We are writing in concern about the proposed changes to the BDMRR act. These are as follows:

1) The unintended consequences of this Bill'

Firstly, Sex Offenders who self ID would then be placed in Women's Prisons. This has happened in the UK. One transgender prisoner sexually assaulted four women this year. One worrying example is that of Malcolm/ Morganna Platt

<https://www.stuff.co.nz/national/crime/102887756/rapist-back-in-prison-for-plotting-to-train-girl-as-a-prostitute>

We believe vulnerable women deserve better. They should NEVER have to share a cell with a male.

2) The lack of consultation/ lack of transparency about the changes. We only found out by reading concerns and worrying news articles about what is going wrong in the UK, the US and even in Canada where a vulnerable woman in a refuge was forced to share a room and showers etc with a male.

We firmly believe that there needs to be a careful analysis of all the risks undertaken before any such law change is made.

3) The process has not been entirely democratic. It seems that women and girls, who would be most affected by the change - having to share changing rooms, refuges and prison cells with males- have not been consulted nor even considered in this proposed change. This appears to be an instance of significant social engineering, effectively losing the meaning of the words - men, women, girls and boys. This will have negative effects on vulnerable women and girls, as is already happening in the UK.

Finally, we believe that NZ laws should reflect evidence, science and facts. They should not be changed to reflect fiction. That way lies coerced totalitarian law-making.

We would appreciate you speaking to your fellow MPs about this matter.

Nga mihi,

Withheld under s9(2)(a)

Document 22:

From: Withheld under s9(2)(a)
Sent: Tuesday, 6 November 2018 5:58 PM
To: Rt. Hon. Winston Peters <Winston.Peters@parliament.govt.nz>; W Peters (MIN) <W.Peters@ministers.govt.nz>
Subject: Births, Deaths, Marriages and Relationships Registration Bill

Dear Hon Winston Peters,

I am writing to you as a supporter of the campaign by **Speak Up for Women**.¹ This letter does not denote membership or affiliation with **Speak Up For Women**.

Speak Up For Women is a non-partisan group of diverse New Zealanders that formed in response to the "self-ID" proposals in the Births, Deaths, Marriages and Relationships Registration Bill (Reported by the Governance and Administration Committee on 10 August).

I am writing to you because I'm hoping you will be able to take some time to meet with me to discuss proposed changes to the Births, Deaths, Marriages and Relationships Registration Act 1995, which have been proposed by **New Zealand First MP Tracey Martin**. I am writing to you because it is my understanding that Ms. Martin has not responded to requests for a meeting with her about her Bill from either **Speak Up For Women** or its supporters.

For your information, some background and the details of my concern, including references, are attached to this letter to Tracey Martin written by **Speak Up For Women**:

<https://speakupforwomen.nz/letter-to-tracey-martin/>

The focus of my concern is twofold:

1. The rushed and non-consultative process that has led to the Select Committee's recommendations; and
2. The unforeseen impact of the proposed changes, particularly on existing sex-based exemptions under the Human Rights Act.

I urge you to vote against the administrative change made to the BDMRR Bill at the Select Committee stage. The administrative change deleted Part 2, Subpart 7 of the Bill as introduced and inserted new clauses 22A -22J. These changes have not been the subject of any public consultation. To vote against this administrative change may require two actions:

1. Voting against the Bill at its second reading;
2. Tabling a Supplementary Order Paper at the Committee stage of the Bill to ensure the original wording of the Bill is retained.

I would very much appreciate if you could review and support the Supplementary Order Paper that is already garnering signatures of support from New Zealanders from all walks of life:

<https://speakupforwomen.nz/to-all-members-of-parliament/>

This SOP is supported by a petition to parliament made by Charlie Montague that gained 1610 signatures. I understand that Anne Tolley is to present this petition:

https://www.parliament.nz/en/pb/petitions/document/PET_79009/petition-of-charlie-montague

For comparison, the petition that prompted Tracey Martin's self-id bill only received 56 signatures.

I urge you to support public consultation around this significant proposed change to the legal definition of "female," and a review of how the proposed changes will affect sex-based exemptions under the Human Rights Act.

I look forward to hearing from you on the action you will take to affirm the importance of female-only spaces and services. I hope you will agree to meet with me and talk to your colleagues about this matter.

Yours sincerely,

Withheld under s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 23:

From: **Withheld under s9(2)(a)**
Sent: Friday, 16 November 2018 11:49 PM
To: T Martin (MIN) <t.martin@ministers.govt.nz>
Subject: DNA

Dear Minister

I am concerned about the proposed change to sex on birth certificates. I understand that people wish to be recognised and respected for who and what they are. I think it would be better to go down that path.

My concern about this proposed change is that it may well be a breach of human rights. When you change your sex in this way you do not change your dna. Recent events have brought to the fore the importance of our DNA in much publicised cases of killers identified by the DNA and family trees of their relatives posted online. When you post your DNA online you are posting the DNA of everyone who shares that DNA with you.

Like many people who do their ancestry I have come across numerous cases amongst peers in genealogy groups of people who are adopted or have non paternity issues. The tricky bit is how to work out how people are related once a match has been established. For example if two females have a match on the X (the sex) chromosome it could be they match for both their Mothers or one Mother and the other Father etc

The X chromosome a man passes on to his daughter is his Mother's X chromosome. So every female on the planet has one X chromosome from her Mother and one from her Father's Mother. When women inherit their X chromosome from their Mothers it is usually a combination of the X chromosome they inherited from both their parents.

So if someone for example had the sex on their birth certificate changed to male and down the track someone thought that person's X chromosome was their Mother's because of that one X chromosome a man inherits, it could set the hunt for a parent down the wrong track. This might make it almost impossible to track the correct information and therefore in effect deprive someone of their parent or knowledge of same.

In tracking unknown relatives who are a DNA match you use a good paper trail or a part paper trail plus the DNA. You may sometimes have to ask other descendants to whom you are related in an X match event to put their DNA up to a site which shows an X match (most of the commercial DNA sites do not show that) in order to find out in what way are you both related to a third relative. To see if their match is for a Mother or a Father on one side of the tree to narrow the search. You triangulate in this way.

It has been an education for me how harrowing it remains throughout life, even into their 80's, if people are unsure of their parentage and even grandparentage. And this is something which also has practical ramifications in today's world. It is not just a matter of how people feel.

The human rights legislation is not keeping pace with modern science. For example work has been done to transplant the mitochondria in cells if someone has a mitochondrial severe illness in the family and the parents wish to have a baby without that condition. Current commercial DNA testing tests for mitochondrial haplotype. The mitochondrial haplotype is something Mother gives to all her children so if the mtDNA does not match and no one told the child how they had been conceived they might discover down the track that something does not add up genetically and wonder whose child were they anyway.

I cannot emphasise how important it is for people to know who they are and where they come from. That is a basic human right. Anything which interferes with that breaches that human right. Please consider the wider ramifications of your proposed legislation.

Withheld under s9(2)(a)

Document 24:

From: **Withheld under s9(2)(a)**
Sent: Wednesday, 21 November 2018 1:40 PM
To: Hon Tracey Martin <Tracey.Martin@parliament.govt.nz>
Subject: Does this help with the discussion

Hon Tracey Martin

What does Government need to record on a birth certificate to carry out it's services. And why does it matter to anyone what is recorded. What matters is that services provided by the state are provided without prejudice.

A friend has a poodle that sort of miaows and purrs. It never barks. Turns out it was reared by a cat. It's DNA and biology is dog. It's sociology and probably an aspect of DNA causes it to identify as cat.

I might have been born as Chinese and raised by Navajo Indians. My DNA would show me to be of Chinese race. But sociology would likely cause me to strongly identify as Navajo.

I have human DNA and biology which comes in one of two sexes, male or female. As time progresses DNA and sociology may make me want to identify somewhere along a femininity-masculinity spectrum which uses the same labels as the sex categories, ie. female, male, but also needs to include other non-binary labels for anything in between. It is this femininity-masculinity spectrum that in recent discussions gets confused with biological sex. I might for sociological reasons and through DNA expression eventually be compelled to identify as somewhere along this spectrum. However, how I identify doesn't change my biology in relation to my sex.

Government's birth certificate records the facts as they're known at a point in time. Presumably someone decided what was useful data to record at birth. On the face of it, it would appear to be data that enables Government to uniquely distinguish me from others, ie. date-time, sex, biological parents, and location.

Maybe the data that is collected should be reviewed? Should sex not even be recorded? Does Government need to know my gender identity". If so, for what purpose. Government doesn't need to record my sexuality for any services provided. If it's decided they do need to know gender identity, then wouldn't it make more sense to add a new data element such as "gender identity" which enables me to record my place on the femininity-masculinity spectrum.

Withheld under s9(2)(a)

