

# LGB ALLIANCE AOTEAROA NEW ZEALAND'S SUBMISSION ON THE INTEGRITY SPORT AND RECREATION BILL

## ABOUT US

LGB Alliance Aotearoa New Zealand (herein 'the Alliance') is a group of volunteer women and men who share one thing in common: we're same-sex attracted and we're here to defend that reality from homophobia in all its forms. Distressingly, a whole generation are now growing up facing a new homophobia, that includes medicalisation, that comes directly from "gender identity" ideology. This is the inevitable outcome of an ideology of which its foundations rely on the outright misuse of all sex-based language.

To quote LGB activist Menno Kuijper:

***"Saying 'lesbians have penises' and 'gay men have vaginas' is the most insidious form of homophobia - a blatant denial of what homosexuality is, and used to shame us all over again. I ain't having it"***

Neither are we.

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## SUBMISSION

### **SEX, UNLAWFUL DISCRIMINATION EXCEPTIONS, & MEASURES TO ENSURE EQUALITY**

One of the Alliance's primary objectives is to highlight the dual discrimination faced by lesbians. As women who are homosexual, lesbians often face unjust and prejudicial treatment on the basis of their same-sex-only sexual orientation and on the basis of their sex itself (female). Bisexual women, particularly those who chose to centre women over men in their intimate lives, can face this dual discrimination, too.

We are therefore dismayed at the complete omission of 'sex', specifically the female sex (women and girls) from this bill.

We strongly hold the position that as a sex-class, women and girls are relevant stakeholders to maintaining integrity in the sports and recreation sector. The separation of sports on the basis of sex is to ensure that males can be excluded from female sports categories where strength, stamina, and physique are relevant. This is specified in Section 49 of the NZ Human Rights Act 1993 [1]. We believe this provision counts as 'measures to ensure equality' provided in Section 73 of the Human Rights Act 1993, a provision which is affirmed in Section 19 (2) of the NZ Bill of Rights Act 1990 [2].

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### **SUBMISSION (CONTINUED)**

#### **ELEVATING BELIEF IN GENDER IDENTITY OVER REALITY & IMPORTANCE OF SEX A THREAT TO INTEGRITY IN THE SPORT & RECREATION SECTOR**

The notion of 'gender identity' is typically defined as one's personal sense of being male or female or neither, regardless of one's actual sex. Since male and female are material reality and not feelings, 'gender identity' is based on cultural/social stereotypes (gender) associated with the sexes.

So we ask you to consider why "feelings" based on gender stereotypes should be tied at all to what a woman/girl/female is (likewise, what a man/boy/male is), and subsequently why separate categories for women and men should both be mixed sex categories that are based on the combination of sex itself and the gender stereotypes adopted and performed of one sex by the opposite sex.

Sex matters in sports. Annually, thousands of boys and men outperform elite female athletes [3] [4]. On average, men are taller, faster and stronger than women, having bigger bones, longer limbs, wider hand spans, wider shoulders and a narrower pelvis. Men have larger, denser muscles, with a higher proportion of fast twitch fibres, and larger hearts and lungs. These are the result of being born with a male body and going through male puberty [5] [6]. Indeed, current evidence shows the male biological advantage, most notably in terms of muscle mass and strength, conferred by male puberty and thus enjoyed by most transgender women is only minimally reduced when testosterone is suppressed as per current sporting guidelines for transgender athletes [7]

Current trends across the globe are reaffirming women's and girls' right to female-only sports. Recently, World Athletics stated "*transgender athletes who have gone through male puberty will no longer be eligible to compete in female athletics competitions*" [8]. Likewise, World Rugby release a similar statement in 2021 [9], and not long before that so too did World Aquatics [10].

Another factor we urge you to consider are those of religious faith where sex separation is practiced in certain circumstances [11].

Finally, we oppose the forced-teaming, under the "umbrella" term "rainbow community", of minority/same-sex sexual attraction (LGB) with the conflicting notion of 'gender identity' and with 'sex characteristics', the latter we presume referring to disorders/differences in sex development. Homosexuals and Bisexuals (LGB) are same-sex attracted, not "same-gender identity" attracted, and our sexual orientations are not reproductive system disorders or congenital conditions.

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## RECOMMENDATIONS

### Clause 4 - Interpretation

- Insert new definition:
  - **'sex**, meaning an individual's biological sex **observed** at birth (or in utero) being either of the two categories (male and female) in which humans and most other living things are divided on the basis of their biological and reproductive functions.' We stress that sex is not "assigned" at birth, it is **observed** at birth (or in utero) and then recorded.

### Clause 5(e) - Meaning of threat to integrity -

- Insert new Clause 5(e)(vi) so that a failure by an organisation in the sport and physical recreation sector to take reasonable measures to **'ensure equality, which includes exceptions to unlawful discrimination in relation to sport on the grounds of sex, disability, and age'** constitutes a threat to integrity.

### Clause 14 - Requirements for Commission's procedure

- Insert new Clause 14(3) specifying that **'nothing in section 14(2) shall be interpreted to undermine:**
  - **(a) section 49 of the Human Rights Act 1993 which provides for the exclusion of one sex from participation in any competitive sporting activity in which the strength, stamina, or physique of competitors is relevant, or**
  - **(b) section 73 of the Human Rights Act 1993 which provides for measures to ensure equality, or**
  - **(c) the Commission's responsibility to act consistent with section 49 and section 73 of the Human Rights Act 1993 where sex is relevant.'**

### Clause 16 - Commission to have effective means of seeking views

- Amend clause 16 to include **female** participants as a relevant stakeholder

### Clause 20 - Consultation on integrity code

- Amend clause 20 to include **female** participants as a relevant stakeholder

### Separate same-sex sexual orientation (LGB), gender identity, and sex characteristics

- Remove reference to "Rainbow communities" as it is a misnomer and threat to integrity itself to force-team three very distinct demographics under one "umbrella", especially when there is conflict between same-sex sexual orientation and the sex-denialist ideology of gender identity. Additionally, same-sex sexual orientations are not "diverse sex characteristics" or disorders of the reproductive system. Finally, within LGB the needs of same-sex attracted women (female) are different to same-sex attracted men (male), especially in which the strength, stamina, or physique are relevant. This is because of the material reality of sex, and sex matters in sports.

## **LGB ALLIANCE AOTEAROA NEW ZEALAND'S SUBMISSION ON THE INTEGRITY SPORT AND RECREATION BILL**

### **REFERENCES**

1. <https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304627.html>
2. <https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM225519.html>
3. <https://law.duke.edu/sports/sex-sport/comparative-athletic-performance/>
4. <https://boysvswomen.com/>
5. <https://sex-matters.org/where-sex-matters/sport/>
6. <https://fondofbeetles.wordpress.com/2018/10/01/harder-better-faster-stronger-why-we-must-protect-female-sports/>
7. [https://link.springer.com/article/10.1007/s40279-020-01389-3#auth-Tommy\\_R\\_-Lundberg](https://link.springer.com/article/10.1007/s40279-020-01389-3#auth-Tommy_R_-Lundberg)
8. Eligibility regulations for transgender athletes, (*Version 2.0, approved by Council on 23 March 2023, and coming into effect on 31 March 2023*), World Athletics.
9. <https://www.world.rugby/the-game/player-welfare/guidelines/transgender/women>
10. <https://resources.fina.org/fina/document/2022/06/19/525de003-51f4-47d3-8d5a-716dac5f77c7/FINA-INCLUSION-POLICY-AND-APPENDICES-FINAL-.pdf>
11. <https://www.newsroom.co.nz/lockerroom/making-safe-spaces-for-muslim-girls-to-play>

Thank you for taking the time to consider our submission.

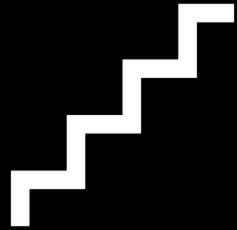
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**ALLIANCE**

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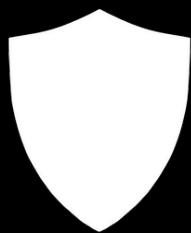


### LGB RIGHTS

We work to advance the rights & diverse interests of lesbians, gay men, and bisexual women and men

### FREEDOM OF EXPRESSION

We promote respectful freedom of expression on lesbian, gay, & bisexual issues



### SAFEGUARDING

We advocate strong safeguarding practices to protect children & vulnerable people from harmful, unscientific ideologies

### LESBIAN VISIBILITY

We highlight the dual discrimination faced by lesbians

