Te Ara Aroha Rainbow Takatāpui Allies Network Incorporated

Christian Community of the Anglican Church in Aotearoa, New Zealand and Polynesia

Submission on Legislation (Definitions of Woman and Man) Amendment Bill

Kupu Whakataki – Opening Words

E te Komiti, tēnā koutou katoa

We are Te Ara Aroha Rainbow Takatāpui Allies Network (Te Ara Aroha/TAARTAN), a Christian Community of the Anglican Church in these islands.

Takatāpui, Rainbow, and MVPFAFF+[1] people are present in our Anglican congregations throughout Aotearoa. They are under the pastoral care of Anglican clergy and bishops. Our Church has direct institutional knowledge of the harm that legal misrecognition causes to these valued members of our communities. This is a pastoral reality we encounter in congregations, in schools, in chaplaincies, and in community relationships across the country.

We understand the serious harms this Bill would cause, both from personal and institutional experience. ***We therefore strongly oppose the Legislation (Definitions of Woman and Man) Amendment Bill and recommend that it be rejected in its entirety***.

Who We Are

Te Ara Aroha Rainbow Takatāpui Allies Network (Te Ara Aroha/TAARTAN) is a Christian Community within the meaning of Canon XXXVIII of Te Hāhi Mihinare ki Aotearoa ki Niu Tīreni,

[1] MVPFAFF+: An acronym used to encompass the diverse gender and sexuality expressions and roles across Pacific cultures. The acronym stands for mahu, vakasalewa, palopa, faʻafafine, akavaiʻne, fakaleiti (leiti), fakafifine, and more. Source: *InsideOUT Kōaro–Tatū ki Roto, Tatū ki Waho, "Rainbow Terminology: Sex, gender, sexuality & other key terms", accessed at https://www.insideout.org.nz/wp-content/uploads/2021/08/InsideOUT-rainbow-terminology-August-2021.pdf*.

ki Ngā Moutere o te Moana Nui a Kiwa (the Anglican Church in Aotearoa, New Zealand and Polynesia). We were officially constituted in 2026, after receiving assent from our membership, recognition by the General Synod Standing Committee of the Anglican Church, and incorporated society status. TAARTAN the first church-wide Rainbow advocacy network to be recognised within the statutes of any mainline Christian denomination in Aotearoa New Zealand.

The Purpose of Te Ara Aroha is to:

> (a) advance the Kingdom of God through a message and practice of radical inclusion;
> (b) advocate for Takatāpui, LGBTQIA+, MVPFAFF+ inclusion at all levels of participation within the church.

We are deeply committed to honouring, upholding, and realising Te Tiriti o Waitangi (specifically, the Māori text of Te Tiriti), and its fourth article (also known as the oral article). In light of this, we are deeply committed to Te Pouhere, the Constitution of the Anglican Church, and in particular, to equitable partnership and whanaungatanga between the three Tikanga of this Church: Tikanga Maori, Tikanga Pasefika and Tikanga Pākehā.

TAARTAN's Community Affirmation of Faith holds that the Imago Dei (Image of God) is "displayed in human diversity—of culture, race, disability, gender-expansiveness, or sexuality—as a reflection of the goodness of God in creation". Further, we affirm:

> That Indigenous expressions of gender and sexuality throughout Aotearoa and Polynesia are part of God's creation and declared good;
>
> That gender-expansiveness among transgender and non-binary people is a revelation from God; and
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> That affirmation of gender-expansiveness and same-gender sexual orientation is not in contradiction to the Holy Word of God, but rather a reflection of the Bible as a living Word, speaking to the church a radical message of love and transformation that folds in on itself as we grow together.

Our Church's journey

We are keenly aware of the chequered history of our own Church when it comes to embodying the expansive love of God towards Rainbow and Takatāpui people. Notably, our Church still does not provide for priests to marry same-gender couples, and Rainbow candidates are barred from seeking ordination within particular dioceses. This being said, we have seen much change within our lifetimes, with two particular high points being our Archbishops' responses to the Conversion Practices Bill and Royal Commission report. We share below about these experiences and lessons learned along the way.

Archbishops' Submission on Conversion Practices Bill

In 2021, the Archbishops of the Anglican Church submitted in support of the Conversion Practices Prohibition Legislation Bill. In that submission, our Archbishops stated:[2]

> Anything which seeks to suggest that there is something inherently wrong or sinful in those who are takatāpui and LGBTQI+ or which seeks to change or suppress a person's sexual orientation, gender identity or gender expression; is, we believe, wrong… We recognise the diversity of takatāpui and other expressions of gender and orientation as unique offerings from mātauranga Māori and its Pacific roots. We see that measures to erase these, including conversion therapy, are acts of colonisation.

This reflects an ongoing and active position of our Church's leadership which holds relevance to the current Bill before the Select Committee, that any teaching which seeks to change or suppress a person's sexual orientation, gender identity or gender expression is both abusive and damaging, and that abuse in any form is incompatible with the love of God.

Royal Commission of Inquiry into Abuse in State and Faith-Based Care

In July 2024, the Royal Commission of Inquiry into Abuse in State and Faith-Based Care released its final report. The Commission documented that Takatāpui, Rainbow, and MVPFAFF+ survivors were targeted for identity-specific abuse in state and faith-based care settings. The Commission found that during the first half of the inquiry period, diverse gender and sexual identities were largely invisible and poorly understood, and that ***this invisibility was a precondition for the abuse inflicted on these communities.***

In an official response from the Anglican Church, our Archbishops stated *"We acknowledge and take full responsibility for our failures to provide the safe, caring and nurturing environment those who have been in our care had a right to expect and to receive."*

On behalf of the Church, our Archbishops pledged that this was not just an exercise in looking backwards, but a commitment to forward transformation. We see our submission as a part of honouring this commitment. ***The Church cannot in good conscience accept findings about the harm caused by legal and institutional invisibility, and then remain silent on legislation that increases that invisibility for the same communities.***

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2 https://anglicantaonga.org.nz/content/download/67813/341150/file/Submission%20on%20Conversion%20Practices%20Prohibition%20Legislation%20Bill-DT-PR.pdf

False Arguments In The Name Of Natural Order

We as members of the Anglican Church have learned to be wary of arguments defending the natural order. Such arguments have been used to deny women ordination to the priesthood for millenia. In retrospect, what presented itself as a defence of created order was a defence of a particular social order, dressed in theological language. Our Church accordingly resolved that very question in 1977 in assenting to women's ordination.

Unfortunately, the same misguided rhetorical structure now appears in advocacy for this Bill: "gender certainty" under "ideological attack", protection of "natural categories", concern for the "stability of institutions". We recognise that historically, these arguments were powerful in their ability to exclude women from equal participation within our own institution, and these arguments are now being re-deployed in a modern context. We warn that we have already seen the harm that this causes. We do not suggest these concerns are held in bad faith. We do submit, from our own institutional experience, that ***this structure of argument has a documented history of leading the Church into positions it later recognised as failures of justice.***

The appropriate response to that history is caution.

Gender Diversity has Always Been A Part Of The Church

In spite of having an abundance of scripture and canonised saints that support the inclusion of diverse bodies within our Church, we as a Church regretfully have a documented history of implementing systems of erasure and harm against the very people that the Church has a pastoral duty to serve.

The Medieval Church canonised multiple saints whose lives involved cross-gender living, figures celebrated not despite but in their crossing of gender boundaries, whose gender variance was understood as compatible with and sometimes expressive of holiness.

In Matthew 19:12, Jesus explicitly acknowledged that some people are born outside the male/female binary (eunuchs from birth) and placed them within the scope of the kingdom of God without condition. The early church enacted this: in Acts 8, Philip baptised a eunuch without any question about their suitability, ***establishing a precedent for not only the unconditional inclusion of those who do not fit binary gender categories, but the explicit naming of their existence when doing so.***

TAARTAN implores the select committee to consider that the naming and inclusion of gender variance beyond the binary has existed since the inception of our own Christian tradition, and that we are only just beginning to reckon with the harm that has been caused by the erasure of these members of our communities. ***This Bill and its aim of legislative erasure risks perpetuating that harm.***

Concerns with the Proposed Bill

One of TAARTAN's constitutionally-mandated objects is "to advocate for full equality beyond the structures of the Church, particularly against laws that are discriminatory on the basis of sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC)". On that basis, we express the following concerns about this Bill.

What the Bill Does and Why It Matters

The Bill proposes to insert definitions of "woman" as "adult human biological female" and "man" as "adult human biological male" into the Legislation Act 2019, applying those definitions as the default interpretive framework across all New Zealand legislation.

Legal experts have observed that the Bill is largely unnecessary for its stated purposes, as existing law already provides the mechanisms its advocates claim to want.[3] The Bill's practical effect cannot therefore be clarification; instead, it is erasure: the explicit removal from foundational interpretive legislation of any recognition for people whose identities do not conform to a hard biological binary.

That erasure falls entirely on Takatāpui, Rainbow, and MVPFAFF+ communities, ***the same communities the Royal Commission documented as having been most harmed by institutional invisibility. TAARTAN submits that this is a pattern to be named and opposed.***

The Bill Seeks to Erase Indigenous Genders That Have Always Been Here

Takatāpui identity has deep precolonial roots in te ao Māori. It is an expression of mātauranga Māori that our Church's prior submissions have affirmed as a unique offering from Indigenous knowledge systems. Legislation that writes a hard biological binary into the foundation of all New Zealand law would render aspects ofTakatāpui identity legally invisible across the entire statute book.

Pacific gender-diverse identities face the same erasure. The Royal Commission's own report named Māhū, Vakasalewalewa, Palopa, Fa'afafine, Akava'ine, and Fakaleitī as distinct identities warranting specific recognition. They are ancient, relevant, culturally embedded, and socially significant traditions within Pacific communities. New Zealand has the largest Pacific Island population outside of Ngā Moutere o te Moana Nui a Kiwa (the Pacific Islands). The Select Committee is asked to consider what it means for those communities to have their Indigenous gender traditions rendered legally invisible by this Bill.

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[3] *https://www.stuff.co.nz/nz-news/360962209/nz-first-wants-define-man-and-woman-government-and-experts-say-it-will-achieve-almost-nothing*

Law-making that further entrenches the colonial gender binary is a continuation of colonial erasure that the Church itself is still reckoning with***.*** TAARTAN submits that the Select Committee should consider this dimension with full seriousness.

This Bill Moves Against the Direction Of The Royal Commision

The Royal Commission documented a direct relationship between legal and institutional invisibility and the abuse of Takatāpui, Rainbow, and MVPFAFF+ people in care settings. The Commission found that during the period when diverse gender and sexual identities were largely invisible and poorly understood, survivors were targeted for identity-specific abuse, including conversion practices which the church has since condemned unequivocally.

The Commission established a trajectory towards greater recognition, greater visibility, and greater protection for these communities. This Bill risks setting an oppositional trajectory. ***A Bill that writes a hard biological binary into foundational legislation, using terminology the Commission itself rejected as inappropriately centring Western understandings, is a step back toward the conditions of invisibility the Commission documented as preconditions for harm.***

As members of the Anglican Church, having accepted the Commission's findings and committed to transformation, we cannot remain silent on legislation that contradicts the Commission's direction of travel. To do so would be to honour our commitments in word while abandoning them in practice.

Recommendations

Our recommendations to the Select Committee are as follows:

- ***That the Bill be rejected in its entirety***. TAARTAN cannot identify a genuine legal problem that the Bill solves. Through looking back at our Church's history, we instead identify significant harms that the Bill would cause.
- ***That the Committee give serious consideration to the Bill's effects on the legal recognition of indigenous Māori and Pasifika gender-diverse identities, and consider whether those effects are consistent with the Crown's obligations under Te Tiriti o Waitangi***. In our submission these effects would be seriously harmful and a grave breach of the Crown's Tiriti obligations.
- ***That the Committee consider whether the Bill is consistent with the direction of travel established by the Royal Commission of Inquiry into Abuse in State and Faith-Based Care, and the commitments made by state and faith-based institutions in response to the Commission's findings***. In our submission, the Bill is wholly inconsistent with these findings and obligations.

- Beyond the scope of this Bill, ***that legislation be introduced that instead explicitly affirms and protects Indigenous Takatāpui and MVPFAFF+ identities as well as transgender and intersex identities***.

Kupu whakakapi – closing words

TAARTAN comes to this submission not as an institution abandoning tradition under pressure from contemporary culture, as some might argue. Instead, we come as members of a Church whose tradition has always contained a more complex understanding of sex and gender than a simple biological binary, albeit one often actively invisibilised. We come as members of an institution seeking to make good on our commitments to rectify and mitigate harm, as a result of the findings of the Royal Commission, recognising that it is this invisibility and active erasure that served as a precondition for the harm that our Church is responsible for.

We carry the gravity of the stories of the survivors of abuse in our care; our Scripture; the lives of our saints; the covenant of Te Tiriti O Waitangi; and the unnamed people who have always been a part of our communities to inform our position.

On this basis, we urge the Committee to recommend this Bill be scrapped in its entirety. We would welcome the opportunity to present to the Committee in person.

Ngā manaakitanga o Te Atua ki a koutou, ngā mema katoa o te Komiti
May God's blessing be upon all members of the Committee

Submitted by the TAARTAN Steering Group on behalf of the TAARTAN membership

Etienne Wain (Chair)
Frances Brown (Secretary)
Theodore Rose (Treasurer)
Peter Lineham MNZM

In addition, this submission is endorsed by the following signatories

Student Christian Movement Aotearoa

Queer Church Wellington

Rev'd Grace Behm (she/her), Curate, St Matthew-in-the-City

Rev'd Ivica Gregurec (he/him), Vicar, All Saints, Howick, Auckland

Rebecca Erlewein (she/they), Parish member, St. Barnabas, Roseneath, Wellington

Jeremy Naylor (he/him), Parish member, St Christopher's, Tawa, Wellington.

Bethany Miller (she/they), Member of Wellington South Baptist Church, Wellington.

Leo Te Kira (he/him), Non-stipended Priest, Te Matau-a-Maui, Hastings-Napier Māori Anglican Parish.

Rev'd Dion Blundell (he/him) Vicar, St Mary by the Sea, Torbay, Auckland

Rev'd Andrew McKean TSSF (he/him), Ecumenical Chaplain, University of Waikato

Kākahu Kohuwai-Banks (she/they) Anglican Lay Minister, Ōtepoti (Dunedin)

Steven Goulstone (he/him), Pastor of Wellington South Baptist Church, Island Bay, Wellington

The Very Rev'd Dr Tony Curtis SCP (he/him), Dean of Dunedin

Dana Nicklin (she/they), Member of St Peter's on Willis Church

Kate Spencer (she/her), Lay Preacher and member of Ngaio Union Church