



# HOW THE LAW COMMISSION'S IA TANGATA REPORT COULD SILENCE EVERYDAY SPEECH

## WHAT'S THE ISSUE?

Discussions about sex and gender are now some of the most divisive issues in our society.

## THE PUBLIC CONVERSATION HAS BECOME INCREASINGLY ONE-SIDED

Gender identity views dominate institutions.  
Sex-based views face exclusion or professional risk.

## WHAT'S BEING RECOMMENDED?

The Ia Tangata report recommends adding "sex characteristics, gender identity, and gender expression" as new prohibited grounds of discrimination under the Human Rights Act.

## EMPLOYERS WILL REACT

Employers, schools, and health providers have a legal duty to **prevent discrimination**.

### How will they do that?

They will take a risk-adverse approach.

## SPEECH BECOMES CONDUCT

Expressing views or opinions based on biological sex could amount to discrimination

## TWO PERSPECTIVES

There are deep divides:

**Biological Sex View:**  
People are born male or female, based on their biological sex, so differences matter in areas like health, sport and safety

**Gender Identity View:**  
Gender is how people identify, not just their biological sex.  
Everyone should be free to express who they are without discrimination

## THE LAW COMMISSION'S IA TANGATA REPORT REFLECTS THIS SAME ONE-SIDED CLIMATE



## EVERYDAY DISCUSSION BECOMES RISKY

Fear of complaints may lead people to avoid discussing biology, pronouns, or single sex facilities - pushing disagreement underground and **shutting down conversation**.

Ia Tangata acknowledges free speech concerns but offers **no explicit protection**, relying on NZBORA which requires costly legal action and offers little practical safeguard.

KIWIS NEED TO BE ABLE TO TALK ABOUT SEX AND GENDER



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A teacher or student queries access to changing rooms at schools. A student files a complaint. School boards are warned these topics may amount to discrimination causing 'detriment'. Schools alter policies and shut down conversations to avoid complaints, silencing discussion and leaving no room for differing viewpoints.

During staff training, an employee asks about single-sex bathrooms or comments on menstrual products in mens bathrooms. A colleague complains. HR warns that such questions 'could amount to discrimination' and cause 'detriment'. Policy is tightened to prohibit discussion of sex and gender. Staff quickly learn: it's safer to stay silent.



A university lecturer publishes a peer-reviewed article supporting sex-based sports categories for fairness and safety. The University fearing complaints alleging 'detriment', denounces the lecturer and bans discussion events on the topic. Anti-discrimination law morphs into a "no-go zone" for speech expressing differing viewpoints.

A GP advises a patient that biological sex affects diagnosis and medical risk. The patient lodges a human rights complaint, claiming they were 'treated less favourably' due to their gender identity. The process itself, the time, cost, and stress will discourage other doctors from giving full, sex-based clinical advice.



A doctor shares evidence from the UK Cass Review, noting limited long-term data on puberty blockers. Colleagues lodge a complaint with the Medical Council, alleging the article causes 'detriment'. Even if dismissed, the investigation and reputational damage send a clear message: questioning the evidence is risky.

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