

# ***Te Tari Taiwhenua's engagement on self-identification details and registering a gender for people born overseas***

## **Context for engagement**

### ***Gender is a key part of identity and official processes are reflecting changes in social attitudes***

1. Official processes are reflecting changes in social attitudes by recognising gender better. Late last year, a law was passed to enable those who are transgender, takatāpui and intersex to have their gender recognised on New Zealand birth certificates. In this document, transgender people includes those with binary, non-binary and culturally specific genders. Some transgender and intersex Māori are takatāpui.
2. Gender refers to a person's social and personal identity as male, female, or another gender, such as non-binary. A person's gender is a deeply personal expression of self. Gender can change over time, and can differ from a person's sex.
3. In New Zealand, approximately 0.8% of the adult population is transgender (Stats NZ, Household Economic Survey, year ended June 2020). The transgender population is younger on average than the population as a whole. While there is some information on gender diversity among Māori, Pacific peoples and ethnic communities, the information available is limited.

### ***Engaging on details to recognise gender on birth certificates***

4. To recognise gender, the law has been changed to allow people to self-identify the sex that appears on their New Zealand birth certificate from mid-2023.
5. Te Tari Taiwhenua recognises that hearing from affected people, and from Māori as part of the Māori-Crown relationship, is crucial to developing key details of the self-identification process that will sit in regulations. These details are:
  - the sex and gender markers, other than male and female, to be available when amending birth certificates;
  - who can be a third party to support applications for youth and children; and
  - any additional requirements needed where a person applies more than once.

### ***...and engaging to understand better the issues people born overseas face***

6. The self-identification process will only be available to those with New Zealand birth certificates. To understand better the gender recognition issues people born overseas who live in New Zealand face, Te Tari Taiwhenua will engage well before exploring potential solutions for people born overseas.

## Key engagement phase intended for mid-2022

11. A key engagement phase is intended to occur mid-2022. Engagement will occur:
  - on details for the self-identification process to recognise gender on New Zealand birth certificates; and
  - to understand more about gender recognition for people born overseas.
12. After mid-2022 engagement, further work on details for the self-identification process will follow the timing indicated: [Recognising gender on birth certificates and exploring a gender registration process for people born overseas](#). The self-identification process will go live from mid-2023.
13. Work to resolve the issues for people born overseas will progress on a different timeline. This timeline will be published in due course. A second round of engagement on policy options is intended in 2023, providing another opportunity for people to share their views. While solutions to these issues will not come into force alongside the self-identification process, Government has committed to pursuing a solution.

## Engagement objectives and intended outcomes

14. Through engagement, Te Tari Taiwhenua aims to:
  - work meaningfully with Māori, as part of the Māori-Crown relationship, on the self-identification regulations and registering a gender for people born overseas, including overseas-born Māori;
  - establish positive relationships with organisations that represent affected people that can continue to develop into the future;
  - create an environment where participants feel respected, supported to share their views and be heard; and
  - receive input that informs and is relevant to the policy development process, which strengthens the quality of the policy developed.
15. Meeting these engagement objectives is intended to help contribute, with further work, to the following outcomes:
  - trust and confidence in the self-identification regulations and the policy process for finding solutions for people born overseas to register their gender;
  - well-informed and developed policy; and
  - a foundation on which to continue working closely with Māori in the context of the Māori-Crown relationship, and to build long and lasting relationships with organisations that represent affected people.

## Principles of engagement

16. Te Tari Taiwhenua's engagement will be guided by the following principles:
- **manaakitanga (key principle)** – ensure participants are treated with respect, shown kindness and empowered to share their views;
  - **participation** – enable meaningful participation by Māori – specifically takatāpui who are transgender and intersex;
  - **safety** – keep participants safe by prioritising their wellbeing and privacy;
  - **openness and honesty** – be transparent about the process, how feedback will be used and about any constraints;
  - **accessibility** – ensure the process is appropriate for participants and is responsive to their needs;
  - **inclusivity** – inclusive of participants, recognising and welcoming people of different cultures, backgrounds, genders and variations of sex characteristics, experiences and views; and
  - **continuity** – consistent communication with stakeholders, seeking further input as appropriate.
17. We will apply these principles in preparing for and carrying out engagement. For example, **safety** will drive decisions on managing and treating any sensitive material shared. The principle of **openness and honesty** will also be important in communicating to stakeholders beforehand the extent to which we can maintain the confidentiality of sensitive material shared and the privacy of individuals.

## Engagement approach – Māori-Crown relationship

18. Engagement is intended to enable Māori – specifically takatāpui who are transgender and intersex – to participate meaningfully. We acknowledge that available information about gender diversity from Māori is limited. This includes information specific to the kaupapa, such as information on the te reo Māori terms takatāpui use to describe their gender and the experiences of takatāpui living in New Zealand who were born overseas. Views shared during engagement will help build up this picture.
19. This starting point, including the information gaps about gender diversity from Māori, will be considered when preparing to engage. We will seek advice on how to engage, before the key engagement phase. Preparing to engage informally on the substantive kaupapa after the key engagement phase could also assist.

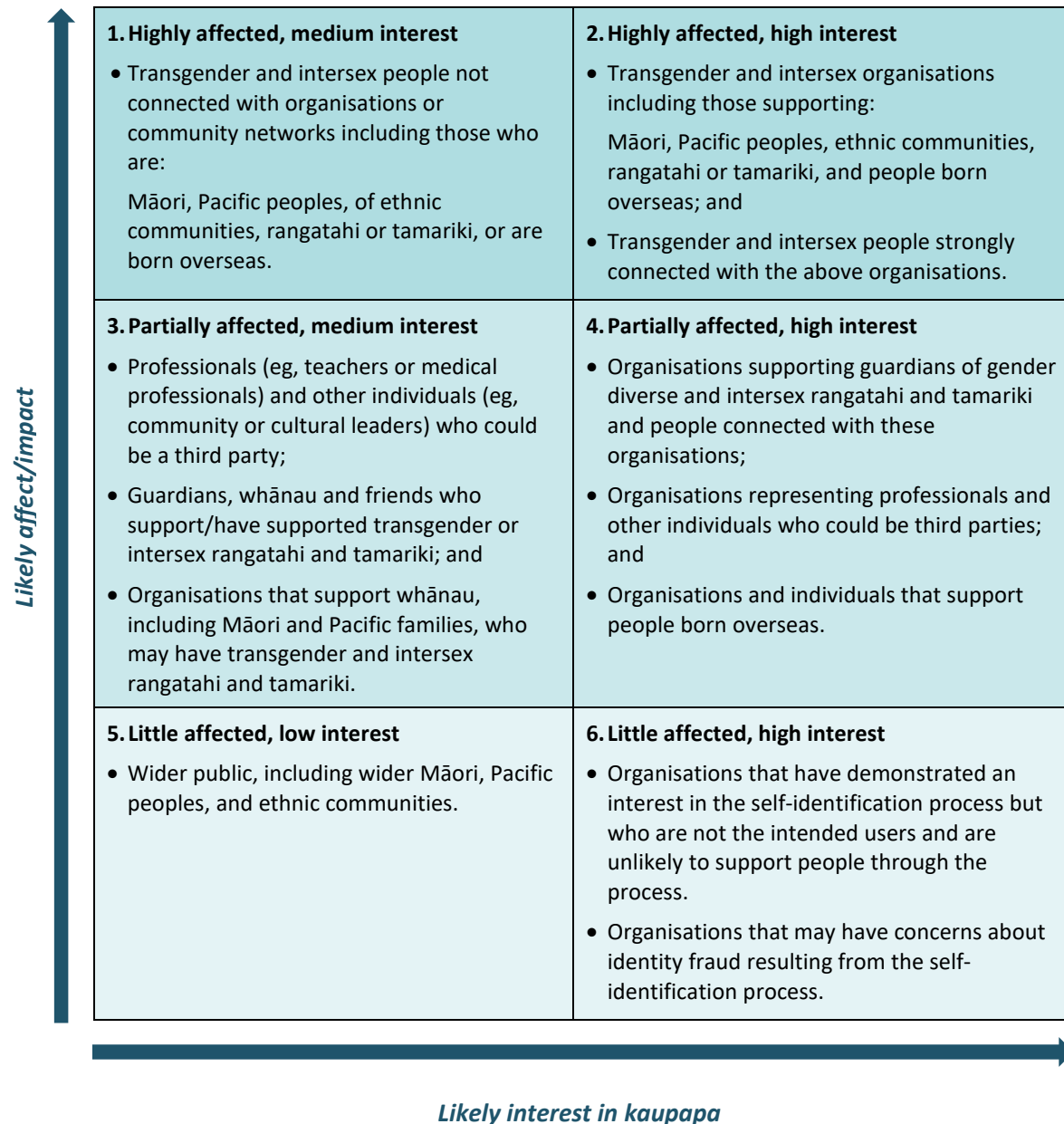
## Engagement approach – those affected and/or interested

20. More broadly, our general approach to engaging with the public will be considered in the context of those affected and those interested, as follows:
- **directly affected** – focus is on:
    - the transgender and intersex people who are:
      - the intended users of the self-identification process; or
      - the intended users of a process for people born overseas to register a gender;

- **indirectly affected** - a secondary focus will be those indirectly affected by the proposals, such as those who may support transgender or intersex people to use these processes including whānau-centric organisations; and
- **interested** - interested persons or organisations (who will be enabled to provide feedback through publicly available engagement material).

21. Our view of ‘affected’ and ‘interested’ draws on the fuller assessment below of the likely impact on different people and organisations, and their likely interest:

**Diagram 2: Map of stakeholders<sup>1</sup>**



<sup>1</sup> This diagram has been adapted from, but remains partly based on a stakeholder mapping framework published by BSR.

22. In summary:
- highly affected (boxes 1, 2) represent those ‘directly affected’;
  - partially affected (boxes 3, 4) represent ‘indirectly affected’;
  - little affected but high interest (box 6) represent ‘interested’; and
  - those who are little affected with low interest (box 5) do not fall within ‘directly affected’, ‘indirectly affected’ or ‘interested’.
23. In turn, this categorisation influences the engagement method. Written material to respond to – in the form of a discussion document – will be available to everyone. This includes those who are ‘interested’, and those identified as little affected and with low interest.
24. This written material will be supplemented with specific initiatives to reach those identified as ‘directly’ and ‘indirectly affected’.<sup>2</sup> For example, any meetings/hui/fono would be targeted to specific groups (eg, overseas born people, intersex people, transgender and intersex rangatahi or takatāpui). Meetings would be online, to prevent any Covid-19 disruption.

## Further information

25. Publicly available information about the self-identification regulations, and work on registering a gender for overseas born people, can be found here: [Recognising gender on birth certificates and exploring a gender registration process for people born overseas](#).
26. This website will be updated with further information at key points.
27. Te Tari Taiwhenua will also work with community organisations to share relevant information (e.g. about meetings targeted to specific groups) on communication channels that are best suited to reaching the specific groups.

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<sup>2</sup> IAP2 has developed core values for public participation one of which is that “Public Participation seeks out and facilitates the involvement of those potentially affected by, or interested in, a decision.” This has influenced our approach to differentiate between community stakeholders who are affected or interested but to enable both groups to provide feedback.