



# Te Ngākau Kahukura

## Submission to the Integrity Sport and Recreation Bill

May 2023

Te Ngākau Kahukura is a national initiative that works to make communities, environments and systems more safe and inclusive for rainbow<sup>1</sup> people across Aotearoa. We work collaboratively with professionals, organisations and wider systems that support people across Aotearoa, including health, housing, social, education and justice. We provide advice, best practice guidance and training to support systems change.

Our vision is an Aotearoa where rainbow people grow up feeling safe, valued and like they belong in the places where they live, learn and access healthcare and social support.

This brief submission shares our view on the definition of rainbow communities provided in the Bill. Thank you for the opportunity to comment.

We support the intent of the Bill to promote and protect the safety and well-being of participants in sports and recreation activities, and commend the Bill for naming rainbow communities as one of the population groups that the proposed Commission will engage with. Rainbow people are disproportionately affected by all of the threats to integrity described in section 5(c) of the Bill (“bullying, violence, abuse, sexual misconduct, intimidation, harassment, or racism or other discrimination in sport or organised physical recreation”)<sup>2,3,4,5</sup>.

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<sup>1</sup> We use *rainbow* as an umbrella term to describe people whose sexual orientation, gender identity, gender expression or sex characteristics differ from majority, binary norms. This include people who identify with terms like takatāpui, lesbian, gay, bisexual, intersex, transgender, queer, non-binary or fa’afafine, as well as people who don’t use specific words for their identity, people whose identity changes over time, and people who are in the process of understanding their own identity and may not have ‘come out’ to themselves or others. It’s estimated that people under the rainbow umbrella make up between 6 and 15% of New Zealand’s population.

<sup>2</sup> Veale, J., Byrne, J., Tan, K. K., Guy, S., Yee, A., Nopera, T. M. L., & Bentham, R. (2019). *Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand*. Transgender Health Research Lab.

<sup>3</sup> Fenaughty, J., Ker, A., Alansari, M., Besley, T., Kerekere, E., Pasley, A., Saxton, P., Subramanian, P., Thomsen, P. & Veale, J. (2022). *Identify survey: Community and advocacy report*. Identify Survey Team.

<sup>4</sup> Denison, E. (2015). *Out on the fields: The first international study on homophobia in sport*. Retrieved from <https://outonthefields.com/>

<sup>5</sup> Denison, E., Bevan, N., & Jeanes, R. (2021). Reviewing evidence of LGBTQ+ discrimination and exclusion in sport. *Sport Management Review*, 24(3), 389-409.

Our submission relates to the use of “rainbow communities” in the Bill, and particularly the definition given in section 4 (“**rainbow communities** means people with diverse sexual orientation, gender identity, gender expression, or sex characteristics”)

### **Defining rainbow**

We appreciate that the Bill has defined *rainbow* in a way that speaks about the range of identities and experiences that fit under this broad umbrella term.

However, we suggest that the use of “diverse” in this definition is ambiguous and unhelpful. Grammatically, diversity refers to the full range of human identities and experiences of sexual orientation, gender identity, gender expression and sex characteristics. Every person is part of this diversity – no individual’s identity is “more diverse” than another’s, not should “diverse” be used as a euphemistic opposite to “normal”.

Rainbow identities are not “more diverse” in comparison to straight, cisgender and endosex identities, but they are more marginalised or minoritised, and they differ from majority norms. While rainbow is a broad umbrella term, it refers to a particular population with specific concerns in relation to sports integrity and discrimination.

While “diverse” has been used in this way in some academic and community settings, we suggest it is inappropriate to be used as a legal definition since it does not specifically denote rainbow identities. As an example of a government agency that has moved away from this usage, we note that “gender diverse” was used in the previous, now deprecated Statistics New Zealand standard on gender, and subsequently gained popularity as a term for describing either non-binary genders, or trans people in general. It is no longer used by Statistics New Zealand,<sup>6</sup> who recognised that it is open to misinterpretation, and is not often used by trans people to describe their own genders.<sup>7</sup>

We offer for consideration the following alternative wording:

**rainbow people** means people whose sexual orientation, gender identity, gender expression or sex characteristics differ from majority, binary norms, for example people who are takatāpui, lesbian, gay, bisexual, intersex, transgender, queer, non-binary and fa’afafine.

### **Referring to people instead of communities**

We suggest that in sections 4, 16 and 20, “rainbow people” should be used instead of “rainbow communities”.

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<sup>6</sup> Stats NZ Tatauranga Aotearoa. (2021). *Statistical standard for gender, sex, and variations of sex characteristics*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz).

<sup>7</sup> Stats NZ Tatauranga Aotearoa. (2020). *Sex and gender identity statistical standards: Consultation*. Retrieved from [www.stats.govt.nz](https://www.stats.govt.nz/consultations/sex-and-gender-identity-statistical-standards-consultation): <https://www.stats.govt.nz/consultations/sex-and-gender-identity-statistical-standards-consultation>

In sections 16 and 20 of the Bill, rainbow communities are named alongside Pacific peoples, disabled people, children and young people. For each of these other groups, the Commission is required to seek views from *people*, rather than to engage with *communities*.

In our work, when we refer to *rainbow communities*, we're usually referring to shared community structures and cultural reference points, rainbow-led organisations and our ways of coming together in community, such as through Pride events. When we talk about the whole *rainbow population*, this includes people who don't necessarily connect with rainbow identity labels or cultures, or live in community with other rainbow people.

We find it more useful to talk about *rainbow people* or *the rainbow population* when we're discussing whole-population issues like health, employment discrimination and housing. Whether or not rainbow people identify and connect with wider rainbow communities, we share the experience of being part of a minority population that experiences disproportionate social exclusion and rejection, discrimination and stigma.

Rainbow people who experience discrimination in sport many not consider themselves to be part of rainbow communities, and may not engage with processes that seek feedback through rainbow community organisations and events. For example, many intersex people do not see themselves as being part of rainbow communities, but may be affected by 'sex verification' rules that are prejudicial against people with variations of sex characteristics.

### **In summary**

We offer for consideration the following alternative wording for section 4: "**rainbow people** means people whose sexual orientation, gender identity, gender expression or sex characteristics differ from majority, binary norms, for example people who are takatāpui, lesbian, gay, bisexual, intersex, transgender, queer, non-binary and fa'afafine."

We suggest that in sections 4, 16 and 20, "rainbow people" should be used instead of "rainbow communities".