

## Cabinet Paper material

### Proactive release

Minister & portfolio	Hon Jan Tinetti, Minister of Education
Name of package	Government Response to the Report of the Petitions Committee on the Petition of Maggie Ross to Provide funding for all schools to have gender-neutral bathrooms
Date considered	21 August 2023
Date of release	13 September 2023

#### These documents have been proactively released:

**Cabinet Paper: Government Response to the Report of the Petitions Committee on the Petition of Maggie Ross to Provide funding for all schools to have gender-neutral bathrooms**

Date considered: 21 August 2023

Author: Ministry of Education

**Appendix: Government Response to Report of Petitions Committee on Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms**

Date considered: 21 August 2023

Author: Ministry of Education

**Cabinet Legislation Committee Summary LEG-23-SUB-0138**

Date considered: 21 August 2023

Author: Committee Secretary

**Cabinet Legislation Committee Minute LEG-23-MIN-0138**

Date considered: 21 August 2023

Author: Committee Secretary

**Cabinet Minute CAB-23-MIN-0387**

Date considered: 21 August 2023

Author: Secretary of the Cabinet

In Confidence

Office of the Minister of Education  
Chair, Cabinet Legislation Committee

**Government Response to the Report of the Petitions Committee on the  
Petition of Maggie Ross to Provide funding for all schools to have gender-  
neutral bathrooms.**

**Proposal**

- 1 This paper seeks approval of the Government's response to the Petitions Committee Report on the *Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms*.

**Background**

- 2 Maggie Ross was a student at Albany Senior High School. The petitioner, along with other students, campaigned for the provision of gender-neutral bathrooms in their school. Following the success of this initial project, they formed the group Gender Neutral Bathrooms NZ. The group began campaigning for the national provision of gender-neutral bathrooms in schools.
- 3 Following the presentation of this Petition to the House, Parliament's Petitions Committee (the Committee) invited the Ministry of Education to provide evidence in the form of written and oral submissions. In its consideration of this petition, the Committee also heard from the petitioner (on behalf of Gender Neutral Bathrooms NZ), InsideOut, and the Human Rights Commission.

**The Petitions Committee's findings**

- 4 The Committee highlighted that modern bathroom designs mean that gender-neutral, accessible bathrooms can be safe for all students.
- 5 The Committee noted that all students should be able to access a bathroom without fear or stress, and it highlighted the harm that a lack of gender-neutral bathrooms can cause for non-binary and transgender students. It emphasised that it supported non-binary and transgender students who have experienced hardship and anxiety as a result of not being able to access a bathroom.
- 6 In light of this, the Committee recommended that the Government continue to encourage schools to consider providing gender-neutral bathrooms as bathrooms are renovated.
- 7 The Committee recognised that the issue of gender-neutral bathroom provision in schools is complex. The Committee found that some School Boards are supportive of gender-neutral bathroom provision but may lack the

resources to fund the renovation of existing bathrooms to make them suitable for gender-neutral use. The Committee also recognised that some schools consider that the needs of different groups of students require different approaches to bathrooms.

### **Comment on the Petitions Committee's findings and recommendations**

- 8 Officials from the Ministry of Education engaged with Committee during its consideration of this petition.
- 9 Officials informed the Committee that the health and wellbeing of all students in Aotearoa is a priority. The Ministry is committed to ensuring that all students have the opportunity to learn in a safe environment where they feel comfortable and accepted. The Ministry acknowledged that gender-neutral bathrooms can provide a safe and dignified means of using bathroom facilities for many of New Zealand's LGBTQIA+ students.
- 10 Officials informed the Committee that Boards are responsible for the day-to-day governance of schools, and this includes decisions over whether bathrooms are designated by gender. The de-centralised nature of decision making enables schools to have control over their physical environments (within available resourcing constraints) and the day-to-day policies and procedures that govern the use of those environments. It also empowers schools to receive input from and to respond to the needs of their communities when managing their physical environments.

#### *Officials outlined the Ministry's role in supporting schools to provide their students with inclusive toilet facilities*

- 11 The Ministry provides School Boards with specific reference designs for new or newly renovated toilets, which schools are strongly recommended to follow. The reference designs enhance features such as inclusivity and student safety, comfort, and privacy, among other features. By following these standards, all newly built school toilets will be designed so that they are suitable for gender neutral use.
- 12 In addition, the Ministry has started to develop specific guidance to schools on retrofitting existing bathrooms. The new reference designs will help schools to upgrade existing bathrooms to improve safety, privacy, and comfort as much as possible within existing constraints.
- 13 Officials told the Committee that the Ministry encourages schools to provide supportive environments for LGBTQIA+ students. As a part of their decision making, including around bathroom designation, Boards must adhere to s127(1)(c) of the Education and Training Act 2020, which requires boards to be inclusive of, and cater for, students with differing needs.
- 14 In addition, to help Boards provide supportive environments for LGBTQIA+ students, the Ministry has developed guidance to schools — working alongside the organisation InsideOUT — to help them become safer, more inclusive spaces for LGBTQIA+ students. Providing accessible, gender-

neutral bathrooms is one of the suggestions to schools for them to “address immediate environmental, physical and social needs” of LGBTIQA+ students.

- 15 However, as the petitioner noted, many schools continue to designate their bathrooms for specific genders. During oral submissions officials heard from other submitters that, even when the physical spaces themselves are gender neutral, people in schools still tend to think of bathrooms as gendered.
- 16 In summary, I note that the Ministry currently has a work programme in place to support schools to provide bathroom facilities that enhance inclusivity and student safety, comfort, and privacy, among other features. Therefore, I accept and support the Committee’s recommendation.

### **Timing of the Government response**

- 17 The Government response must be presented to the House by 5 September 2023.

### **Consultation**

- 18 The Department of Prime Minister and Cabinet has been consulted on this Paper.

### **Financial implications**

- 19 There are no financial implications as a result of this Cabinet paper.

### **Publicity**

- 20 The attached Government response at Annex One will be tabled in the House by 5 September 2023.

### **Proactive Release**

- 21 I intend to proactively release this Cabinet Paper.

### **Recommendations**

- 22 The Minister of Education recommends that the Cabinet Legislation Committee:
- 1 **note** that on 12 June 2023 the Petitions Committee presented its report to the House entitled “Report of the Petitions Committee Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms”;
  - 2 **note** that the select committee recommended that the Government continue to encourage schools to consider providing gender-neutral bathrooms as bathrooms are renovated;
  - 3 **note** the submission of the Minister of Education and in particular their advice that the Ministry already provides schools with specific guidance

IN C O N F I D E N C E

on bathroom design that enable bathrooms to be suitable for gender-neutral use.

- 4 **approve** the Government response, attached to this submission, to the Report of the Petitions Committee entitled “Report of the Petitions Committee Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms”;
- 5 **note** that the Government response must be presented to the House by 5 September 2023;
- 6 **invite** the Minister of Education to present the Government response to the House in accordance with Standing Order 256;
- 7 **invite** the Minister of Education to write to the petitioner enclosing a copy of the Government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon Jan Tinetti

Minister of Education

**Government Response to  
Report of Petitions Committee  
on**

**Petition of Maggie Ross: Provide funding for all schools to have  
gender-neutral bathrooms**

**Presented to the House of Representatives**

**In accordance with Standing Order 256**

# **Government response to Report of Petitions Committee on the Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms**

## **Introduction**

- 1 The Government has carefully considered the Petitions Committee's report on the *Petition of Maggie Ross: Provide funding for all school to have gender neutral bathrooms*.
- 2 The Government welcomes the Committee's report. The report provides a useful summary of gender-neutral bathrooms, including information on what they are and why they are important for non-binary and transgender students. It also outlines the concerns of the groups that submitted to the Committee, as well as the Ministry of Education's approach to the provision of gender-neutral bathrooms in schools.
- 3 This is the Government's response to the Committee's recommendation in accordance with Standing Order 256.

## **Recommendations and government response**

- 4 Recommendation 1: The Government continue to encourage schools to consider providing gender-neutral bathrooms as bathrooms are renovated.
- 5 Response: The Ministry of Education currently provides schools with specific guidance on bathroom design. This guidance helps schools to ensure that their new or newly renovated bathroom facilities meet certain standards, which are designed to enhance inclusivity and student safety, comfort, and privacy. These are features which make those bathrooms suitable for gender-neutral use. The Ministry has also created guidance for Boards and schools to help them provide supportive environments for LGBTIQ+ students. This guidance advises schools that providing accessible, gender-neutral bathrooms can help them address immediate environmental, physical and social needs of non-binary and transgender students. The Ministry of Education will continue to support schools to create bathroom facilities that enhance inclusivity and student safety, comfort and privacy.

## **Conclusion**

- 6 The Government accepts this recommendation and will continue to encourage policies and provide guidance that supports the provision of gender-neutral bathrooms in schools.



# Cabinet Legislation Committee

## Summary

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Government Response to the Report of the Petitions Committee on the Petition of Maggie Ross to Provide Funding for all Schools to have Gender Neutral Bathrooms

**Portfolio** Education

**Purpose** This paper seeks approval of the government's response to the Petitions Committee Report on the Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms.

**Previous Decisions** None.

**Proposal** The Petition of Maggie Ross (the Petition) was presented in February 2022, and requested "That the House of Representatives urge the government to provide funding for all schools in New Zealand to have gender-neutral bathrooms."

In June 2022, the Petitions Committee (the Committee) presented its report on the Petition to the House. In the report, the Committee noted that all students should be able to access a bathroom without fear or stress, and it highlighted the harm that a lack of gender-neutral bathrooms can cause for non-binary and transgender students. In light of this, the Committee recommended that the government continue to encourage schools to consider providing gender-neutral bathrooms as bathrooms are renovated.

The government response (**attached**) notes that the Ministry of Education currently provides schools with specific guidance on bathroom design. This guidance helps schools to ensure that their new or newly renovated bathroom facilities meet certain standards, which are designed to enhance inclusivity and student safety, comfort, and privacy. These are features which make those bathrooms suitable for gender-neutral use.

In conclusion, the government accepts the Committee's recommendation and will continue to encourage policies and provide guidance that supports the provision of gender-neutral bathrooms in schools.

**Impact Analysis** Not required.

**Compliance** Not required.



<b>Timing Matters</b>	The response was due to be presented to the House by 5 September 2023 but has been delayed, so will be presented as soon as possible.
<b>Communications</b>	None.
<b>Consultation</b>	Paper prepared by Ministry of Education (Education). DPMC (Prime Minister) was consulted.

The Minister indicates that LEG Ministers were consulted.

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**The Minister of Education recommends that the Committee:**

- 1 note that on 12 June 2023, the Petitions Committee presented its report to the House entitled “Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms”;
- 2 note that the Petitions Committee recommended that the government continue to encourage schools to consider providing gender-neutral bathrooms as bathrooms are renovated;
- 3 note the submission of the Minister of Education and in particular their advice that the Ministry already provides schools with specific guidance on bathroom design that enable bathrooms to be suitable for gender-neutral use;
- 4 approve the government response, attached to the submission under LEG-23-SUB-0138, to the Report of the Petitions Committee entitled “Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms”;
- 5 note that the government response must be presented to the House by 5 September 2023;
- 6 invite the Minister of Education to present the government response to the House in accordance with Standing Order 256;
- 7 invite the Minister of Education to write to the petitioner enclosing a copy of the government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Rebecca Davies  
Committee Secretary

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**Hard-copy distribution:**  
Cabinet Legislation Committee  
Minister of Education



# Cabinet Legislation Committee

## Minute of Decision

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### Government Response to the Report of the Petitions Committee on the Petition of Maggie Ross to Provide Funding for all Schools to have Gender Neutral Bathrooms

Portfolio                      Education

On 17 August 2023, the Cabinet Legislation Committee:

- 1        **noted** that on 12 June 2023, the Petitions Committee presented its report to the House entitled “Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms”;
- 2        **noted** that the Petitions Committee recommended that the government continue to encourage schools to consider providing gender-neutral bathrooms as bathrooms are renovated;
- 3        **noted** the submission of the Minister of Education and in particular their advice that the Ministry already provides schools with specific guidance on bathroom design that enable bathrooms to be suitable for gender-neutral use;
- 4        **approved** the government response, attached to the submission under LEG-23-SUB-0138, to the Report of the Petitions Committee entitled “Petition of Maggie Ross: Provide funding for all schools to have gender-neutral bathrooms”;
- 5        **noted** that the government response must be presented to the House by 5 September 2023;
- 6        **invited** the Minister of Education to present the government response to the House in accordance with Standing Order 256;
- 7        **invited** the Minister of Education to write to the petitioner enclosing a copy of the government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Rebecca Davies  
Committee Secretary

**Attendance: (see over)**

**Present:**

Hon Grant Robertson (Chair)  
Hon Dr Ayesha Verrall  
Hon Damien O'Connor  
Hon Andrew Little  
Hon Kieran McAnulty  
Hon Ginny Andersen  
Hon Willow-Jean Prime  
Hon Dr Duncan Webb  
Hon Rachel Brooking  
Hon Jo Luxton  
Tangi Utikere, MP (Chief Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

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# Cabinet

## Minute of Decision

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### Report of the Cabinet Legislation Committee: Period Ended 18 August 2023

On 21 August 2023, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 18 August 2023:

Out of scope

LEG-23-MIN-0138

**Government Response to the Report of the  
Petitions Committee on the Petition of Maggie  
Ross to Provide Funding for all Schools to have  
Gender Neutral Bathrooms**  
Portfolio: Education

CONFIRMED

Out of scope

Out of scope



Rachel Hayward  
Secretary of the Cabinet