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**From:**

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24 July 2025

**Subject:** Formal Complaint Regarding the Midwifery Council of New Zealand (CC10774) – Breach of Charitable Purpose and Public Interest Obligations

Tēnā koutou,

On behalf of Mums4Mums Charitable Trust, I submit this formal complaint concerning the Midwifery Council of New Zealand (Charity Registration No: CC10774). We believe the Council is acting outside its stated charitable purposes and in breach of the Charities Act 2005 by:

- Removing or de-prioritising sex-based language such as *woman*, *mother*, and *baby* in official documentation;
- Failing to ensure clarity, trust, and safety for the public—especially vulnerable populations—for whom clear language is essential;
- Engaging in ideological advocacy under the guise of inclusivity, in a manner that appears to substitute rather than support its core charitable purpose.

**Overview of Concerns**

The Council's revised Scope of Practice, effective 1 October 2024, prioritises terms like “wāhine hapū/pregnant person” and “pēpē/baby,” while redefining “whānau” narrowly to include only the mother/pregnant person and baby “in their social context.” Intended as clarification, this has instead caused widespread confusion and alarm among midwives, health consumers, and the wider public.

Despite assurances that women and mothers remain central, consultation feedback from over 400 stakeholders revealed that more than 90% expressed serious concerns, particularly regarding the removal of women/wāhine references, ambiguous use of *whānau*, and the ideological tone of the new documents.

## **Key Issues**

### **1. Breach of Charitable Purpose**

The Council's registered purpose is to protect public health by regulating midwifery practice for the safety of women and babies. However, the revised Scope of Practice no longer centres women as the primary recipients of care. This ideological shift undermines the Council's purpose by eroding clarity about who benefits from midwifery care, compromising safety—especially for vulnerable women facing intimate partner violence or loss of bodily autonomy—and discouraging practitioners from using woman-based language for fear of professional repercussions.

### **2. Public Harm and Confusion**

Clear, unambiguous language is essential in healthcare. Replacing terms like “mother” with abstract or politicised language risks harm, especially for vulnerable groups such as women with English as a second language, cultural minorities, or trauma survivors. Health professionals have described the revised Scope as ambiguous, vague, non-compliant with the Health Practitioners Competence Assurance Act 2003, and undermining midwifery autonomy and clinical responsibility.

### **3. Breach of Political Neutrality Obligations**

Under the Charities Act 2005, charities may only engage in advocacy ancillary to their charitable purpose. The Council's approach appears to cross this boundary by embedding political ideology throughout its governance documents, using public funds to promote contested gender ideology without broad consensus, and dismissing extensive negative feedback from midwives, stakeholders, and international bodies including the International Confederation of Midwives and the UN Human Rights Council.

It is also significant that those primarily involved in the recent review were predominantly from the Trans and Queer community. While their perspectives are valuable, the resulting policy reflects a specific political agenda rather than the diverse needs of the wider population it is meant to serve. As detailed on the policy's official website, the emphasis on advancing gender identity frameworks risks marginalising women, children, and those with biological sex-specific health needs, thus compromising balanced, inclusive care and the policy's public interest mandate.

#### 4. Inconsistency with Global Best Practice

The UN Human Rights Council (HRC59) has condemned the removal of sex-based language in health contexts as regressive and harmful to women and girls. Locally, the removal of “woman” and “mother” has sparked widespread backlash. Rather than safeguarding midwifery as a women-centred profession, the Council aligns with international ideological trends that many see as hostile to women’s rights, dignity, and clarity in care.

#### Summary

Mums4Mums Charitable Trust respectfully urges Charities Services to:

1. Review whether the Council’s current publications align with its registered charitable purpose;
2. Assess if the political and ideological direction now supersedes its core mandate;
3. Determine the Council’s ongoing eligibility under the Charities Act 2005;
4. Recommend measures to restore clarity, neutrality, and public trust in the regulatory body overseeing midwifery in New Zealand.

As an organisation supporting hundreds of mothers, we strongly advocate for the protection of maternal language, identity, and dignity in all health settings. We welcome the opportunity to participate in any formal review or provide further documentation.

Ngā manaakitanga,



Caroline J Dafoe (“CJ”)

Founder & CEO

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