



THE HIGH COURT OF NEW ZEALAND TE KŌTI MATUA O AOTEAROA

21 October 2026

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

Professional Association for Transgender Health Aotearoa Inc v Minister of Health [2026] NZHC 3248
CIV-2025-485-869

Press summary

This summary is provided to assist in the understanding of the Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

Suppression

There are permanent orders suppressing the names and identifying details of young people and their families, and three of the applicant’s expert witnesses, who have provided affidavits in support of the applicant’s case.

What this judgment is about

Judicial review is the process by which the courts supervise the exercise of public power and determine whether a public decision-maker has acted lawfully. The Court is only concerned with whether the decision was made according to law.

This is a judicial review proceeding brought by the Professional Association for Transgender Health Aotearoa Inc (PATHA) against the Minister of Health (the Minister). The case concerned the lawfulness of the Minister’s decision to promulgate regulations prohibiting new prescriptions of puberty blockers for the treatment of young people with gender-related health needs. The regulations were the Medicines (Restriction on Prescribing Gonadotropin-releasing Hormone Analogues) Amendment Regulations 2025.

The applicant successfully brought a claim for a breach of an obligation to consult under s 105 of the Medicines Act 1981 (Medicines Act). The applicant was also successful in their claim that the Minister unlawfully discriminated against young people with gender incongruence or gender dysphoria on the

ground of disability contrary to s 19 of the New Zealand Bill of Rights Act 1990 (Bill of Rights). The applicant's claims that the Minister abdicated his decision-making power to Cabinet and acted for an improper purpose were unsuccessful. The Court declined to separately determine the applicant's claims that the Minister made material mistakes of fact or that he reached an irrational decision. The Court also declined to determine whether there was discrimination on the basis of sex or whether the decision breached ss 8, 9 and 10 of the Bill of Rights.

Background

In 2024, the Ministry of Health (the Ministry) engaged in public consultation on whether there should be additional safety measures for the prescribing of puberty blockers in young people with gender-related health needs. The majority of public submissions opposed further restrictions on the prescribing of puberty blockers.

In November 2025, the Minister recommended the regulations be made in light of the potential harm caused by puberty blockers. The regulations prohibited new prescriptions of puberty blockers to treat gender dysphoria or gender incongruence in children and adolescents. However, the prescription of puberty blockers remained available to pause puberty for young people with other medical conditions, and for use in gender-affirming care for those who had been prescribed them prior to the regulations. The regulations were due to come into effect on 19 December 2025.

On 1 December 2025, the applicant applied for judicial review of the regulations. The High Court, upheld by the Court of Appeal, granted orders preventing enforcement of the regulations pending final resolution of these proceedings.

What the Court held

The Court held that the Ministry's consultation process was insufficient to meet the requirements of s 105 of the Medicines Act. Section 105 of the Medicines Act required the Minister to consult with organisations representative of persons likely to be substantially affected by the regulations. The Court found that the parties who engaged in consultation would have contemplated potential restrictions on who could prescribe puberty blockers and the circumstances in which someone could be prescribed them. However, those consulted would not have understood that the Ministry was proposing a complete prohibition on new prescriptions for young people with gender incongruence or gender dysphoria. The Ministry also did not engage in direct consultation with young gender diverse people. The effect of the Ministry failing to consult on the substance of the regulations combined with the failure to directly consult with gender diverse young people breached consultation obligations.

The Court found that the regulations unlawfully breached the right to freedom from discrimination on the ground of disability contrary to s 19 of the Bill of Rights. There was differential treatment between young people with gender dysphoria or gender incongruence and young people in the same age range who could access puberty blockers but for different health conditions. This differential treatment imposed a material disadvantage on young people with gender-related health needs, as they are at high risk of seriously poor health outcomes, particularly self-harm and suicide. While there was a rational basis for the Minister to impose restrictions on access to puberty blockers for this cohort, a complete

prohibition on prescriptions for new patients was a disproportionate response to the potential harm caused by puberty blockers. The Court found that an indefinite prohibition was an unjustifiable limit on the right to freedom from discrimination.

The Court did not accept that the Minister abdicated his decision-making power to Cabinet and acted for an improper purpose of advancing New Zealand First's "anti-woke" agenda. The Court could not reject the Minister's evidence that he made his own independent decision to promulgate the regulations based on his assessment of their limited effectiveness and the risk of harm. The Minister was entitled to consult and seek approval from Cabinet and the Cabinet Social Outcomes Sub-committee. The Minister also had an evidential basis to reach a different conclusion from the Ministry based on the material available to him, particularly the United Kingdom position following the findings of the Cass Review.

What findings the Court did not make

The Court declined to determine whether there was discrimination on the basis of sex, and breaches of the right to life (s 8), the right not to be subjected to torture or cruel treatment (s 9), and the right not to be subjected to medical scientific experimentation (s 10) under the Bill of Rights. The Court held that definitive conclusions on those issues should be left to a case where they will be determinative of the outcome. Given the Court found that the decision to promulgate the regulations breached s 19 of the Bill of Rights, the Court was not required to determine whether the decision would have been grossly disproportionate or irrational if s 19 of the Bill of Rights had not applied.

Remedy

The Court granted a declaration that the regulations were unlawful and invalid, and an order setting the regulations aside. The orders were necessary to provide relief for the breach of the obligations to consult under s 105 of the Medicines Act, and the breach of s 19 of the Bill of Rights.

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