

OUR BILL OF RIGHTS POLICY

**We will uphold the
New Zealand Bill of Rights.**

YOUR VOICE,

IT'S WITH US.

Democracy**NZ**

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OUR POLICY: The Bill of Rights

Background

The NZ Bill of Rights Act (Bill of Rights) was passed in 1990, and sets out fundamental human rights and freedoms for all New Zealanders that must be respected.

The Bill of Rights has some limitations. Section 5 enables Parliament to pass legislation which is inconsistent with the Bill of Rights Act. In some cases, there are legitimate reasons why the protections under Act may be overridden by other legislation, for example, to enable greater powers of search and surveillance for crime detection and investigation. The Attorney General is responsible for scrutinising legislation to assess if it is consistent with the Bill of Rights. Given that this role is held by a cabinet minister, their decisions can be, and often are, politically motivated. Courts can rule that legislation is inconsistent with the Bill of Rights, but this does not require the Government to take action to address this issue.

The weaknesses of the Bill of Rights were apparent during the COVID-19 pandemic, when fundamental rights – such as the right to decide whether to be vaccinated – were violated, while court decisions permitted this.

Our solution

DemocracyNZ sees the New Zealand Bill of Rights as a key protection for New Zealanders' basic rights and freedoms. We will uphold and preserve the rights protected by the Bill of Rights by refusing to support legislation that overrides the principles of the Act. We will act as the conscience of Parliament to uphold ordinary Kiwis' rights, and we will not allow them to be overridden by Government.

If we are elected to form part of Government, we will begin developing constitutional amendments to solidify the rights set out in the Bill of Rights so that future Governments will need to abide by the provisions of the Act.

Alongside these changes, DemocracyNZ will also work to outlaw vaccination mandates, and repeal key recent restrictions introduced by the Labour Government which infringe on Kiwis' fundamental rights and freedoms. We will also work to end race-based discriminatory policies.

1: We will require that the Bill of Rights is upheld as a firm condition of any coalition agreement.

Any coalition agreement between DemocracyNZ and other parties to form a government requires a confidence-and-supply agreement. This means DemocracyNZ can vote as we wish on legislation, except for budgetary (supply) and confidence motions.

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We will state in any coalition agreement that we will withdraw our support, dissolve the coalition, and force an election should the Bill of Rights Act be unjustifiably breached.

We will:

- Only enter into a coalition to form a Government on the clear understanding that the Bill of Rights is to be upheld.
- Vote as a Party to preserve, protect, and restore basic human rights in accordance with the Bill of Rights.
- Withdraw our support from the coalition if the Bill of Rights is unjustifiably breached.

2: We will amend legislation to prevent future Governments from breaching New Zealanders' basic rights.

If elected, DemocracyNZ would work towards amending legislation to prevent future Governments from passing laws which infringe the rights and freedoms protected by the Bill of Rights.

Implementing these changes will require careful legal consideration, as over three decades of legislation and case law will be affected by any changes to the Act.

We will:

- Work towards appropriate constitutional amendments to remove or limit the ability of future Governments to breach the rights of New Zealanders set out in the Bill of Rights.
- As part of this work, assess how to introduce stronger mechanisms to challenge potential breaches by Government of the Bill of Rights.

3: We will repeal recent legislation that unjustifiably breaches New Zealanders' basic rights.

If elected to Government, DemocracyNZ will repeal provisions passed during the current term of the Labour Government which unreasonably and unfairly infringe basic rights.

This includes making amendments to recent COVID legislation. The Labour Government is also proposing to introduce limitations on freedom of speech and internet freedom. DemocracyNZ will not support these changes. If passed before the election, DemocracyNZ will seek to repeal these.

- We will repeal provisions passed by Labour in response to COVID-19 which fundamentally and unreasonably limit New Zealanders' freedoms.
- We will oppose, and repeal, any new limitations on freedom of speech and internet freedom introduced by Labour.

4: We will legislate to make it illegal for employers to mandate vaccinations.

The Bill of Rights sets out that New Zealanders should have the right to make their own medical decisions. This basic right was violated by the current Labour Government, with Kiwis unfairly forced to choose between their job or the jab.

- We will introduce legislation to make it clear that employers in both, the public and private sector, cannot require their staff to be vaccinated as a condition of employment.

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5: We will end race-based discriminatory policies, and support everyone being treated equally.

Equality under the law has been a cornerstone of free and democratic societies for hundreds of years. The principle of 'one person, one vote', underpins the concept of equality, along with fair access to services irrespective of ancestry.

We are committed to equality of opportunity for all New Zealanders. We reject discrimination on the basis of ancestry. We reject prioritising services by ethnicity as this will divide Kiwis.

We recognise the Treaty of Waitangi as a foundational document with an important place in New Zealand history. However, we do not accept the Labour Government's divisive co-governance agenda, which undermines that one person, one vote principle, along with the concept of equality before the law. Co-governance paves the way for people to be given different rights and differing access to services based on their ancestry.

We will:

- End race-based discriminatory policies.
- Oppose co-governance initiatives, including Five Waters.
- Uphold the one person, one vote principle.

OUR POLICY

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2. We will amend legislation to prevent future Governments from breaching New Zealanders' basic rights.
3. We will repeal recent legislation that breaches New Zealanders' basic rights.
4. We will legislate to make it illegal for employers to mandate vaccinations.
5. We will end race-based discriminatory policies, and support everyone being treated equally.

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