



Media Contact: Graham 027 304 3627; media@nzdsos.com

27/Jul/2022

## How Valuable is Your Right to Decline Medical Treatment?

### **New Zealand Teachers Speaking Out with Science (NZTSOS) Appealing Justice Cooke's Decision.**

In March 2022, the High Court in Wellington heard the case that New Zealand Doctors Speaking Out With Science (NZDSOS, healthcare) and NZTSOS (education) presented, challenging whether a vaccination mandate breached the Bill of Rights Act 1990, and specifically the Right to Refuse to Undergo Medical Treatment.

Justice Cooke decided that the Right to Refuse to Undergo Medical Treatment for the healthcare and education workers was not absolute and that it was “reasonable and demonstrably justified” in “a free and democratic society” for the government to override it by mandating those in the healthcare and education professions to be vaccinated.

Given the limited evidence put forward by the government and the extensive independent expert evidence put forward by the healthcare and education workers, we believe the court has set a very low bar for overriding this fundamental right.

NZTSOS is now in the process of appealing this decision. This means it goes before the court again, but this time in front of a team of judges, who will review Justice Cooke's decision.

The main reason for this appeal is that NZTSOS is concerned that the science and the evidence, particularly relating to vaccine safety, were not addressed.

Justice Cooke even went so far as to detail the shortcomings in his judgment. He stated (among other things):

- that there were *'factual matters that are in dispute'*,
- that there was *'plainly a contest of expert evidence'*,
- that *'many of the opinions expressed by the applicant's experts were not responded to'*,

- that he had *‘two sets of expert evidence, effectively in parallel’*,
- that the court was *‘unable to make findings on some of the more technical aspects’*

If there is that degree of uncertainty, and expert evidence can go unresponded to when making such a significant decision, how can it possibly be “reasonable and demonstrably justified” in a “free and democratic society”?

This is a **very important case for all New Zealanders**, not just teachers and healthcare workers. A precedent has now been set that the Government:

- can make laws with minimal scrutiny at short notice (the Covid Response Act was tabled on 12 May 2020, read three times in quick succession and became law on 13 May 2020 with no scrutiny or public discussion),
- then decide themselves what is a "reasonable and demonstrably justified limitation" on our rights,
- and when that is challenged in court, they can ignore the science and evidence that is presented.

If this Right to Refuse to Undergo Medical Treatment is so easily overridden, are we at the top of the slippery slope of forced medical procedures? **What medical procedure will YOU be expected to submit to next?**

If you value your medical freedom and you want to be able to say No Thanks to other medical procedures for you or your children, please support the appeal by NZTSOS.

<https://givealittle.co.nz/cause/do-you-believe-you-have-a-right-to-refuse-medical>

If you want to know more about the court case and Justice Cooke’s decision, see [here](#) for a short review, or [here](#) for a longer, more detailed review.