

**Has the Crown really demonstrated that the limitation on the *Right to Decline Medical Treatment* was reasonable and demonstrably justified?**



### **Part 1: Bill of Rights**

The [New Zealand Bill of Rights](#) is a piece of legislation designed to affirm and protect the rights and freedom of individual New Zealanders against the power of the State. It is based on the guarantees made in 1215 in the Magna Carta, and the 1698 'Bill of Rights' in England. As Justice Palmer elaborates in his 1985 '[White Paper](#)', the NZ Bill of Rights would give the courts an enhanced power to protect the individual, *"especially the weak, the disadvantaged, the member of the unpopular minority, against the State."*

Under Section 5 of the NZ Bill of Rights, the rights and freedoms (e.g. the right to refuse to undergo medical treatment) *"may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."* In other words, the State has the onus to demonstrate why the limitation of the right was justified. In terms of the limitation on refusing medical treatment caused by the vaccine mandate, this means the State had the 'burden of proof' to prove that the vaccine was safe, to prove that the vaccine was effective, and to prove that some other more rights-compliant means (e.g. RATs, natural immunity, working from home) could not have accomplished the goal equally as well.

In the past, the courts have opined about whether disallowing prisoners from voting was an abuse of their rights under the NZ Bill of Rights. They have discussed in detail whether the force feeding of one prisoner was an abuse of his rights. They have considered at great length as to whether taking a prisoner's toupee was an abuse of his rights. They have opined about whether assisted suicide was consistent with the Bill of Rights. They have opined about whether a drug carrier being presumed a dealer was an abuse of his rights. The courts have opined as to whether the addition of fluoride into drinking water was an abuse of rights – yet no one has ever been forced to drink fluoridated water. All of these cases pale into insignificance in the light of the NZTSOS/NZDSOS case.

In the recent history of New Zealand there has never been such an abuse of human rights that has cost so many so much for the sake of so little – and yet the courts have shied away from taking a stand. There is now a deep wound running through New Zealand. Thousands of healthcare and education workers, who were once considered the backbone of New Zealand and who had invested their lives in helping others, have been grievously harmed. They have lost careers, they have lost income, many have lost their homes, they and their families have suffered and they continue to suffer. Many feel violated at being forced to undergo a medical procedure, the effects of which will never be able to be eliminated. Many have been harmed by the medical procedure.

They have lost confidence in their government, but they don't want to lose confidence in the courts as well.

The courts must scrutinise whether the right conclusion was reached in Apr 2022 and whether there really was justification to set aside Right 11 of the NZ BORA.

**If the Courts don't get this correct ... the NZ Bill of Rights will be effectively annulled. Our rights and freedoms as New Zealanders will be left to be dispensed or withheld at the whim of the State.**