



NZTSOS Media Release 31/07/2024

Teachers' Leave To Appeal To The Supreme Court Dismissed But Stand For Bill Of Rights Continues

The NZTSOS application for leave to appeal to the Supreme Court of New Zealand has been dismissed.

NZTSOS sought to appeal the previous High Court and Court of Appeal judgments that the order made under the COVID-19 Public Health Act 2020 prohibiting education workers from carrying out work unless they were “vaccinated”, remained proportionate and demonstrably justified prior to mid-February 2022.

“We have now exhausted all avenues, in relation to these proceedings, to protect the New Zealand Bill of Rights from being overridden by future politicians” says spokesperson Mike Shaw.

New Zealand Teachers Speaking Out With Science (NZTSOS) was formed to legally challenge the Public Health Orders that all workers in the education sector were required to be “fully vaccinated” against Covid 19 from 1 January 2022. The mandate took effect in October 2021 and ended in April 2022. Over 2,600 people across all sectors affected lost their employment and had their careers destroyed.

Leave for appeal was dismissed on the basis that the court was not persuaded that the appeal raises a “question of general or public importance.” The fact that it is now two years since the mandates have been removed has influenced their decision.

Shaw says, “It is especially disappointing that the Supreme Court was not persuaded that our application for appeal raised questions of general or public importance, and that they assessed this against the fact that it is now over two years since the mandate order was removed. We believe this fails to appreciate the many who continue to suffer from having their careers destroyed.”

The time taken to seek leave to appeal to the Supreme Court was in major part caused by the 11 months the Court of Appeal took to render their judgment. “This is the reality of the maxim ‘Justice delayed is justice denied’” says Mike Shaw.

Nor was the court persuaded that a miscarriage of justice had occurred.

“We believe it is equally egregious that the Supreme Court did not believe that our recent discovery of Crown witnesses having kept highly relevant information from the High Court may have led to a miscarriage of justice. It is difficult to fathom their assertion that these omissions by the Crown could have been raised with the Court of Appeal, when the Crown successfully concealed the information until recently. The onus was on the Crown to reveal this information to the court, not on NZTSOS to be able to discover its existence.”

The Education Workers vaccination mandate was initiated by overzealous education officials and not on health advice. The Ministry of Health knew that the secondary infection rate in schools was extremely low (0.1%), yet Crown expert witnesses hid this from the Court. Thousands of ‘significant service disruption’ exemptions were issued in the health sector, yet the Courts were misled by the Crown into thinking that only 11 applications had been approved.

Now that this proceeding has run its course NZTSOS is likely to turn its energy to the second phase of the Royal Commission of inquiry into the pandemic response. The scope of the inquiry has been widened to include the use of vaccines during the pandemic, specifically, mandates, approval processes and safety including the monitoring and reporting of adverse reactions.

“We want to thank our legal counsel Frontline Law and all our supporters for the work that they have done. Nothing has been wasted and we are satisfied that we have pursued all legal avenues to have this wrong righted. It will now be in the hands of our politicians to provide some remedy for this injustice” said Shaw.

End

Mike Shaw 021 842 302

For further enquiries or comment, please contact
Anne Williamson on 0275 772946,
Media Liaison Officer, **NZTSOS Inc.**