



Office of Hon Judith Collins

MP for Papakura

Minister of Justice

Minister for ACC

Minister for Ethnic Affairs

10 July 2014

Grace Haden

Fyi-request-1803-b882057b@requests.fyi.org.nz

Dear Ms Haden

On behalf of Hon Judith Collins, Minister of Justice, I acknowledge receipt of your request for information on 10 July 2014 in the Minister's office. Your request was for the following:

"...why the New Zealand bill of rights does not conform to the universal declaration of human rights and explain why do people in the civil jurisdiction and family courts do not have the right to "full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and Why section 25 only provides for people charged with an offence and not for any one appearing in court in civil/ family jurisdictions".

I believe that if this information is available, it would be held by the Ministry of Justice. Therefore under Section 14(b)(i) of the Official Information Act 1982, I am transferring your request to the Ministry of Justice for response.

I trust that you will receive a response from the Ministry in due course.

Kind regards

A handwritten signature in blue ink that reads 'Ashleigh Muir'.

Ashleigh Muir

Office of Hon Judith Collins



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Minister for Ethnic Affairs

10 July 2014

Andrew Bridgman
Secretary for Justice
Ministry of Justice
19 Aitken St
Wellington

Dear Mr Bridgman

On behalf of Hon Judith Collins, Minister for Justice, please find attached a request for a variety of information from Ms Grace Haden received by the Minister's office on 09 July 2014.

I understand that if the information requested is available, it would be held by the Ministry of Justice. Accordingly under section 14(b)(i) of the Official Information Act 1982, I have transferred this request to the Ministry of Justice for response.

Ms Haden has been advised of this transfer and I trust that you will organise response in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ashleigh Muir'.

Ashleigh Muir
Office of Hon Judith Collins

Ashleigh Muir

From: Margaret Malcolm
Sent: Thursday, 10 July 2014 3:16 p.m.
To: Ashleigh Muir; Courtney Brown
Subject: RE: Official Information Act request - Bill of rights out of step with declaration of human rights.

Yes please

Margaret Malcolm | Senior Adviser
Office of Hon Judith Collins | Minister of Justice | Minister for ACC | Minister for Ethnic Affairs | MP for Papakura
Parliament Buildings, PO Box 18041, Wellington 6160, New Zealand
T: 04 817 9383 | F: 04 817 6506 | E: Margaret.Malcolm@parliament.govt.nz
C: 021 908 430

-----Original Message-----

From: Ashleigh Muir
Sent: Thursday, July 10, 2014 3:13 PM
To: Margaret Malcolm; Courtney Brown
Subject: FW: Official Information Act request - Bill of rights out of step with declaration of human rights.

Transfer to MOJ?

-----Original Message-----

From: Grace Haden [<mailto:fyi-request-1803-b882057b@requests.fyi.org.nz>]
Sent: Thursday, 10 July 2014 2:41 p.m.
To: J Collins (MIN)
Subject: Official Information Act request - Bill of rights out of step with declaration of human rights.

Dear Minister of Justice,
the declaration of human rights at article 10 states

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Yet our bill of rights only mentions the word Fair once public hearing once ,independent once and impartial once and that is in section 25 of the bill of rights which only relates to criminal proceedings.

the universal declaration of rights does not confine the rights set out in article 10 to just criminal matters but to all matters , the operative word being "and "

section 25 states

- 25 Minimum standards of criminal procedure
- Everyone who is charged with an offence has, in relation to the determination of the charge, the following minimum rights:
 - (a) the right to a fair and public hearing by an independent and impartial court:
 - (b) the right to be tried without undue delay:
 - (c) the right to be presumed innocent until proved guilty according to law:
 - (d) the right not to be compelled to be a witness or to confess guilt:
 - (e) the right to be present at the trial and to present a defence:

- (f) the right to examine the witnesses for the prosecution and to obtain the attendance and examination of witnesses for the defence under the same conditions as the prosecution:
- (g) the right, if convicted of an offence in respect of which the penalty has been varied between the commission of the offence and sentencing, to the benefit of the lesser penalty:
- (h) the right, if convicted of the offence, to appeal according to law to a higher court against the conviction or against the sentence or against both:
- (i) the right, in the case of a child, to be dealt with in a manner that takes account of the child's age.

By way of OIA please advise why the New Zealand bill of rights does not conform to the universal declaration of human rights and explain why do people in the civil jurisdiction and family courts do not have the right to "full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations "

and Why section 25 only provides for people charged with an offence and not for any one appearing in court in civil/ family jurisdictions

This is particularly important to me as a claim of defamation was filed against me , my defense of truth and honest opinion were struck out because I failed to get \$12,000 with a two week period and the matter went straight to quantum . The issue involved being a whistle blower on a matter of serious government corruption where law enforcement powers were given to a fictional organization .

additionally

In family court every day people are denied a public hearing as these hearings are conducted behind closed doors and through the medium of confidentiality .

Please provide all discussion papers and documents which consider the bill of rights and the obligations to be in line with the universal declaration of human rights.

Yours faithfully,

Grace Haden

This is an OIA request done via the FYI website.

Please do not send progress updates as PDF files.

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<https://fyi.org.nz/help/officers>

If you find this service useful as an OIA officer, please ask your web manager to link to us from your organisation's OIA page.
