

# Office of the Prime Minister

## Prime Minister

Minister for National Security and Intelligence

Minister for Child Poverty Reduction

Minister Responsible for Ministerial Services

Associate Minister for Arts, Culture and Heritage



Chuck Schooner  
fyi-request-18639-f14d91bf@requests.fyi.org.nz

Ref: PMO 2022-077

Tēnā koe Chuck Schooner

## Official Information Act request relating to the New Zealand Bill of Rights Act 1990

Thank you for your Official Information Act 1982 (the Act) request, received on 22 February 2022. You requested:

*“Can you please provide a comparison list of*

- NZ Bill of Rights under Covid emergency laws ie whats rights are afforded to citizens*
- NZ Bill of Rights normally ie what rights are afforded to citizens normally*

*Can you please provide all supporting documents, justification that you as PM have in restricting these rights? For example*

- ruling by decree*
- government is now autocratic”*

The New Zealand Bill of Rights Act 1990 (NZBORA) affirms, protects and promotes human rights and fundamental freedoms in New Zealand. The rights affirmed in the NZBORA have not changed since its commencement in 1990.

Section 5 of the NZBORA explicitly allows for limitations on such rights and freedoms by law, provided that all limits are justifiable in a free and democratic society. COVID-19 is an unprecedented public health emergency that requires a number of extraordinary measures. While some of the measures impact on rights contained in the NZBORA, these limits are carefully considered to ensure that they are justified.

Every piece of legislation that comes before Parliament is vetted against whether it is consistent with the NZBORA. You may be aware that the COVID-19 Public Health Response Act 2020 was found to be consistent. A copy of the compliance report is available on the Ministry of Justice (MoJ) website:

[justice.govt.nz/assets/Documents/Publications/COVID-19-Public-Health-Response-Bill.pdf/](https://justice.govt.nz/assets/Documents/Publications/COVID-19-Public-Health-Response-Bill.pdf)

MoJ has recently published their advice on the COVID-19 Response (Vaccinations) Legislation Bill which was also deemed to be consistent with the rights and freedoms affirmed in the NZBORA. You can find more information on the MoJ website:

[justice.govt.nz/assets/Documents/Publications/20211123-NZ-BORA-Advice-COVID-19-Vaccinations-Legislation-Bill.pdf](https://justice.govt.nz/assets/Documents/Publications/20211123-NZ-BORA-Advice-COVID-19-Vaccinations-Legislation-Bill.pdf)

Accordingly, we have refused your request under section 18(e) of the Act, as the information you have requested does not exist. If you have any further queries relating to the NZBORA, we recommend contacting the Ministry of Justice ([OIA@justice.govt.nz](mailto:OIA@justice.govt.nz)).

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Ngā mihi nui,



Raj Nahna  
**Chief of Staff**