

Newman Weekly

By Dr. Muriel Newman
22 April 2007



The New Zealand Centre for Political Debate

Freedom Under Attack

It was Thomas Jefferson who said: “The price of freedom is eternal vigilance”. These words are as valid today as when they were first uttered over two hundred years ago, as the natural inclination of government is to extend its own power and control at the expense of the freedom and liberty of citizens.

The “freedom of expression” in particular, is fundamental to the proper functioning of a democracy. But it is also constantly under threat since it gives citizens the right to lawfully speak out and express discontent about the government and its institutions.

The New Zealand Bill of Rights Act 1990 protects citizens from the actions of anyone in government who may want to interfere with these rights. Section 14 states: “Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form”.

While this freedom is constrained by other acts of Parliament including the Human Rights Act and the Defamation Act, Members of Parliament enjoy absolute freedom of expression through Parliamentary Privilege. Parliamentary Privilege guarantees that words spoken as part of parliamentary proceedings are subject to the absolute freedom of speech. However, while enjoying their own unrestrained freedom MPs regularly collude to pass laws restricting the freedoms of others.

One such proposed law that is currently in front of Government Administration Select Committee is the Births, Deaths, Marriages and Relationships Registration Amendment Bill. Introduced by Labour under the guise of clamping down on identity fraud, the bill seeks to restrict access to official records that have always been freely accessible to the public. With identity fraud cases dropping from 43 in 2003, to 22 in 2004, 9 in 2005, and 8 in 2006, the government’s justification for the bill does not stand up to scrutiny. It can be seen as yet another restriction on the public’s

right to the freedom of expression in general, and press freedom in particular (for more information view >>>).

As journalist and author Graeme Hunt states in his submission on the bill: “I am a genealogist but, more importantly, an historian. In the course of my research I have drawn extensively on primary records, not least extracts from the register of New Zealand births, deaths and marriages. I am, therefore, horrified at the proposed restrictions as outlined in the Births, Deaths, Marriages and Relationships Registration Amendment Bill now before the House. If passed, the legislation would make the job of competent historians writing about 20th-century New Zealand difficult, if not impossible”. (See What’s On In Parliament for details on the submission process and to view Graeme’s submission, www.nzcpr.com)

In a democracy, the government should be accountable to the people, but the people can only hold the government to account if they are well informed and know what’s going on. That’s where the press plays a vital role, acting as a public watchdog over the political process, the activities of the government, and the operation of the justice system.

As Graeme Hunt says, “This bill is an attack on press freedom. In nearly all other democratic countries the trend has been to make more information public. In New Zealand, if this bill became law, we would be heading in the other direction. A feature of democratic societies is the free flow of public information. Autocracies, generally speaking, seek to limit access to public information. For this reason the bill should be opposed as much on principle as on the detail. It has no clear public-policy objective other than to impose the veil of secrecy on an open society. It should, therefore, be opposed at all costs”.

This latest attack on freedom comes hard on the heels of a major assault by the government on the whole charitable sector, which has effectively

muzzled their democratic right to free expression. Through restrictions in the new Charities Act, if a charity engages an advocacy role judged to be more than incidental, their charitable status can be removed. The long and short of it is that charities are now unlikely to speak out freely against government policy for fear of losing their tax-free status. (see www.nzcpr.com).

Not content with gagging the charitable sector, Labour is now intent on trying to restrict the rights of others to express their views - and spend their own money doing so - through draconian regulations in the stalled election reform bill. This bill, which directly contravenes freedom of expression rights, proposes a blanket limit on political advocacy by virtually all organisations except the unions, during the whole of election year.

According to the Herald: "Crown Law ... has told Justice Minister Mark Burton that restrictions on advocacy and activities by non-party groups in the lead-up to an election could impact on freedom of expression rights under the Bill of Rights Act. Crown Law is required to advise the Government where it believes any new laws might impact on the Bill of Rights Act 1990. But there is no requirement on the Government to heed Crown Law's advice and laws have been passed despite cautions on the Bill of Rights from Crown Law". (To view see www.nzcpr.com)

Labour's proposed election reform bill also seeks to force taxpayers to fund election campaigns. Having engaged in "corrupt practice" by illegally using \$800,000 of taxpayer funding for the infamous pledge card at the last election,

Labour had no option but to promise to pay it back. But with a funding crisis on their hands and the debt remaining unpaid, the idea of state funding is looking increasingly attractive, even though the 1986 Royal Commission on the Electoral System rejected the concept taking the view that "private funding enhanced political competition and democratic participation, and forced parties to connect with grassroots supporters" (see www.nzcpr.com).

This week's NZCPR Guest Commentator, the Hon Richard Prebble, in an article entitled "Taxpayer funding makes us less democratic", provides an insiders view of the proposed taxpayer-funding bill. He states: "Politicians can't help but try to fiddle the rules by which they are elected. What we know is that Labour has secret proposals that are being bargained with its ally political parties. Parties opposed to the government are not being informed and we the public are being kept in the dark". (see www.nzcpr.com)

Richard concludes: "When professional politicians no longer need to raise money and have supporters, they become further out of touch. We shield them from 'the boy who says the king has no clothes' by banning all but parties from involvement in elections. When the courts start fining people \$10,000 just for having an opinion about who should be our government and expressing it, we are no longer a free country. It is only a small step then to say that an Internet column like this should be banned during an election".

The poll this week asks: Do you support Labour's plan to introduce the taxpayer funding of elections?

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