



# Bill of Rights Act

## 1. The Bill of Rights Act 1990 and New Zealand's constitution

The New Zealand Bill of Rights Act 1990 (the Act) confirms fundamental rights and freedoms that the state must respect. It sets minimum standards for all public decision-making.

## 2. Rights protected in the Act

New Zealanders' rights protected in this law include:

- » The right to life.
- » The right to vote.
- » Freedom of expression.
- » Freedom of religion.
- » A fair hearing, particularly in a criminal trial.

The Act also protects New Zealanders' rights in relation to search, arrest and detention. There are also non-discrimination and minority rights.

All these rights are known as civil and political rights. The Act does not cover other rights such as property, economic, social and cultural rights or the right to privacy.

## 3. Legislation may limit rights

Not all rights are absolute. Sometimes limits on rights can be justified. For example, the right to freedom of expression does not include a right to encourage violence.

## 4. In New Zealand, Parliament has the last say

In New Zealand, Parliament is the ultimate decision-maker about whether legislation limits rights and whether any limit is justified. In other countries, similar laws have a higher legal status over other laws (supreme law). This means that the courts can review Parliament's decision and may have powers to declare legislation inconsistent or strike it down.

## 5. Enforcing the Bill of Rights Act

There are two key ways of enforcing the Act:

- 1) New Zealand judges can decide if an action of the state breaches the Act and may order remedies.
- 2) Parliament takes the Act into account when making laws. The Attorney-General must inform Parliament if he or she considers that a Bill is inconsistent with rights in the Act.

## 6. Rights in other legislation

Some rights are protected in other legislation such as the Human Rights Act 1993 and British statutes that are now New Zealand law, such as the Magna Carta.

Other New Zealand laws also relate to individual rights, particularly laws relating to education, social security, privacy, health and disability services. For instance, the Privacy Act 1993 sets out the principles of privacy, and the Public Works Act 1981 implements the right to compensation when private property is taken for public purposes.

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## Glossary

**Act:** A law made by Parliament.

**Attorney-General:** The Attorney-General is a member of the Government. The Attorney-General is responsible for supervising New Zealand law and advising the Government on legal issues.

**Bills:** Proposed laws before Parliament.

**Legislation:** Laws that have been passed by Parliament or under the authority of Parliament. The main sorts of legislation are Acts and regulations.

**Magna Carta:** The Magna Carta of 1297 limits the powers of rulers. E.g. no free man can be imprisoned or punished without trial by their peers.

**State:** The combination of the Legislature (Parliament), the Government (the Prime Minister, Ministers and government departments) and the Courts.

**Supreme law:** A law that has a higher legal status than other laws, meaning Parliament must only pass laws that comply with supreme law. The Courts could strike down inconsistent law. New Zealand has no supreme law.

***Our constitution** is the set of rules that determines how this country is governed and how we all live together. It's your constitution and your conversation.*