

## **NZTSOS Appeal**

### **Background**

In March, the High Court ruled that although the vaccine mandates in the health and education sector were a breach of human rights, they were demonstrably justified in a free and democratic society. After taking advice, our members in the education sector voted to continue the fight and file an appeal against the decision.

### **Why are we appealing?**

- The vaccine mandate had a devastating effect on teachers, other professionals and the education community.
- This appeal is important to uphold the fundamental rights that all New Zealanders have, and to prevent the government imposing a similar unjustified mandate in the future.

### **What is the appeal about?**

- NZTSOS has appealed against the High Court decision that the government vaccine mandate for teachers was not unlawful.
- NZTSOS will argue that the High Court was wrong to decide that the right to refuse medical treatment was not absolute. NZTSOS will also argue that the mandate was not a demonstrably justified limitation on this right.

### **Who is preparing and presenting the appeal?**

- NZTSOS has engaged Matthew Hague and his team from [Frontline Law](#). Frontline Law represented the applicants in *Yardley v Minister for Workplace Relations and Safety*, which was the first successful legal challenge to a vaccine mandate in New Zealand.

### **When will the appeal be held?**

- The appeal will be in the Court of Appeal in Wellington.
- NZTSOS has asked that a hearing date be allocated, this is likely to be later in 2022.

### **What does NZTSOS want to achieve?**

- NZTSOS has asked the Court of Appeal to set aside the decision of the High Court, and rule that the vaccine mandate for teachers was unlawful.

### **The government has repealed the vaccine mandate for teachers. Why are you appealing?**

- This matter involves issues of fundamental human rights.

Written by Mike Shaw - 20 August 2022