

One Law for All. One Future Together.

ACT will put equal rights and the rule of law at the heart of our constitution, protect your property, put Parliament back in charge of the law, and stop vague Treaty clauses that leave courts and officials to decide what the law means.

Every New Zealander should be equal before the law. Parliament, democratically elected by the people, should make the law. Everyone, including the Government, should be bound by the law. And the property people work hard to build and own should be protected.

These principles speak to who we are as a country, our national identity, and what we hold as important. They should guide every Government, policymaker, court, and person exercising public power.

But they are not as clearly reflected in our law as they should be. Courts have increasingly developed Treaty principles and tikanga beyond what Parliament has clearly written into law, while Parliament has too often used vague Treaty clauses that leave judges and officials to decide what those laws mean.

ACT will change that.

Many New Zealanders will have strong views on how these proposals should be implemented. ACT is open to that debate, but firm about the principles and results we expect.

01 Enshrine core democratic principles in law

ACT will put three fundamental principles into the Constitution Act: Parliament makes the law, the rule of law is fundamental, and every New Zealander is equal before the law.

The Constitution Act 1986 is one of the most important parts of our constitutional framework. It sets out the basic structure of government, but says surprisingly little about the principles our democracy stands for.

ACT will add three principles to the Constitution Act:

- Parliament is sovereign;
- the rule of law is fundamental; and
- all New Zealanders are equal before the law.

These principles are the foundation of a free society and deserve a clear place in New Zealand law in their own right.

02 Protect your property in the Bill of Rights

ACT will add property rights to the New Zealand Bill of Rights Act, giving stronger protection to your home, farm, business, and other property.

New Zealand protects many basic rights in the Bill of Rights Act but property is missing.

ACT will insert into the New Zealand Bill of Rights Act a property right modelled on similar clauses from other jurisdictions including the peaceful enjoyment of property and no deprivation except in the public interest, on just terms, and in accordance with law.

The things you have worked, saved, and taken risks to own should not be vulnerable to unfair government action. Property rights matter well beyond cases where the Government takes someone's land. Regulations and government decisions can also wipe value from property, or restrict how it can be used.

Putting property rights in the Bill of Rights would mean governments face greater scrutiny when they interfere with what people own. It would not give courts the power to strike down laws passed by Parliament. But it would make governments explain and justify interference with property more clearly.

As with other rights in the Bill of Rights, Courts would be required to interpret legislation so that a meaning consistent with the right must be preferred where possible.

03 Put Parliament back in charge of the law

ACT will reassert that Parliament has the final say, not the courts.

Recent Supreme Court decisions have pushed the line further than Parliament ever legislated. Parliament has pushed back in some instances such as the Smith v Fonterra case and the Marine and Coastal area case. But others such as Ellis, where the Supreme Court widely expanded the use of tikanga in the law have not been responded to.

New Zealanders elect Parliament to make the law and courts have an essential role interpreting and applying that law. But the balance is lost when judges create new legal duties that Parliament has never written into law, or which it has clearly chosen to address in other ways.

ACT will push back where courts have clearly gone beyond what Parliament has enacted.

We will make clear when tikanga can be used by the courts. Our starting point is that it should apply only where it is directly relevant to the case (for example, a dispute between iwi), or where Parliament has expressly provided for it. It should not gradually become a separate source of law applying to broad areas of unrelated law without Parliament ever deciding that it should.

We will amend the Legislation Act 2019 to ensure statutes mean what Parliament enacted, read in the context of the time they were passed, and so that judge-made presumptions can resolve ambiguity but cannot override clear statutory language.

We will define the 'rule of law' in the Senior Courts Act 2016 to make clear that the law should be certain and Parliament has the final say.

04 Stop vague Treaty clauses creating uncertainty and dividing New Zealanders

ACT will stop governments writing vague Treaty clauses into law and leaving courts and officials to decide what they mean.

Parliament also has a job to do. Often the courts are responding to a lack of clarity or Parliament's silence on a particular area of law when they make decisions that substantially change the interpretation of the law.

When Parliament refers to the Treaty, it should say exactly what it means. Too often, laws use broad phrases such as "give effect to the principles of the Treaty" or "have regard to the principles of the Treaty" without saying what those words actually require.

That leaves major decisions to officials and courts after the law has been passed. It creates

uncertainty for everyone. Over time, those vague clauses can be used to create new duties and different treatment based on race that Parliament never clearly agreed to. ACT will put a stop to that.

Before any Bill containing a reference to the Treaty is drafted, Cabinet must explicitly agree what Treaty interests, if any, are engaged, on whom they fall, and what specific obligations they create.

In addition, when an existing law is being changed or replaced, the Treaty interests must be identified and listed specifically, and any vague or high-level clauses removed. Regulatory Impact Assessments should explain what each Treaty clause will actually do in practice, including what decisions it changes, what it costs, and how it will be enforced.

These changes will be made through Cabinet rules, the Cabinet Manual, and changes to legislation where needed.

One law for all means the same rights, the same duties, and the same protection under the law. That is how we build One Law for All and One Future Together.