

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

**CIV-2022-485-346
[2022] NZHC 2718**

BETWEEN

WINSTON PETERS
Applicant

AND

THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES
Respondent

On the Papers

Counsel: A F Pilditch KC and D C S Morris for the Applicant
S V McKechnie and T J Bremner for the Respondent

Judgment: 19 October 2022

JUDGMENT OF GWYN J

[1] By his statement of claim for judicial review dated 27 June 2022, the applicant, Winston Peters, has brought claims against the respondent, the previous Speaker of the New Zealand House of Representatives, under the Judicial Review Procedure Act 2016 and the New Zealand Bill of Rights Act 1990.

[2] The claims arise out of a protest on the grounds of Parliament, beginning on 8 February 2022 and ending on 2 March 2022, when the New Zealand Police removed the protestors from the parliamentary precincts. On 22 February 2022, the applicant went to the grounds of Parliament, within the parliamentary precincts, and spoke to individual protestors.

[3] The Speaker of the House of Representatives is responsible, under s 26 of the Parliamentary Services Act 2000, for the control and administration of the parliamentary precincts on behalf of the House of Representatives.

[4] On 30 March 2022 the respondent determined to issue warnings under s 4 of the Trespass Act 1980 (the Act) to protestors who were known to have remained within the parliamentary precincts after warnings had been given to them under s 3 of the Act.

[5] On 28 April 2022 a warning under s 4 of the Act was served on the applicant (the warning). The effect of the warning was that the applicant was prohibited from entering Parliament grounds for the statutory maximum period of two years.

[6] On or about 4 May 2022, the respondent determined that the applicant no longer posed “a risk to the safety and security of others at Parliament” and the warning was withdrawn.

[7] The respondent accepts that the exercise of the power under s 26(2) of the Parliamentary Service Act 2000 to issue the applicant the warning under s 4 of the Act was unreasonable and irrational.

[8] The respondent also accepts that the warning was an unjustified limitation on the applicant’s right to freedom of movement under s 18 of the New Zealand Bill of Rights Act 1990.

[9] The respondent agrees to the making of declarations to that effect.

Orders

[10] By consent, judgment is given for the applicant on the following terms:

- (a) A declaration that the respondent’s exercise of the power under s 26(2) of the Parliamentary Service Act 2000 to issue the applicant a warning under s 4 of the Trespass Act 1980 was unreasonable and irrational.
- (b) A declaration that the warning from the respondent was an unjustified limitation on the applicant’s right to freedom of movement under s 18 of the New Zealand Bill of Rights Act 1990.

[11] No order as to costs is sought.

[12] On the issue of this judgment, the applicant will abandon the first and third causes of action in the statement of claim (as they relate to sections 14, 16 and 17 of the New Zealand Bill of Rights Act 1990).

Gwyn J

Solicitors:
Simpson Grierson, Wellington
Cook Morris Quinn, Auckland