

Grounded Kiwis file High Court judicial review claim - MIQ system breaches Kiwis' right to return to New Zealand

Auckland New Zealand, 8 October 2021

Grounded Kiwis, an advocacy group for New Zealanders impacted by the Managed Isolation and Quarantine System (MIQ) system, has today filed a judicial review claim in the High Court alleging the Minister of Health, Minister for Covid-19 Response, and Chief Executive of the Ministry for Business, Innovation and Employment acted unlawfully and unreasonably in respect of the design and operation of the MIQ system.

"At the heart of our claim is our view that the Government has failed to take into account and protect the right of New Zealanders to enter New Zealand." Grounded Kiwis spokesperson Alexandra Birt said today.

"The claim alleges the previous 'first-in-first served' allocation system, the current 'lottery' allocation system, and the emergency and group allocation systems are in breach of section 18(2) of the New Zealand Bill of Rights Act 1990. The claim also alleges that various aspects of the system were not prescribed by law, and that the Minister for Covid-19 Response breached the public's legitimate expectation that he would develop a sustainable, scalable model for isolation as a matter of priority."

Paul Radich QC and Lucila van Dam, barristers at Clifton Chambers in Wellington, are acting for the group.

Ms Birt says this is a public interest case of significant importance as it is the first time the Government has created a system which limits Kiwis' right to return home.

"We are not seeking to challenge the need for isolation in some form, but rather the case is about the way this MIQ system has been set up and operated, and the limitation this has placed on the fundamental right to return protected by our New Zealand Bill of Rights Act." she says.

"We believe it is important that the Courts have the opportunity to act as a check on Government power, as is their role in a democratic society."

Grounded Kiwis has filed to incorporate an incorporated society, and will bring the claim in its capacity as a society advocating for New Zealanders impacted by MIQ. To date legal research has been provided by Grounded Kiwi volunteer lawyers, and the statement of claim prepared on a pro-bono basis by Paul Radich QC and Lucila van Dam. The group now plans to crowdfund NZ\$70,000 for anticipated litigation costs to bring the case to trial. This fund will launch today on Givealittle - <https://givealittle.co.nz/cause/grounded-kiwis-miq-legal-crowdfund>.

"Our volunteers have devoted countless hours advocating for change to the MIQ system and supporting those who are personally impacted" says Ms Birt. "Bringing this claim has been a culmination of effort from volunteers across New Zealand, Australia, the United Kingdom, the United States, Asia, Europe, and the Middle East who are concerned by the operation of the MIQ system and believe this case needs to be heard."

ABOUT GROUNDED KIWIS

Grounded Kiwis is a network of New Zealanders, and those who call Aotearoa New Zealand home, seeking to change the Managed Isolation and Quarantine (MIQ) system. We are a diverse and politically-neutral group, living inside and outside New Zealand, and we are all affected by the Government's border policy. Coordination of resources and the group's activities is overseen by a steering group of volunteers, comprising Kiwis from diverse professional disciplines - law, business, science, media and public service, from New Zealand, Europe, UK, North America and Australia.

Facebook: www.facebook.com/groups/groundedkiwis

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Email: groundedkiwis@gmail.com

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