

THE DARKENING CLOUDS OF TOTALITARIANISM IN NZ

By Dr Muriel Newman, NZCPR, 22 April 2021

“Totalitarianism: form of government that theoretically permits no individual freedom and that seeks to subordinate all aspects of individual life to the authority of the state.”
- *Encyclopaedia Britannica*

Under Jacinda Ardern’s stewardship, New Zealand is becoming a totalitarian state.

Another giant leap down that path was announced last week in the form of a Cabinet paper outlining plans to criminalise free speech. But before we examine the detail, let’s remind ourselves of two other significant expansions of State authority that are already underway.

The first involves State control of the entire economy under the guise of ‘climate change’.

As a result of the Prime Minister imposing the harshest carbon restrictions in the world onto New Zealand, the Climate Commission is foreshadowing the need for nation-wide central planning, if the country is to meet our obligations under the United Nations Paris Agreement.

But the question is, why is our Prime Minister sacrificing our economy and living standards, when most other countries are doing nothing? Surely it can’t just be to look good when standing before the United Nations - or can it?

Shouldn’t the PM be held accountable, not to the UN, but to New Zealanders, for the economic damage she is inflicting onto our country?

The second area of totalitarian control involves the undermining of democracy itself. The Ardern Government has already abolished our democratic right to prevent local councils from introducing Maori wards. Now they are replacing democracy with separatist rule.

According to their *He Puapua* [report](#), the *UN’s Declaration on the Rights of Indigenous Peoples* will be enacted by 2040. To achieve that goal, our constitution will be replaced with one that elevates the Treaty of Waitangi into supreme law, Maori tikanga will replace the common law, and the country will be governed through a 50:50 Crown-Maori ‘partnership’. Under what will, in effect, become a tribal dictatorship, democracy will cease to exist.

It’s time to say “No”! To defend democracy and equal rights we have launched a “Declaration of Equality” - to find out more, please click [HERE](#).

The Prime Minister is now embarking on an even more threatening assault on our freedom – this time on our freedom of speech.

New Zealanders’ right to free speech is enshrined in section 14 of the 1990 Bill of Rights Act: “Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.”

That freedom is limited by the 1993 Human Rights Act. Section 61 makes it a civil offence to express “threatening, abusive, or insulting” opinions that are *likely* “to excite hostility against or bring into contempt any group of persons... on the ground of colour, race, or ethnic or national origins.”

Under Section 131 *intentionally* inciting hostility is a criminal offence that can result in imprisonment of up to three months or a fine of up to \$7,000. However, as a public safeguard, such prosecutions need the approval of the Attorney-General.

According to the Human Rights Commission New Zealanders’ right to make controversial or offensive remarks is not undermined by these laws – they only restrict those who are inciting serious ethnic tension or unrest: “Only where there is the potential for significant detriment to society can the right to freedom of expression be limited.”

While prosecutions have been rare, many other constraints on free speech also exist.

The regulators dealing with complaints about published material are the Broadcasting Standards Authority, the Advertising Standards Authority, and the New Zealand Press Council.

The Harmful Digital Communications Act covers complaints about texts, emails, social media, and website content, with offenders facing up to two years in prison or fines of up to \$50,000.

Threats of physical violence or harm are covered by the Crimes Act. Section 307A stipulates that threats made against people or property that cause “significant disruption of the activities of the civilian population” are an offence with a penalty of up to seven years in prison.

In 2019, following the Christchurch tragedy, then Minister of Justice Andrew Little [announced](#) a review “to examine whether our laws properly balance the issues of freedom of speech and hate speech. The process should not be rushed, and I expect a report for public comment towards the end of the year... Protecting our crucially important right to freedom of speech, while testing whether the balance is right regarding ‘hate speech’, needs a robust public discussion from *all* quarters. This way we will ensure that all of our citizens’ rights are protected, and every person can express their humanity without fear.”

The promised public consultation never eventuated. Instead of an open and transparent process, secret discussions were held with groups campaigning for harsher laws.

The Ministry of Justice chief executive Andrew Kibblewhite [claimed](#) hate speech was a “tricky thing” to navigate. They wanted to keep discussions “away from the political fray”, to prevent them being “derailed” and to “avoid protests”.

In the end, New Zealand First refused to support any [restrictions](#) of New Zealanders’ right to free speech. As a result, Labour promised a law change in their 2020 election manifesto:

“Labour will extend legal protections for groups that experience hate speech, including for reasons of religion, gender, disability or sexual orientation, by ensuring that we prohibit speech that is likely to incite others to feel hostility or contempt towards these groups under the Human Rights Act.”

Their plan was to use the Human Rights Act to provide statutory protection to groups based not only on ‘race’, but on religion, gender, disability and sexual orientation as well.

Just after the election, the Royal Commission into the Christchurch shootings released its report including proposals to strengthen hate speech laws.

They [recommended](#) criminalising anyone *deliberately* inciting hostility by inserting section 131 of the Human Rights Act into the Crimes Act, increasing the penalties from three months in jail to at least *two* years, including ‘religion’ as a protected characteristic alongside ‘race’, and broadening the scope of ‘hate speech’ from an intent to ‘*incite*’ hostility to an intent to ‘*stir*’ it up.

But this week’s NZCPR Guest Contributor political commentator Chris Trotter is questioning the Government’s plan to enact Royal Commission recommendations to restrict our freedom, when nothing could have stopped the ‘lone wolf’ attack:

“Though bitterly contested by those firmly convinced that the Christchurch Mosque Shootings represent something more than the crime of a Lone Wolf terrorist, the Royal Commission’s finding that no state agency could have prevented Tarrant from carrying out his deadly intent – except by chance – is correct. He understood that, for his ‘mission’ to succeed, he must do nothing to draw the attention of the authorities – and, God help us all, he didn’t.

“Against such careful and pitiless premeditation, all the laws on our statute books are powerless. The state can punish Lone Wolves, but it cannot stop them. In attempting to minimise the terrorist threat, however, the state can eliminate our freedoms.”

Chris warns: “When Governments extend the state’s power to monitor their citizens’ ideas and activities, we should all be on our guard. Even when such extensions are introduced in response to a terrorist atrocity, we need to ask ourselves: would these new powers have prevented it?”

And that’s precisely what should be in our mind as we examine the [proposed](#) restrictions on free speech outlined by the new Minister of Justice Kris Faafoi in his Cabinet paper.

First of all, he wants *all* free speech breaches criminalised – not just the deliberate calls to incite hostility recommended by the Royal Commission, but the unintentional ones as well.

Second, he wants to adopt the Royal Commission’s proposal for the law to be widened to include an intent to “stir up” hatred.

Third, he wants the penalties strengthened from *three months* in jail to *three years* – even though the Royal Commission recommended *two years* – with fines increased from \$7,000 to \$50,000.

Fourth, while the Royal Commission recommended increasing the legal protection from groups based on ‘race’ to include ‘religion’ as well, the Minister wants it expanded to include “*all groups* listed under the prohibited grounds of discrimination in section 21 of the Human Rights Act”.

That means that under Jacinda Ardern’s Labour Government, you will not only have to mind your Ps and Qs when it comes to discussing *race* and *religion*, but also *sex, marital status, ethical belief, disability, age, political opinion, employment status, family status, and sexual orientation* as well.

In fact, it seems the only group that will *not* be protected by Minister Faafoi’s new law will be white able-bodied working age males!

But it gets worse.

It appears the Ardern Government is planning on using these law changes to massively *expand* the concept of ‘incitement to discriminate’. The Minister explained his intention as follows: “Examples of inciting discrimination of a group include encouraging their exclusion or unfavourable treatment in the provision of goods and services, rental housing, or employment. In my view, as it is unlawful to discriminate against population groups, it should also be unlawful to incite others to discriminate against these groups.”

Landlords and employers should beware - if someone alleges unfavourable treatment it appears the Police may well come knocking!

Many other changes are proposed by Minister Faafoi, including some that are being withheld from the public. One in particular deals with the complaints process - paragraph 51 of the Cabinet paper ends with, “Groups spoken with also expressed their desire to address discrimination and hate speech in society more broadly than just through the incitement process”; but how that is to be put into effect in paragraph 52, is fully redacted.

With the chilling effect these proposed changes would have on society plain to see, and George Orwell’s warning, “If you control the language, you control the mind” ringing out loud and clear, is paragraph 52 proposing a new department of *Thought Police*?

In Jacinda Ardern’s totalitarian State, few New Zealanders will speak their mind for fear of a criminal prosecution. It will be a very ominous day for New Zealand when the Police are given the power to become the enforcement unit of politicians and activists against those expressing contrary opinions.

Through the imposition of State authority over the *economy* using carbon regulations, over *democracy* through separatist rule, and over *free speech* using hate speech laws, New Zealand

is becoming a shadow of the vibrant and free society it used to be.

Let's be absolutely clear - these changes herald the most dramatic expansion of the influence of government in New Zealand's history, and it's happening at an extraordinary pace while Jacinda Ardern's socialist government has a three year window of unbridled control. It is also happening with very limited scrutiny given the lack of independence in the media and a lack of transparency from the government itself.

While all of these changes are seismic, the threat to the freedom of expression is the most ominous. Free speech is essence of a free society. It is the very oxygen of a democracy and individuality. Free speech is how knowledge is developed and shared, and it remains the most effective bulwark against tyranny.

As the former Minister of Justice Andrew Little explained, “Protecting freedom of speech is vital to hold those in authority to account, challenge the socially and culturally dominant, and enable society to progress. Freedom of speech can give force to new ideas, but also cause discomfort and offence. It is usually the first right to be lost under oppressive regimes, and among the first to be restored, at least in name, after revolutionary change.”

With these proposals having been approved by Cabinet, it is clear that under Jacinda Ardern's controlling regime, she is planning to not only take away our right to criticise others, but also our right to criticise her and her Party. Including 'political opinion' as a protected characteristic in hate speech laws puts New Zealand on a course to become the North Korea of Oceania.