

**NEW ZEALAND LAWYERS AND
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2023] NZLCDT 33

LCDT 021/22

IN THE MATTER

of the Lawyers and Conveyancers
Act 2006

BETWEEN

**NELSON STANDARDS
COMMITTEE**

Applicant

AND

SUSAN JANE GREY

Respondent

CHAIR

Ms D Clarkson

MEMBERS OF TRIBUNAL

Ms S Hughes KC

Ms A Kinzett

Ms G Phipps

Ms P Walker MNZM

HEARING 24 July 2023

HELD AT Specialist Courts and Tribunals Centre, Auckland

DATE OF DECISION 4 August 2023

COUNSEL

Mr P Collins for the Standards Committee

Ms S Grey, the Respondent Practitioner, in person

DECISION OF TRIBUNAL ON APPLICATION TO STRIKE OUT PROCEEDING

[1] The remedy for ill-conceived speech is more speech, not enforced silence.¹

[2] Lawyers should not have fewer rights to free speech than the average citizen, but they do have greater responsibilities in how they exercise them.

[3] This decision considers whether a lawyer, Ms Sue Grey, was acting in her capacity as a lawyer in making statements, or as a private citizen who is also a politician.

[4] It then evaluates whether her proven or acknowledged statements were such as to demand a professional disciplinary response, in a free and democratic society which relies on the ability of lawyers, as advocates for the citizen, to challenge institutions of power and governance.

[5] These issues are being considered at this preliminary stage², to determine whether there is a “reasonable cause of action”³ against Ms Grey, such as to justify the charge proceeding to a full hearing. The law sets out the matters we should consider at this stage. This said, the Tribunal acknowledges from the outset the distress that was caused by the conduct of Ms Grey particularly when questioning whether some deaths were related to the government mandated vaccine programme. At the same time, we also recognise the distress of those who felt their concerns were not heard. These people include the family of a young man who, the Coroner has ruled has died because of complications from the vaccine.

¹ Paraphrasing the words of Justice Brandeis in *Whitney v California* 274 U.S. 357 at [377] (1927).

² On an application by Ms Grey to strike out the proceedings.

³ Section 240A Lawyers and Conveyancers Act 2006 (LCA). Other grounds under this section were pleaded by Ms Grey, but we confine ourselves to this one, the others being unnecessary in the light of our determination.

“Professional” or “personal” conduct?

[6] The first question to be considered is “In what role was Ms Grey when the alleged conduct occurred?”

[7] The charge pleads misconduct in both alternatives to cover Ms Grey’s conduct, whether she is seen as acting in her professional role,⁴ or in her personal or political roles⁵. A third, lower level alternative is pleaded, namely unsatisfactory conduct,⁶ the first subsection of which requires her to have been acting in a professional capacity but the second, subsection (c), can include personal conduct.

[8] Conduct which falls under the professional category has been interpreted by the Tribunal and higher courts as conduct which occurs during the provision of regulated services, or in connection with the provision of regulated services.⁷

[9] Personal conduct covered by s 7(1)(b) is effectively all conduct that falls outside those defined areas of a lawyer’s activities or is unconnected with such professional activities. There is no gap between the two divisions in a lawyer’s life.⁸

Context and conduct under examination

[10] Ms Grey is an experienced Nelson-based lawyer who practises in the field of public law, with an emphasis on human rights, resource management law and medico-legal matters.

[11] As well as her legal qualifications, Ms Grey holds a science degree with majors in microbiology and biochemistry, as well as a Royal Society of Health Diploma in Public Health Inspection.

[12] Ms Grey is also the co-leader of a political party known as the New Zealand Outdoors and Freedom Party (NZOFP). The party has, as do all or most political

⁴ Section 7(1)(a)(i) or (ii) Lawyers and Conveyancers Act 2006 (LCA).

⁵ Section 7(1)(b)(ii) LCA.

⁶ Section 12(b) and (c) LCA.

⁷ “Regulated services” are defined in s 6 of the LCA and include an examination of the meaning of “legal services”, “legal work” and “reserved areas of work”.

⁸ *Orlov v New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2015] 2 NZLR 606 (HC).

parties and organisations today, a Facebook⁹ page. On that page, Ms Grey is featured from time to time and is one of the number of people who administer the receiving of and replying to various posts.

[13] Ms Grey has engaged in some high-profile litigation in the course of her career. Since the time of the COVID-19 pandemic, she has been particularly prominent in challenging some of the subordinate legislation which has been passed in response to the pandemic, particularly that passed under urgency.¹⁰

[14] Details of such litigation were often posted on the party-political Facebook page, featuring Ms Grey's achievements as a lawyer.

[15] The Standards Committee cannot establish that all postings, although appearing under Ms Grey's name, have been specifically written by her or indeed authorised by her. One example of this was a page in which funding was sought to support a legal fund. This was done without Ms Grey's authorisation and taken down immediately at her request.

[16] It is not disputed that Ms Grey's personal and political activism has involved strident criticism of the government's program of response to the COVID-19 pandemic.

[17] It is the nature and language contained in some of these posts and that some of the complained of posts appear to intrude into the lives of bereaved families – it being asserted that the deaths arose as a result of vaccine use- which have been the subject of complaint by members of the public, some of whom are identified by Ms Grey as being members of a particular lobby or interest group. The particular words complained of are set out in the Particulars to the Charge which is annexed as Appendix A to this decision. None of the complainants are clients of Ms Grey.

[18] It is Ms Grey's case that all of these statements were made in her capacity as a politician, or as an individual citizen, and none of them formed part of her role as a

⁹ Now referred to as "Meta".

¹⁰ Legislation passed under urgency does not proceed through the normal parliamentary process of a number of readings and Select Committee hearings in which the public can participate.

lawyer. There is no complaint before the Tribunal about her conduct in court or conduct as counsel for any client.

[19] The Standards Committee contends that because she is well known as an “activist lawyer” – it is common ground that she has been dubbed with the title of “Sue Grey, anti-vax lawyer” – and because she has done legal work which involved questioning various public institutions about the information and policies in the COVID-19 response; these roles are bound up together with her political and individual comments, and Ms Grey’s conduct ought to fall to be considered under s 7(1)(a), that is in her professional capacity.

Examples of conduct in professional capacity

[20] In Annexure A it can be seen that Ms Grey’s conduct is pleaded in two categories. In Category 1, the various statements, said to be objectionable, are recorded.

[21] In Category 2, Ms Grey’s actions in connection with the provision of regulated services are recorded. These include requests made under the Official Information Act, letters to Cabinet members on behalf of clients, and providing a format for an affidavit.

[22] It was established, at the preliminary hearing, that the Category 2 conduct detailed was entirely proper for a lawyer, and that the Standards Committee made no objection to any of the actions or language used in the Category 2 particulars.

[23] “Proper” conduct is not normally scrutinised in disciplinary proceedings. Particulars relied on in disciplinary proceedings are those, often contentious, matters on which the profession’s disciplinary arm relies, to establish that a practitioner has gone astray.

[24] Mr Collins conceded that none of the actions recorded in this portion of the Charges could or would be the subject of a disciplinary Charge, if detached from the Category 1 conduct alleged.

[25] For her part, Ms Grey concedes that all of the actions recorded as having been taken by her in Category 2 were indeed in her capacity as a lawyer.

[26] So the next question the Tribunal must consider is whether it is proper, and in accordance with natural justice¹¹ for legitimate conduct to be used as a link to the practitioner's personal conduct, in order to bring the latter within s 7(1)(a), and thus subject to a lower threshold of seriousness, to prove misconduct.

[27] We have determined that this linkage is improper, in the sense of being unfair to the practitioner. Put another way, just because she was wearing her lawyer's hat for completely proper lawyer conduct, that does not mean that conduct when she was wearing a different hat is judged as lawyer conduct. For those reasons we strike out all of the particulars pleaded under the heading "Category 2".

[28] That leaves for examination Ms Grey's conduct "unconnected with the provision of regulated services", that is personal conduct or conduct in her role as a politician.

[29] In order to establish "misconduct" in this category of conduct, it must reach a higher threshold, namely that it "...would justify a finding that the lawyer....is **not a fit and proper person** or is otherwise unsuited to engage in practice as a lawyer". Mr Collins conceded that none of the actions complained of, or words used by Ms Grey would reach this standard of impropriety.

[30] We recognise that the discretion to strike out in a disciplinary proceeding will not often be engaged. However, this case raised many important issues for consideration, relating to basic human rights, and as described by Ms Grey, is "novel". Against that background we have assessed whether, on the available evidence, the charge could be made out.

[31] The removal of the allegations under Category 2 (professional conduct), and the concession by the Standards Committee that the personal conduct could not be established at the level of misconduct, means that there is "no reasonable cause of

¹¹ The principles of which the Tribunal must follow, and are specifically mandated by s 236 LCA.

action” disclosed in the charge under either of the misconduct alternatives pleaded. They are struck out.

Is there sufficient evidence to support a finding of Unsatisfactory Conduct?

[32] Before embarking on this assessment, we refer to the nature of the evidence. We also discuss the principles underlying freedom of speech, and the statutory provisions supporting that freedom, as well as the international conventions by which New Zealand courts and tribunals are bound.

[33] The evidence provided to support the charges is in the form of affidavits from a professional standards officer as to process matters, and annexing as exhibits a number of Facebook posts and responses, many of which are under the name of Sue Grey, but were on the NZOFP Facebook page. There were also affidavits from some complainants, who took issue with the comments made by Ms Grey, or attributed to her.

[34] However, the comments were unable to be directly associated with Ms Grey (although she acknowledged some) because a number of administrators made posts on that site, including under Ms Grey’s name. Many of the posts sought information about sudden deaths and at times provided allegedly accurate and inaccurate information relating these to COVID-19 vaccine adverse effects. Many of these posts are unexceptional, the worst examples are pleaded under Particular 4 in the charges (Category 1). It should be noted that some of the most objectionable comments are not those of Ms Grey herself but are responses from others to comments about the vaccination program or adverse effects. In some, extravagant language is used by Ms Grey or the person making the posting. Some of that language may well offend other people.

[35] It is also submitted by the Standards Committee that some comments may have been hurtful to bereaved families during the early stages of their loss. It is alleged that some of these comments go beyond the boundaries of “*public debate, political expression or opposition, and protected free speech in a lawyer*”¹². The Standards Committee allege they are damaging to the reputation and standing of the legal

¹² See Charge document, Appendix A.

profession, in breach of Ms Grey's obligation to uphold the rule of law, and are "... *deceptive and misleading, inflammatory of public disorder and injurious to the legitimate sensitivities of bereaved members of the public*". We can deal with some of these objections immediately and others will require an examination of the boundaries of "protected free speech in a lawyer".

[36] From the outset the Standards Committee accepted the sincerity or genuineness of the practitioner's opinions and beliefs about COVID-19, the Government's response to COVID-19, the vaccination programme, and her political views generally; the practitioner's right to hold those opinions and beliefs was acknowledged.

[37] They accepted the case was **not** about either the wisdom or effectiveness of the Government's response to the COVID-19 pandemic including the vaccination programme; or the effectiveness or potential harmfulness of any COVID-19 vaccine.

[38] This shows acceptance that the conduct cannot be established as deceptive and misleading because that would involve an assessment of the correctness of the Government's Covid response and indeed, an assessment of the efficacy and safety of the vaccine itself. Clearly, this is not a matter for a lawyers' disciplinary body with no expertise in those matters. As to the requests for further investigation and research, these can hardly be labelled misleading.

[39] As to the suggestion that the words were inflammatory of public disorder, we do not consider that this would be able to be established. The worst examples provided in this respect was a post which said "I fear we need a stronger and faster solution than Court"¹³. As identified in submissions, this first post could be read as a call for direct action including petitions, submissions to Select Committees and peaceful protests. Certainly there are other posts which refer to petitions. There is no post where she encourages or suggests violence, although she does use a strong word 'genocide' to describe the effects of the vaccine and refers to the experience of Jews in Nazi Germany. The Tribunal is critical of these references from a member of the profession from whom the public are entitled to expect objectivity and balance.

¹³ Pg 41 charge bundle.

[40] As to the distress caused to bereaved family members, careful reading of the comments that are the subject of the charge reveals she was asking questions not asserting facts. This is not objectionable, and had the matter proceeded to a hearing there were also statements from bereaved family members expressing gratitude. Overarching this is that any comments have to be assessed in the light of the law on freedom of speech, as does the suggestion that Ms Grey's actions or words, insofar as they can be attributed to her, demonstrate her to have breached her obligation to uphold the rule of law and to have damaged the reputation of her profession.

Bill of Rights Act (BORA) and international conventions on freedom of speech

[41] The relevant provisions in the New Zealand Bill of Rights Act 1990 are:

Part 2

Civil and political rights

Life and security of the person

11 Right to refuse to undergo medical treatment

Everyone has the right to refuse to undergo any medical treatment.

Democratic and civil rights

13 Freedom of thought, conscience, and religion

Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference.

14 Freedom of expression

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.

The International Covenant on Civil and Political Rights (ICCPR)

[42] This was ratified by New Zealand on 28 December 1978.

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all

kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order, or of public health or morals.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Basic principles on the role of lawyers, UNHR¹⁴, adopted 1990

[43] The relevant portions are:

Article 10

Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement, that a lawyer must be a national of the country concerned, shall not be considered discriminatory.

Article 12

Lawyers shall at all times maintain the honour and dignity of their profession as essential agents of the administration of justice.

¹⁴ United Nations Human Rights.

Article 23

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

[44] Ms Grey contends that she must, particularly in her personal and political role, be able to challenge government policies without the fear of disciplinary action against her because certain complainants disagree with her views and therefore label her as spreading misinformation or disinformation. Ms Grey referred us to the words of Sir Geoffrey Palmer in 2007 in recommending, on behalf of the Law Commission, the repeal of the law of seditious offences. In stating that, “*they have been used to fetter vehement and unpopular political speech*”, Sir Geoffrey, arguably the country’s foremost constitutional lawyer provided this pithy analysis:

In a free and democratic society, defaming the government is the right of every citizen. In times beset with threats of terrorism we should not close the open society. To do so will only encourage its enemies. In New Zealand, free speech and public debate must be “uninhibited, robust and wide open”, and it may include “vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials”, as Justice Brennan of the United States Supreme Court once put it.

[45] More recently a Judge of the United States Supreme Court has discussed the consequences of emergency legislation during the time of the COVID-19 pandemic and the need to ensure free public debate to achieve the best outcome.

[46] This is a novel case. Because we have needed to look at Ms Grey’s statements, in the context of the time and context in which they were made, namely during 2021 at a time of rapid law changes and restrictions on rights which had previously been taken for granted, and important public health issues, we consider it useful to record his Honour’s dictum:¹⁵

Doubtless, many lessons can be learned from this chapter in our history, and hopefully serious efforts will be made to study it. One lesson might be this: fear and the desire for safety are powerful forces. They can lead to a clamour for

¹⁵ *Arizona v Mayorkas* 598 U.S. (2023) 6 at [7] Gorsuch J.

action – almost any action – as long as someone does something to address a perceived threat. A leader or an expert who claims he can fix everything, if only we do exactly as he says, can prove an irresistible force. We do not need to confront a bayonet, we need only a nudge, before we willingly abandon the nicety of acquiring laws to be adopted by our legislative representatives and accept rule by decree. Along the way, we will accede to the loss of many cherished civil liberties – the right to worship freely, to debate public policy without censorship, to gather with friends and family, or simply to leave our homes. We may even cheer on those who ask us to disregard our normal law-making processes and forfeit our personal freedoms. Of course, this is no new story. Even the ancients warned that democracies can degenerate towards autocracy in the face of fear.

But maybe we have learned another lesson too. The concentration of power in the hands of so few may be efficient and sometimes popular. But it does not tend towards sound government. However wise one person or his advisers may be, that is no substitute for the wisdom of the whole of the American people that can be tapped in the legislative process. Decisions produced by those who indulge no criticism are rarely as good as those produced after robust and uncensored debate. Decisions announced on the fly are rarely as wise as those that come after careful deliberation. Decisions made by a few often yield unintended consequences that may be avoided when more are consulted. Autocracies have always suffered these defects. Maybe, hopefully, we have relearned these lessons too...

[47] It was Ms Grey's submission to us that while we might regard some of the language in the Facebook posts as extravagant,¹⁶ she pointed out that political speech often involves the use of extravagant language. Perhaps more importantly, it was her submission to us that since the government policy was almost always uncritically accepted by the media, there wasn't the protection of the 'Fourth Estate' to raise questions. She submitted that hers was somewhat of a lone voice (along with her supporters), and that language ought to be considered in that context.

[48] Ms Grey considers that with her scientific background and experience in researching scientific papers, as well as her public health training, she was uniquely suited to question and challenge some of the government policies, including vaccine mandates. She did this as a lawyer, by undertaking litigation to challenge legislative provisions. She says she also did this as an individual and politician, as leader of her political party, by means of social media. Ms Grey accepts that social media can be a brutal forum though sees its use as a necessity in modern times.

¹⁶ At one point the word "genocide" was employed to describe the vaccine rollout to young people.

[49] In a different context, the concept of how far a lawyer can go in using his or her rights of free speech was discussed in the decision of *Orlov*,¹⁷ albeit in a regulated services context:

...where the alleged misconduct consists only of speech, we have no difficulty with the idea that a significant level of robustness is required.

[50] And later:

We consider that lawyers of good standing would recognise the importance of freedom of expression, and not be unduly concerned or condemnatory of extravagant language, and misguided opinions, at least as long as there was no bad faith.¹⁸

[51] The reference to bad faith is important. In assessing whether a charge of unsatisfactory conduct could be established against Ms Grey,¹⁹ only s 12(c) is available. The strongest contention on behalf of the Standards Committee is a breach of r 10.2²⁰ which is “a lawyer must not engage in conduct that tends to bring the profession into disrepute”. In addition, a breach of s 4(a) of the LCA is alleged, namely the fundamental obligation of all lawyers to uphold the rule of law and to facilitate the administration of justice in New Zealand. Intention is relevant to making those assessments. As submitted by Ms Grey’s previous counsel,²¹ Mr Mansfield KC: *“Those opinions were advanced entirely in good faith, based on her own extensive research, and in Ms Grey’s capacity as a political actor as co-leader of the OFP.”*

[52] Mr Collins did not in any way suggest bad faith on the part of Ms Grey in the making of her statements. He did properly emphasise the position of trust in which lawyers are held and the responsibilities that accompany this.

[53] Ms Grey’s intentions are clear. She considered there was a strong public interest in receiving any information which might suggest that the vaccine, which the public was being urged (and later some were mandated) to accept, might carry some risks. It is clear from her posts that she encouraged those who read the party’s website

¹⁷ See above n 8, at [82] and [83].

¹⁸ We note that the Court also pointed out, at [85], that “...the protection offered by freedom of expression is not absolute”.

¹⁹ In her personal capacity.

²⁰ Lawyers and Conveyancers Act (Lawyers: Conduct and Client) Rules 2008.

²¹ In submissions to the Standards Committee

and Facebook page to undertake investigations and research of their own, to ensure they had informed consent before receiving the vaccine. Mr Mansfield contended that: “*The political nature of the speech in this case is of special importance*”, we accept that submission.

[54] But does a lawyer, in her personal and political capacity, asking questions or making statements which might be uncomfortable to hear, or with which many might disagree, necessarily bring the profession into disrepute? The alternative view, which we prefer is that while there were some examples of her communications of which we disapproved, and view as reflecting poorly on her judgment and appreciation of the position she holds as a member of the profession – but not to the point of bringing the profession into disrepute, in the end we consider that freedom of expression must be jealously guarded and that lawyers, within limits, must not be fearful of saying unpopular things. If that were to occur, they might be dampened or restricted in their role in advancing the democratic rights of their clients.

[55] In that sense, the s 4 obligation is advanced rather than undermined by free speech. There is a need for lawyers to be robust, even bold, in a democratic society and to be able to express minority or to some, unpalatable views. We do not consider that such lawyers should be considered necessarily to be bringing their profession into disrepute.

[56] That the balancing exercise is a fact-specific, individual exercise is pointed out in *Dore*²², a Canadian decision approved in Orlov:

We are, in other words, balancing the fundamental importance of open, and even forceful criticism of our public institutions with the need to ensure civility in the profession. Disciplinary bodies must therefore demonstrate that they have given due regard to the importance of the expressive rights at issue, both in the light of an individual lawyer’s right to expression and the public’s interest in open discussion. As with all disciplinary decisions, this balancing is a fact-dependent and discretionary exercise.

[57] For the above reasons, we do not consider, when balanced against the right to free speech, that the remaining charge could be made out to the standard of unsatisfactory conduct.

²² *Dore v Barreau du Quebec* 2012 SCC 12, 1 SCR 395.

[58] No reasonable cause of action having been made out; we strike out the remaining alternative of the charge.

[59] We nevertheless make plain that the membership of an honourable profession such as the Law brings with it an obligation to be careful and measured in their language – to adopt the medical truism to – “first do no harm”. Had posts made in Ms Grey’s name been better managed or approved by her, it would have prevented the linking of the more extreme statements to her personally. Further, caution should be adopted before the families of deceased are interrogated through social media using the name of a lawyer. Requests for information might be acceptable, but there is a risk of being seen as objectifying tragedy. Intrusive inquiry into the lives of bereaved is distasteful and undignified and to be avoided.

Costs

[60] The parties are to file submissions on costs within 21 days.

DATED at AUCKLAND this 4th day of August 2023

D F Clarkson
Chair

Charge

Nelson Lawyers Standards Committee charges the practitioner with misconduct under s.7(1)(a)(i) and/or (ii) and s.241(a) of the Lawyers and Conveyancers Act 2006 (the Act) or;

In the alternative, misconduct pursuant to s.7(1)(b)(ii) and s.241(a) of the Act or;

In the further alternative, unsatisfactory conduct that was not so gross, willful or reckless as to amount to misconduct, pursuant to ss.12(b) and/or (c) of the Act.

Category 1 Particulars: conduct

1. At all times relevant to this charge the practitioner was practising at Nelson as a sole practitioner barrister and solicitor.
2. During 2021 and 2022 the practitioner engaged in a course of conduct in which she publicly:
 - (a) Denounced and criticised the response of the Government to the COVID-19 pandemic;
 - (b) Denounced and criticised the programme of vaccination against the COVID-19 virus; and
 - (c) Called into question the existence of the COVID-19 pandemic and the justification for the governmental response to it as a genuine public health emergency.
3. The practitioner's activities in this context exceeded the lawful boundaries of public debate, political expression or opposition, and protected free speech in a lawyer, and were:
 - (a) damaging to the reputation and standing of the legal profession;
 - (b) contrary to her fundamental obligation to uphold the rule of law and facilitate the administration of justice in Aotearoa New Zealand;
 - (c) deceptive and misleading;
 - (d) inflammatory of public disorder; and
 - (e) injurious to the legitimate sensitivities of bereaved members of the public.
4. The practitioner's activities in this category included:
 - (a) on 15 May 2021, she made a post on the Facebook page of a political party with which she is or was associated, the NZ Outdoors & Freedom Party (NZOFP), concerning the sudden death of a schoolteacher in Marlborough, speculating that it was caused by an adverse reaction to the COVID-19 vaccination:

I've heard a Picton schoolteacher died 48 hours after getting the Vax. Does anyone have information about this please;
 - (b) a respondent indicated that the deceased person had not been vaccinated and the practitioner replied by referring to "*risks from Vax shedding*" and; "*Its*

complicated. My preference is that all sudden deaths are actively investigated to be sure the Vax did not contribute". That posting prompted responses:

I'm sorry Sue is using the death of this person to push her agenda to stop New Zealanders taking the vaccine and rather than admit she's got it wrong she's doubling down.

Will you be taking down the post about the teacher in Picton now that friends and family have messaged you with what actually happened and it was a hereditary condition and she wasn't vaccinated?

- (c) in May 2021, on her personal Facebook page, her campaign against the COVID-19 vaccination programme prompted responses including:

- (i) The Poisoner
Jacinda's legacy
She has no morals she's a baby killer that needs aborting
- (ii) Its utterly disgraceful. They need the gallows
- (iii) When you genociding the whole planet truth is a luxury the masses can't be afforded. May the 300 all be publicly hanged and supporters of the crime stoned as per the Muslim justice they endorse.
- (iv) Hi Sue there was another sudden death in palmerston north just the other day. 38 yr old lady dropped dead at work. I'm not sure if she had the vaxx I need to find out from a work mate but won't see her for another week. I'll let you know if she was vaxxed;

[Reply by practitioner]

... thank you. It appears Medsafe are not doing any follow up of health and effects post vax unless by good luck a brave Doctor happens to report a vax injury to CARM;

- (d) on 7 July 2021, on her personal Facebook page:

"I want to catch the tricky but relatively harmless Delta strain so I can get immunity from the vax;

and, on 8 July 2021:

Lets learn from how India crushed its second wave with sunshine, vitamin D and Ivermectin;

- (e) on 14 July 2021, on the NZOFP Facebook the practitioner suggested that the COVID-19 pandemic was a falsehood fostered by the Government on the New Zealand public:

Only 2 deaths in this UK hospital of reported Covid deaths were from Covid alone. The other 77 deaths were Covid ...

Similarly in NZ, it has become increasingly obvious that most reported Covid deaths were from other causes.

It would be great to see corrected NZ and world figures ... I suspect the pandemic will disappear with the stroke of a statistician's pen.

Surely this would be much safer and more effective than an experimental injection of a Spike Protein mRNA with Polyethylene Glycol and other toxic additives ...;

- (f) on 16 July 2021, on the NZOFP Facebook page:

This outcome was predicted by many, the government took many guns away from licenced hunters and collectors, despite knowing the problem was unlicensed owners. Their own advice said this and the Outdoors Party reminded them in Select Committee submissions. I am sure the current regime which promotes fear and uncertainty, undermines mental health, and creates stressed angry people;

- (g) on 12 August 2021, on the NZOFP Facebook page:

Sad to hear about the terrible medical event suffered by a well-known cricketer. Thoughts go to him and his family. Others have reported Aortic ruptures and other sudden heart conditions (and strokes and other clotting, bleeding and inflammation disorders) Post [#clotshotjab](#). Does anyone know if a jab preceded this medical event?

- (h) on 19 August 2021, on the NZOFP Facebook page:

There are now over 80 confirmed NZ post vax deaths in the Peoples Register yet so far as I know not a single one has been accepted by CARM [Centre for Adverse Reactions Monitoring];

and:

OMG I've just heard (sic) a call from someone who was protesting against the Covid response at Auckland yesterday. Police helicopters were flying overhead and Police assembling down the street. Has Minister Hipkins started hunting people down already? What has happened to our country;

[and]

Medsafe risk assessment has recently received under the OIA that was NOT disclosed to the High Court VAX challenge interim hearing in May.

Wonder how they justify the PR campaign "Safe and effective" claims.

Who is responsible for all the post VAX deaths and serious injuries that they are also withholding information on?

- (i) on 28 August 2021, on the NZOFP Facebook page:

Medsafe's latest update:
Meanwhile the Public Register has at least 113 post jab deaths. I wonder why Medsafe are missing so many;

- (j) also on 28 August 2021, on the NZOFP Facebook page:

I wonder what those who got led away toward the trains then queued for the gas chamber would have done differently had they realised their fate sooner;

(k) on 30 August 2021, on the NZOFP Facebook page:

I have just found a fail proof way to immediately end the Covid-19 epidemic.

There is no statutory definition of Covid-19.

MinHealth defines it as a positive Covid-19 PCR test – with or without any “common cold” – like symptoms (hence asymptomatic carriers).

If the PCR testing was banned immediately (as was done with serology testing in many of the cures and immunity enhancers used overseas), the “Covid-19 epidemic” would disappear immediately.

Anyone with common cold or influenza like symptoms could be treated in the same way they have been for the last 100 years.

And the rest of us can be set free!!!!; [and]:

I’m facing a wave of terror from those under threat by the C response. I am so sorry I’m cant help everyone individually.

Key advice for those whose jobs are at threat from NoJabNoJob Laws.

1 CONNENT [sic]
2 BE CREATIVE
3 FIND COURAGE;

(l) on or about 11 September 2021, on the NZOFP Facebook page:

Breaking News: Confirmed first NZ schoolgirl Vax death – the tragic early end to an innocent life – 2 weeks post-jab.

“I’m hoping the hospital and family will ensure D-dimer testing and an autopsy and report this to CARM.

Please stop now. #notonemorechild”

... could someone get the rescue helicopter please for Thursday afternoon and evening.

[Response]

The family have already asked you to stop exploiting their child’s death to suit your narrative and agenda. They said it isn’t vaccine related so put away your pitchforks, they owe you no explanations, respect the family’s wishes and just stop;

(m) on 20 September 2021, in an email circulated to multiple (unidentified) recipients, sent from the email address suegreylawyer@gmail.com:

Its now looking like four post Vax student deaths in the last few days. Two Auckland girls, in the SI and a boy in Whangarei, plus at least 2 more admitted to Starship with heart issues. I’m searching for the right word ... genocide?

...

We’ve set up a petition calling for immediate suspension of the student roll out. It must end before any more kids die or suffer debilitating injuries;

- (n) on 22 November 2021, on the NZOFP Facebook page, referring to the sudden death of a young Dunedin man named Rory Nairn:

Another NZ post jab tragedy. This and other sudden deaths of those who were healthy pre-jab need to urgently be properly and transparently investigated... whether the establishment like it or not.

The Comirnaty (Pfizer Jab) datasheet published by Medsafe identifies a wide array of possible adverse effects. Myocarditis and pericarditis were additional adverse effects that were not reported in the early trials but added later.

We know the CARM adverse effects database grossly under-reports adverse effects. One report to Parliament's Health committee estimated only 5% of adverse effects are reported. Affidavit evidence filed for court proceedings explains some of the many deficiencies in the "passive" CARM reporting system, including that nobody checks on post jab health of recipients unless they need medical assistance and someone feels inclined to make a report

The Community Initiated People's Register has over 250 NZ post jab deaths. Medsafe accepts just one of the 80 or so that made it from doctors, past Ministry of Health and onto CARMs register. Surely the other 250+ are not all just coincidences.

Meanwhile other New Zealanders are still being coerced to receive the jab under threat of loss of employment, loss of various freedoms and other ...;

This post prompted replies from the deceased person's fiancée and others:

I am Rory's fiancée and next of kin. We are still waiting on the coroners report. Rory's chest pain started BEFORE he had his vaccine. Not that I should have to explain this to anyone! I have spent 8 years of my life with this man who was humble and shy and would absolutely hate to see this! Please report Sue Grey to the law society complaints@lawsociety.org.nz. How dare you use my partners death in your game of chess, Sue Greg. All we ask for is some privacy while we mourn.

...

To anyone who sees a post assuming how Rory passed, please report the post. We don't have answers yet and this is speculation and completely insensitive to our families.

...

This is heart breaking to see these lies being spread around on social media and as his next of kin I confirm are untrue.

...

I am close with several people who knew Rory and this story has not been confirmed and they have asked for it to be removed. Please.

...

This is a lye [sic]. Delete this now.

I am Rory's fiancée and next of kin. Can CONFIRM that this is a lie. All I can say is how fucking dare you post this and in these

words. You have no regard for his loved ones who are grieving at this time while you senseless strangers post lies. You know nothing. He passed on Wednesday. You don't even have the right date. Delete this post;

- (o) in a brochure published in association with the practitioner on an unknown date:

This means the Vaccine is still in its experimental stages and will be until 2023. If you have a vaccine, you are participating in what is effectively a medical trial, with unknown outcomes;

- (p) on an unknown date, on the NZOFP Facebook page:

So privileged to talk to Casey and her Mum Anna today. Casey is suffering severe post-jab harm badly fobbed off by the medical system and even told to get the second jab.

My determination to stop this genocide is stronger than ever. Its urgent.

Not one more life or family must be ruined by this horrible experiment on humanity;

- (q) on an unknown date on the NZOFP Facebook page:

They've terminated all unvaxxed firefighters ... because they fear an unvaxxed volunteer firefighter who isn't home sick, has a greater risk of spreading Covid than a vaxxed volunteer firefighter who isn't home sick ... yes really!! This is getting ridiculous. I fear we need a stronger and faster solution than court.

- (r) on an unknown date on the NZOFP Facebook page:

So sad to hear of the reports of a Jabathon death at Takaka yesterday. Let's guess why that hasn't been on the news.

I've just received some information that a person who was rushed to hospital with convulsions after being jabbed at Takaka recovered. I hope it's correct.

[Response]

I find it disgusting to use someone's misfortune (albeit brief and completely recovered from) to make a point. How anyone can support someone who writes a post such as this is beyond me. Cruelty does not enhance you;

Category 2 Particulars: connection with the provision of regulated services

5. The practitioner's activities described above:

- (a) were connected with the provision of regulated services by the practitioner; and
- (b) occurred at a time when the practitioner was providing regulated services.

6. The practitioner's activities had that quality through the combination of:

- (a) her postings on the NZOFP and personal Facebook pages;
- (b) her personal website "*suegrey.co.nz*" entitled "Sue Grey's Perspective"; and

- (c) correspondences by email and letter.
7. The connection between her conduct described in the Category 1 Particulars and the provision of regulated services is consistent with her self-described status (on her website Sue Grey's Perspective) as; *a lawyer who spends most of her time helping people in need or on emerging causes, often taking on the Government or institutions.*
8. Further evidence of the connection between her conduct and the provision of regulated services includes:
- (a) a letter dated 19 August 2021 sent to; the Solicitor-General, the Minister for COVID-19 Response, that Minister's Private Secretary, the Commissioner of Police, the Director General of Health, and the Prime Minister, and copied to the Attorney-General, published on her website under the heading OPEN LETTER No 3 with OIA Request, in which:
 - (i) the letter was noted **From:** suegreylawyer@gmail.com;
 - (ii) it referred to *"some very serious questions ... about the lawfulness or otherwise of the COVID-19 health response No 9 2021"*;
 - (iii) it included a request under the Official Information Act concerning 4 categories of official information, among other things relating to advice to and decisions made by governmental or other public authorities in relation to the COVID-19 response; and
 - (iv) the letter concluded "thank you and kind regards Sue Grey LLB(Hons) BSc";

This letter was objectively a lawyer's letter asserting legal rights and principles;

- (b) the practitioner's website includes a link to a *"Format for affidavit to report post jab deaths"*, which is intended for the purpose of collecting evidence to support the activities of a group known as the "People's Register". The provision of a "format for affidavit" to the public denotes legal experience and skill, and the intention to undertake legal work;
- (c) the NZOFP Facebook page included a link to the practitioner's website marked *"Format for affidavit to report Post Jab deaths – Sue Grey's Perspective"*;
- (d) on 30 August 2021, a posting by the practitioner on the NZOFP Facebook page included an extract from *legislation.govt.nz* being Article 29 of Magna Carta 1297 with the comment *"Article 29 of the Magna Carta as part of NZ law. Maybe its time to use it"*;
- (e) in another open letter published on the practitioner's website, dated 29 April 2021 and addressed to *"CEO of Work Safe and Michael Wood MP"* (the Minister for Workplace Relations and Safety), the practitioner wrote on behalf of legal clients:

I act for a number of employees who are concerned about pressure and in some cases bullying by their employers to receive the novel Pfizer RNA vaccine ...

I am keen to obtain as much information as possible to assist my clients to make an informed decision as to whether or not they wish to receive the COVID vaccine. This information is also important so work colleagues can have important conversations

with their colleagues and people they care for, to ensure informed consent before receiving the vaccine ...;

- (f) on 20 September 2021, a posting on the practitioner's personal Facebook page purported to provide legal advice, referring to her website:

Check out my new website with some ideas to help you on questions I keep being asked, about masks and how to educate schools. Please share if you like it and let me know what you think ...;

- (g) the practitioner's website solicits donations from the public to a "legal fund". It includes a tab "*Please help the legal fund by donating*" and is headed "*Support Sue Grey to make a difference*" and states:

Sue Grey is a lawyer who spends most of her time helping people in need or on emerging causes, often taking on the Government or institutions. Donations to this fund are encouraged by a small team of supporters and held in a separate account "legal fund" (not connected to Sue) as required by law and used to pay court fees or assist in expenses bringing these issues to light. Funds are only released on submission of approved legal invoices. Sue's work and funding in the past has been used on issues such as the 5g legal challenge, aerial broadcast of poisons (1080 and brodifacoum), helping mother and baby out of quarantine, Covid high court challenge, employees sacked because of no jab no job cases, green fairy cases and many other emerging issues;

- (h) the practitioner's website also includes a link to a video clip where she solicits donations from the public, with reference to "*Sue Grey – Environmental Lawyer*" and the following statement made by the practitioner whilst standing in front of legal library shelves with *Laws of New Zealand* on display, and thumbing a volume of that publication:

I'm Sue Grey an environmental lawyer based in Nelson New Zealand. I'm trained in environmental management law and science. At the moment my main focus is protecting our own environment our food forests and waters from poisons. I coordinate many environmental and public rights groups to work together to promote this change. Our groups are seeking funding to support our work. We've had many successes already through courts lobbying and community action but there's so much more we can do. You can play a vital role by contributing what you can afford to assist us with our ongoing work and with preparing a book to share what we've learnt to other communities. I have a deep love for New Zealand and its natural environment but I'm scared that we've lost our way. We need a compassionate and sustainable vision for our future. We need the community to stand up and support this. Help us protect our waterways and restore them for our future generations. Thank you;

- (i) the email described in Particular 4(l) above was noted as being sent by suegreylawyer@gmail.com and her correspondences were routinely noted with that reference and signed *Sue Grey LLB(Hons) BSc*;

- (j) on 28 February 2022, in a letter to the Minister for COVID-19 Response and to other politicians and senior public officials, which is published on the practitioner's website and was from suegreylawyer@gmail.com, the practitioner wrote:

URGENT FORMAL NOTICE TO MINISTERS

Dear Minister and others! [sic] remind you that you are required by law – s14(5) of the COVID-19 Health Response Act to review as required all orders made under that Act ... discrimination based on vaccination status is arbitrary, discriminatory and in breach of the NZBill of Rights Act. It is also in breach of non derogable International Human Rights Law then including ICCPR which prohibit medical or scientific experimentation on NZers without fully informed consent, and the Nuremberg principles ...;

- (k) in the same posting on her website, in an email sent from suegreylawyer@gmail.com on 28 February 2022, the practitioner addressed the same recipients and reminded them

... that your [sic] owe fiduciary obligations and a duty of care to the public of New Zealand and your only duty is to represent us and act in the public interest ... the mandates are arbitrary, discriminatory and unlawful and must end now;

- (l) the brochure referred to in Particular 4(n) above, entitled *Safety, Effectiveness and Informed Consent*, directs the public to "legal help" and includes "*Lawyer Sue Grey on suegreylawyer@gmail.com*."

Category 3 Particulars: relevant Rules and sources of professional responsibility

9. The practitioner's conduct described in the Category 1 Particulars breached:

- (a) r.10 of the *Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008* (the **Rules**):
- (i) prior to 1 July 2021: A lawyer must promote and maintain proper standards of professionalism in the lawyer's dealings; and
 - (ii) from 1 July 2021: A lawyer must promote and maintain proper professional standards;
- (b) from 1 July 2021 r.10.2: A lawyer must not engage in conduct that tends to bring the profession into disrepute;
- (c) prior to 1 July 2021 r.11.1 and from that date, r.10.9: A lawyer must not engage in conduct that is misleading or deceptive or likely to mislead or deceive anyone on any aspect of the lawyer's practice;
- (d) from 1 July 2021 r.11(b): A lawyer practising on their own account must ensure that the reputation of the legal profession is preserved; and
- (e) s.4(a) of the Act and the fundamental obligation of all lawyers to uphold the rule of law and to facilitate the administration of justice in New Zealand.