



20 March 2024

Rotorua Lakes Council

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Rotorua library Rainbow Storytime event

Good afternoon,

1. The Free Speech Union is a registered trade union with a mission to fight for, protect, and expand New Zealanders' rights to freedom of speech, conscience, and intellectual inquiry. We believe that freedom of speech is not only a legal principle, but a social good that allows for people in modern liberal democracies to peacefully, freely advocate for the causes they care about without risking unjust retribution.
2. We write following my correspondence earlier today in which I commended the Council and the Mayor for their comments regarding a Rainbow Storytime event being held at a library. As noted there, opinions varying significantly on the appropriateness of Rainbow Storytimes, however, they are a test of a Council's commitment to free speech. At the time, it seemed the Council had decided to allow individuals to make their own decision whether to attend or not.
3. The Free Speech Union has consistently insisted that public venues must not pick and choose which perspectives are allowed to be expressed in the premises. As the library is a Council-owned venue, not a private venue, you are bound by the Bill of Rights Act (NZBORA) and cannot encroach on an individual's right to freedom of expression, specifically, freedom of speech as set out in section 14 of the NZBORA. I bring your attention to the High Court's decision in *Whitmore v Palmerston North City Council* [2021] NZHC 1551 where it was determined that the Palmerston North City Council couldn't discriminate access to venues based on the views that would be presented.
4. Further, In terms of Health and Safety, the Supreme Court in *Moncrief-Spittle v Regional Facilities Auckland Limited* [2022] NZSC 138 outlines the criteria for a venue's concerns related to health and safety, noting the high bar for cancellation on Health and Safety grounds. We are of the opinion it is unlikely this high bar has been met in this case.
5. As the Council will be aware, if members of the community disapprove of the event, they are entitled to protest peacefully outside in an orderly manner. Threats to 'shut the event down' and any threats of violence, disruption or intimidation are entirely unacceptable and must not be given a legitimacy by the Council. Were the Council to use Health and Safety as an excuse to shut down this event, without reaching the high standard of proof needed to cancel an event on these grounds, this would be an illegal act by the Council.

6. Allowing local authorities to decide which events should be allowed sets a terrible precedent. Individuals have the right to decide what events they wish to attend, whether it be the storytime event or a peaceful protest outside the event. Bad ideas are beaten with good ideas, not censorship.
7. Under the Local Government Official Information and Meetings Act 1987 we request:
 - (a) All correspondence, both internal and external, related to the event which was canceled;
 - (b) A list of all security personnel, including internal security, external security, and police, who were consulted ahead of this cancellation;
 - (c) All material referencing specific threats, or reasons health and safety was believed to be under threat.
8. Where communications have been requested that request includes but is not limited to: documents, emails, recordings, faxes, memos, minutes, meeting notes, reports, correspondence, agendas, policy documents, external advice, researcher and other contractor communication and invoices, including all those in electronic form.
9. We expect the answers to be straightforward and seek this information as soon as possible. Please let us have the information as it becomes available (i.e. do not delay your reply to our requests till it is all available). If you expect to charge for assembling it, please advise of the charges for each component as you become aware of what it is likely to be.
10. We do not wish to be an unnecessary burden on you or your staff. If clarification of any of this request is needed, please call or email us. Likewise, if a request proves burdensome, please give us an opportunity to adjust it so as to be more specific or suited to your information systems.

Yours faithfully,

Free Speech Union (New Zealand) Inc.



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