



21 March 2024

Rotorua Central Police Station
Inspector Herby Ngawhika
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Cancelled 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. A Rainbow Storytime event was scheduled to be held today at a library. The Rotorua Lakes Council originally stated it was not their place to determine "*who can and cannot have their freedom of expression*" (a decision we applauded), however, they have since cancelled the event based on "*health and safety concerns*" due to a protest planned outside.
3. 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, they are bound by the Bill of Rights Act and cannot encroach on an individual's right to freedom of expression, specifically, freedom of speech. We 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.
5. Accordingly, under the Official Information Act 1982 we request:
 - (a) All correspondence, both internal and external, related to the event which was cancelled.
 - (b) A list of all police staff who were consulted ahead of this cancellation.
 - (c) All material referencing specific threats, or reasons health and safety was believed to be under threat.
6. 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.

7. 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.
8. 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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