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Hon. Mark Mitchell
Minister of Police
m.mitchell@ministers.govt.nz

cc: Greg Fleming
MP for Maungakiekie
Greg.Fleming@parliament.govt.nz

Hon. Casey Costello
Associate Minister of Police
c.costello@ministers.govt.nz

Proposed changes to Policing (Cost Recovery) Regulations likely threat to free speech

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 Greg Fleming's appearance on *NewsTalk ZB* this morning where he discussed the Member's Bill he has lodged intending to amend the Policing (Cost Recovery) Regulations 2017 ("the Regulations"). The purpose of the Amendment Bill is to allow Police to charge for their attendance at events, specifically, the inclusion of a special category applying to events of public benefit, not just those of direct private benefit.
3. We wish to express our concern at the risk this Bill could have unintended consequences, especially on the speech rights of New Zealanders. We urge you not to support the adoption of this legislation as a Government Bill and wish to signal our broader intention to oppose this legislation.
4. The purpose behind the change in the law in 2016 was to enable cost recovery for certain Police services where there is a degree of private benefit to the users of the service; for example, police vetting. At the time this was strongly opposed by the Labour Party, the Green Party and New Zealand First. The reasons for this were that it would result in:
 - a. The charging of charities and not-for-profit organisations.
 - b. While there is a power to exempt some organisations from charges for police vetting, criteria for exemption were undefined.

- c. The law change could provide the impetus for the Police to start charging for other services they currently provide as core business.
5. Mr Fleming has stated you are supportive of an amendment to the Regulations and has cited a similar law in the United Kingdom as an example. We would be deeply concerned if this Government felt the United Kingdom serves as an appropriate example of leadership when it comes to free speech. In reality, the United Kingdom is a cautionary tale for New Zealand on matters of free speech.
6. Notwithstanding, we should not be quick to adopt legislation from overseas without properly considering their effects. In the UK, the ability for Police to charge for special services, such as providing police officers for events, has been used to justify charging for other kinds of events with smaller numbers and no professional/commercial element for example: a pro-democracy march, antisemitism awareness march, a student climate march.
7. Exemption waivers are broadly defined in sections 3, 4, and 5 of the Regulations however, if Schedule 2 were to be expanded as above, the Police would have significant power to effectively penalise groups and organisations for hosting events that require their attendance. As far as we can tell at this stage, there appears to have been little thought given to the potential abuse by 'bad-faith actors', either within Police or more broadly, who could use these regulations to impose security costs on events as a way to hinder their expression.
8. Charging for Police services at events could easily lead to prejudicial assessments being made of certain groups and their stances on issues. This poses a huge risk to free speech and our democracy, where actions like this are already occurring, but for requirements for private security. The role of the Police to ensure public order and safety is just as important at these events as anywhere else in the community.
9. We invite you to comment on the following:
 - a. Whether you are supportive of expanding the Regulations to include the ability for Police to charge for their attendance at events.
 - b. If so, what safeguards you propose to ensure that the regulations are not weaponised, used to impose unrealistic/unnecessary security costs on events in order to suppress expression.
10. We look forward to your response.

Yours faithfully,
Free Speech Union (New Zealand) Inc.



Jonathan Ayling
Chief Executive
jonathan@fsu.nz
021 842 215