



13 May 2025

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Kiwibank threatens to debank customer based on survey feedback

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. One of our members, Roy Menzies, has brought to our attention that one of your staff members emailed him informing him that they he had left an *"abusive"* comment on their customer survey form and formally warned him that *"if this behaviour continues, Kiwibank may reconsider its banking relationship"* with Mr Menzies.
3. The comment in question was:

"Great staff. Horrid woke bank. Your ambassador recently was the violent woke indian dumbo who is suffering acute mental issues and does not know his sex."
4. Although Mr Menzies comment was arguably provocative, offensive, and outside the tone one might hope for in customer feedback, customers have a fundamental right to express opinions, including criticism of a bank or its representatives, provided the speech is lawful. While banks have the right to terminate customer accounts, this right must be exercised reasonably and without unlawful discrimination.
5. In this context, we also refer to the letter I sent you on 12 March regarding the issue of debanking. You replied to this correspondence saying *"Thank you for this. We will come back to you."* We have received no further response. As such, we understand there may be others better placed to respond directly to Mr. Menzies case, but we wanted to re-engage you on this issue, also.
6. Banks provide essential services and occupy a position of unique power in our society. As such, they have a responsibility to uphold viewpoint neutrality and ensure that customers are not penalised for expressing political or cultural opinions, especially when such expression occurs in a context explicitly soliciting customer feedback.

7. The threat to “reconsider” Mr Menzies’ banking relationship based on a single, arguably offensive comment in a survey raises serious concerns about proportionality, fairness, and the broader implications for freedom of expression. Customers should not have to fear the loss of essential services for voicing criticism, however sharply worded, particularly when that criticism is directed at public-facing campaigns or representatives.
8. There is growing public concern, both in New Zealand and internationally, about the use of financial services as a lever to enforce ideological conformity. “Debanking” based on speech, particularly political or cultural opinion, poses a serious threat to liberal democratic norms. Banks should not become arbiters of moral or political acceptability.
9. We are also concerned by the vagueness of the warning. What specific policy did Mr Menzies breach? What constitutes “abusive” behaviour in this context, and how is that standard applied consistently across your customer base? Greater clarity is needed to ensure customers are treated fairly and transparently.
10. We recognise that Kiwibank has the right to maintain safe and respectful communications with its staff. However, that right must be balanced against the public’s legitimate interest in being able to criticise institutions, particularly when those institutions take public policy positions or promote cultural messages that may reasonably generate disagreement.
11. In light of the above, we seek clarification on the following points:
 - a. What criteria does Kiwibank apply when determining whether customer speech is “abusive”?
 - b. Is there a formal internal policy governing account review or termination on the basis of customer expression?
 - c. What process, if any, is available to customers who wish to respond to such warnings or challenge proposed account closures? If such a policy exists, will Kiwibank consider making it publicly available so that customers can understand their rights and responsibilities?
12. We trust that Kiwibank shares our commitment to the fundamental values of open expression and fair treatment. We would welcome your assurance that customers will not be penalised for lawful speech and that Kiwibank will continue to provide essential services in a manner that respects viewpoint diversity. We look forward to hearing from you.

Yours faithfully,

Free Speech Union (New Zealand) Inc.



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