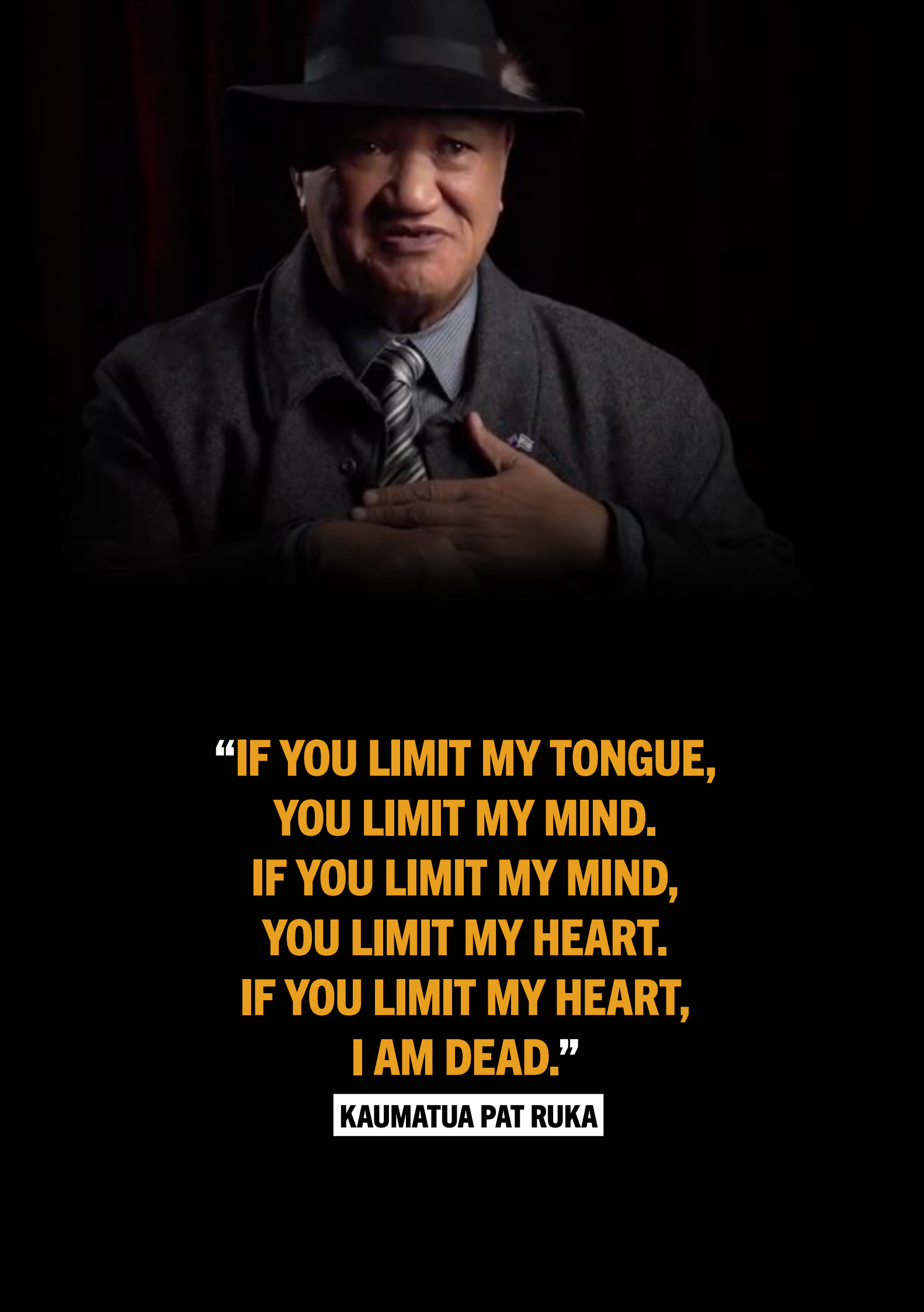




ANNUAL REPORT 2022

[WWW.FSU.NZ](http://www.fsu.nz)



**“IF YOU LIMIT MY TONGUE,
YOU LIMIT MY MIND.
IF YOU LIMIT MY MIND,
YOU LIMIT MY HEART.
IF YOU LIMIT MY HEART,
I AM DEAD.”**

KAUMATUA PAT RUKA



TOBY YOUNG

When I agreed to support the New Zealand Free Speech Coalition 12 months ago to transition to the Free Speech Union, I couldn't imagine the success they would have in just one year.

Free speech is the foundation on which our democratic freedoms have been built. But, while crucial for our way of life, it's often taken for granted. Today, this fundamental right is under greater threat than we've ever seen before in our lifetimes. Both from the Left and the Right, authoritarians and the woke, the basic right to be able to express yourself freely and without fear of reprisal is in jeopardy across the Western world.

That's why the work of the Free Speech Union in New Zealand is so important and why I am proud to have been able to support their work.

The Free Speech Union has been busy. It has seen substantial growth as a membership organisation (with 75,000 supporters) and has had major legislative wins. It has stood up for the censored and the bullied and produced a stream of briefings and press statements challenging the intolerant culture of our day.

In these and other ways, the New Zealand Free Speech Union has drawn a clear line in the sand. The cases fought, the campaigns organised, the content produced... all say clearly that Kiwis don't need their speech controlled and that they're not afraid of hearing from others, even if they don't agree. They want to be free to disagree.

The Free Speech Union's work reminds us that we must not assume free speech will survive without our help. It is counter-intuitive, but true, that maintaining a peaceful society does not require us to prohibit disruptive speech, but to allow each of us to state our differences robustly and without reservation. Tolerance and mutual respect are the route to social cohesion, not the suppression of controversial views.

That is to say, free speech is the 'safer', more 'inclusive' option, regardless of what our opponents insist.

It is my pleasure to introduce this report and the work the Free Speech Union has done over the past year. I am only too pleased to continue to offer them my support and I hope that you will too.

Toby Young

Founder of the Free Speech Union UK



COMMENT FROM OUR CEO

When I first started my work with the Free Speech Union, I believed given the shifting cultural and political views concerning free speech, New Zealand might see this basic freedom undermined in the future.

I was wrong.

The threat to free speech in New Zealand is not one we will face in the future. The past year has shown that free speech in New Zealand is already at a critical juncture. If we don't up stand now and fight for the basic freedom to disagree and express our own opinions, the plethora of rights and freedoms which are grounded in free speech will all tumble down.

In its first year, the Free Speech Union has fought for every Kiwi's right to express their perspective, make their case, or state their beliefs – regardless of whether they are conventional or en vogue.

We have succeeded in forcing a majority government - the first under MMP - to abandon its anti-speech proposals and shelve 'hate speech' laws.

We have succeeded in drawing international attention to the pressure in New Zealand's academic institutions to adhere to new orthodoxies particularly regarding race and gender.

We have argued for free speech before the highest court in the land (we are waiting on the decision). We have stood by community groups' right to use public venues, and we've won.

We have pressured NZME, New Zealand's largest publisher, to

commit to impartiality with regards to the advertising it accepts to allow difficult subjects and contentious issues to be debated.

We have lobbied the politicians across Parliament. We've opposed draconian regulation. We've stood up against any legislation which would undermine Kiwis' free speech.

We have supported our members: teachers, nurses, public servants, and university lecturers; Kiwis who have a right to make their case and to be heard.

The fight for free speech is urgent. It's happening today. The Free Speech Union has become the leading organisation in the country standing for all Kiwis' freedom of speech. We're not a big organisation, but with almost 75,000 supporters, we are getting major runs on the board.

Through donations, submissions, petitions signatures and even NZME shares, we've taken the fight to the woke, the censorious and the intolerant – and we're just getting started.

As you read this report, I hope you feel proud of what we've achieved together. If the enemies of free speech hunt in packs, its defenders need to band together too.

Thanks for your banding with us, for supporting this work. Thank you for fighting for free speech.

Jonathan Ayling
Chief Executive



FREE SPEECH UNION
AUDI ALTERAM PARTEM

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GOVERNANCE PROFILES

THE UNION IS GOVERNED BY A VOLUNTEER UNION COUNCIL – SOME OF WHOM ARE PROFILED BELOW



CHRIS TROTTER

The belief that free speech is a conservative, right-wing notion, reveals a critical misunderstanding of history. It undermines the work from across the political spectrum to defend and advance this crucial freedom. Wherever those

in power have tried to control others, censorship has been a key tool. Whether Left or Right, conservative or progressive, free speech does not correspond to your position on a political spectrum. It corresponds to your respect for those around you, and the humility to admit you might not have it all right.

Our work at the Free Speech Union is based solely on the right for all to have their say. We don't have to agree on anything beyond the simple fact that free speech is indispensable for both a peaceful and free society. For decades, I have used my free speech to question, challenge, and critique. Without the ability to voice disagreement and dissent, whether it be against the government, corporations, or cultural movements, error cannot be exposed nor truth discovered.



DR MELISSA DERBY NGĀTI RANGINUI

A crucial part of free speech is ensuring everyone is included in discussions that impact on society as a whole. Free speech is a cornerstone of a democratic and free society and underpins the most basic and

fundamental liberties that we all enjoy. Shutting down speech for some or excluding people from discussions does not bode well for social cohesion. If someone wants to defeat an argument, do it with a better argument – that's what leads to increased understanding in our pursuit of truth, not silencing others' opinions. All this does is lead to resentment and division. If we're only left with the option of agreeing with one way of thinking (because of threats or fear) then that agreement is meaningless.

As a university lecturer, I see the incredible potential of and value in respectful and rigorous debate. I also see the danger in silencing others and imposing a veneer of agreement across a community, which is wholly superficial. I am certain that a commitment to genuine tolerance, inclusion, and acceptance of difference is the path to the most prosperous and peaceful future. I am inspired by the work of remarkable movements in the past, like that headed by Martin Luther King Jr, who relied on freedom of speech in order to advance his crusade for justice.



DANE GIRAUD

I was drawn to the Free Speech battle, because as a Jew, much of today's push for state censorship is being done in my name. By that I mean to protect minority groups. And yet there is no value that has protected us more (and by 'us' I include Jews, Māori,

Muslims, right through to members of the LGBT community) than Free Speech. I feel we are being cynically used to grab power, and that we, as minorities, must organize and resist this. We must never forget that, by virtue of who we are, we will always be dissident voices. We will always have the most to lose from any antidemocratic policy, so should be leading the fight to uphold liberal values.

The state claims we need protecting from our fellow citizens. That's right. That we need protecting from Kiwis, some of the most tolerant people on the planet! I don't and will never buy it. We may, at times, need to educate our fellow New Zealanders, and by that, I mean a positive, mutual exchange. We, and this goes for all of us, can only benefit by getting to know and better understanding each other. What we unquestionably do need protection from is the state, and this is exactly what Free Speech provides.



ANI O'BRIEN

The pendulum of politics never stops swinging. For this reason, society must have norms and principles that we fiercely protect; both when our views are en vogue and when they are not.

As a feminist, my views about the biological reality of womanhood, and the need to protect our spaces, opportunities, and safety, are currently seen as beyond the pale by the educated elite classes. My views are based in reality, truth, and scientific fact, but that is not enough to protect me from attacks on my livelihood and threats to my safety. This has made me acutely aware of the importance of fighting for free speech and driven me to speak up for others too. That's why we do what we do - to let others tell their own story.

Chris, Melissa, Dane, and Ani are joined on the Council by lawyers Stephen Franks, Jordan Williams, and Patrick Corish, academic Dr David Cumin, and animal rights activist Rachel Poulain

KEY VOLUNTEERS



PROFESSOR PAUL MOON ONZM

From antiquity to the Dark Ages, from Enlightenment till the modern-day, every era has had radical thinkers that challenge the status quo, push our knowledge forward, and illustrate the great value of free speech. Every era has also had those

who would silence opinions they disagree with and shut down dissenters of the day's beliefs.

History is very clear – if free speech is undermined, a host of our most basic freedoms are undermined, also. I want to stand as one of the individuals who fought for the right for all to be included in discussing the most important questions.

I support the Free Speech Union as an organisation that is taking demonstrable and significant steps forward in preserving and extending free speech in New Zealand. I have supported them in drafting material for engagement with universities, and in panel and podcast discussions with them, as well as operating as a sounding board for their work on university campuses.

The fight for free speech is one that affects us all - the failure to maintain the right to voice our own opinions and beliefs spells the end for a free and democratic nation. That is why I stepped up and got involved.

Dr Paul Moon is Professor of History at Auckland University of Technology. He has written over twenty-five books on aspects of New Zealand history, many of which have been published by some of the world's major publishing houses. He specialises in the philosophies of British colonisation during the eighteenth and nineteenth centuries.



DAPHNA WHITMORE

I have been a left activist for decades, campaigning on a range of issues - from opposing wars in the Middle East to supporting Latin American democracy movements and promoting women's rights. I've been a union organiser and I am a

contributor and an editor for the blog Redline.

Free speech was something I enjoyed, yet I didn't give it much serious thought until a bunch of odd cancellations started happening in New Zealand. Prominent people were being deplatformed, campuses were becoming places where unpopular opinions were being shut down rather than a clash of ideas taking place, and some MPs were saying a proposed law change "was not up for debate".

This new form of authoritarianism was becoming hard to ignore and the Free Speech Union was at the forefront of challenging this disturbing trend.

When the Free Speech Union supported Speak Up For Women to take a case, and won in the High Court (*Whitmore v Palmerston North City Council*), I knew that this was an organisation getting runs on the board for free speech.

So, I have gone from someone who was supported by the Free Speech Union to an active volunteer helping out for others. That has included interviewing British academic Professor Kathleen Stock, who was harassed from her university post by a cancel mob; unionist, and left-politico Matt McCarten about his campaigns to give exploited migrant workers a voice; or writer and farmer Rachel Stewart, the cancelled award-winning opinion columnist. I have also written opinion pieces for the Free Speech Union, in their regular column.





FOUNDING STORY

I got the email from Jordan Williams at 9:54pm on Saturday, 7 July 2018. The subject was "Seeking your indication of support (or otherwise) for freedom of speech project". I think I was one of the recipients because I had signed a letter of concern about free speech on campus in 2017.

The Saturday night email included screenshots of two Tweets from Auckland Mayor, Phil Goff. One stating that "[Auckland Council] venues shouldn't be used to stir up ethnic or religious tensions. Views that divide rather than unite are repugnant and I have made my views on this very clear. Lauren Southern and Stefan Molyneux will not be speaking at any Council venues."; and the other more emphatic: "Let me be very clear, the right to free speech does not mean the right to be provided with an [Auckland Council] platform for that speech."

This was a fight worth fighting. If the Auckland mayor could effectively ban people he didn't like, all sorts of groups would be in deep trouble. After all, arguably all political debate 'divides rather than unites' and the potential to silence one or the other side of such debates is deeply unhealthy for our society. I also worried that New Zealand might be regressing to a time when Jews, for example, were excluded from certain clubs.

Thus, I responded that I would support the initiative and could afford a small donation of money and commit some time to the issue. However, I would only invest time if there was a range of political views - as free speech must be supported by all stripes.

In a very short space of time, the Free Speech Coalition was formed, and two things impressed me deeply. First, the high calibre and breadth of political diversity represented by those who put up their hands. Having Chris Trotter and Stephen Franks on the same team was refreshing and stimulating, but also indicative of the fight.

It was equally reassuring to see the widespread support for the cause. Tens of thousands of fellow Kiwis not only signed on for updates but dug behind the couch and into pockets to fund the legal battle. And we had to raise no small sum - a

chance for justice doesn't come cheap, even with the generous discounting from our legal team.

The idea that our mayor could decide which views get to be aired in a public venue (or that council workers could cancel events without consulting Police about threats of violence from misfits) resonated across our islands. And we raised enough to get the court case.

As many of you will be aware that matter is now before the Supreme Court. And it only got there because of even more generous donations and much legal work done on pro bono. We hope to have a definitive ruling this year.

It was between the High Court ruling and the Supreme Court filing that we shifted from the Free Speech Coalition to the Free Speech Union.

The move was due to recognition that the Auckland Council decision was just the tip of a lopsided and censorious iceberg. Guests on the podcast - mostly interviewed and produced by the brilliant Patrick Corish, who has moved to the United States to study and is still missed - highlighted issues in various industries. We were getting requests for support from Kiwis of all stripes, and our news continued to report on some or other attempts to silence.

We spoke up for Chelsea Manning's right to speak, and against the attempt to censor messages on clothing; we defended James Shaw against assault, and we stood with People Against Prisons Aotearoa (PAPA) calling for prisoners to have access to information; and we helped several individuals with media releases.

The team continues to represent a wide diversity of political views but a singular focus. We may not all agree on much, but we agree on the importance of free speech and the need to fight for it. I just wish we weren't needed.

Dr David Cumlin

WHY A UNION?

Opponents of free speech have always tried to inhibit open discussion claiming it threatens the safety of those who listen. Today is no different, with health and safety laws being weaponised to control access to venues and discourage those who might 'harm' the beliefs of listeners.

By registering as a union, the Free Speech Union has been able to use the laws which protect organised labour to ensure that organisations cannot throw bogus health and safety concerns at workers to silence them. As a union representing our members, we are able to hold meetings on employees' premises, such as at universities, council venues, and government ministries. We are also able to approach employees who may be interested in our work and offer union membership to them. In our case work, we are able to represent employees in disputes with their employers over their speech rights.

An example of why being a union is necessary is the events this year at Massey University and AUT. Dr Don Brash was barred from holding an event at Massey University in 2018 under health and safety concerns but thanks to our union status this year Massey was unable to use that excuse to block his speech. It seems AUT still hasn't got the memo, but watch this space.

In the 19th century, the labour movement achieved the eight-hour workday. They fought for the worker's right to 'clock off' and not be beholden 24/7 to their employers. We now fight for that right once more. When a worker clocks off, they have a right to their personal views and political opinions and they are not beholden to their employer. Unfortunately, the established trade union movement now usually falls on the side of woke censorship and have abdicated their role as advocates for workers' rights in this regard. We have stepped up to do this important work.

ANNUAL REVIEW TIMELINE



ANNUAL REVIEW TIMELINE

FRIDAY 17 SEPTEMBER:

Stephen Franks hosts Nadine Strossen for our second SpeakEasy

Free Speech Union members were invited to an exclusive discussion with Nadine Strossen, former head of the American Civil Liberties Union and one of America's most important defenders of liberal values and free speech.

13 OCTOBER:

David Cumin, Stephen Franks and Jonathan Ayling sit down with NZME board and chief legal counsel to discuss censorship of Speak Up For Women's ad.

13 OCTOBER:

David Cumin hosted Jonathan Rauch for members only SpeakEasy.

17 NOVEMBER:

Free Speech Union announced that the Royal Society has placed fellows who signed the Listener Letter under investigation and launched a crowdfunding campaign to help cover legal fees of the investigation for the embattled professors.

25 NOVEMBER:

Save Free Speech petition delivered to MPs at Parliament

MPs from National, Act and the Greens accept our petition against the hate speech laws which garnered more than 40,000 signatures, calling on the Government to drop their anti-speech laws.

6 DECEMBER:

Toby Young's Spectator piece 'Why punish a scientist for defending science?' was published

We contacted Toby Young hoping he could draw more attention to the investigation of Fellows internationally. Toby's Spectator piece led to leading scientists such as Richard Dawkins and Jerry Coyne to write to the Royal Society taking issue with the investigation of the Listener fellows.

14 DECEMBER:

Vice-Chancellor Dawn Freshwater announced that Auckland University will host a symposium on Mātauranga Māori

After speaking on behalf of the University in July to condemn the seven eminent scientists for offering a defence of science, saying their words "caused hurt and dismay", Dawn Freshwater announced the University will now host a symposium where all views on the topic can be aired in an open and constructive way.

24 JANUARY:

Free Speech Union launched campaign against Netsafe's online safety and harms code.

Free Speech Union launched a campaign against Netsafe's proposed online safety code which threatened to encroach on speech in a whole new level in the online space. More than 4000 submissions were sent to NetSafe.

22 FEBRUARY:

Supreme Court hears appeal of *Moncrief-Spittle v Regional Facilities Auckland Ltd*

Jack Hodder QC and Professor Philip Joseph appeared in front of the Supreme Court Justices to argue for free speech in public venues.

3 MARCH:

Free Speech Union launches campaign against an Auckland Council proposal to give certain identity groups preferential treatment in booking public facilities

We caught wind Auckland Council's Rainbow Advisory Committee would be considering these proposals and alerted our supporters. We set up a website allowing our supporters who are Auckland residents to email their councillors to register their discontent with this proposal.

11 MARCH:

Royal Society bows out of investigation

The Royal Society announces that the Panel set up to investigate the letter writers has decided the letter published is outside its scope. The Royal Society releases a statement saying that "In the Panel's view, the matters raised are of substance and merit further constructive discussion and respectful dialogue." In essence, it was a total backdown.

16 MARCH:

Kris Faafoi and Jacinda Ardern confirm to journalists that hate speech laws won't be progressing this term

Faafoi admits the hate speech laws are shelved by saying "I think, as you would have seen from the public reaction to that, I think it showed us that much more care needed to be taken to make sure that, you know, I think, the intent is genuine to make sure that those laws land in the right place. But we also don't want to inflame the very issue that we are trying to fix here."

8 APRIL:

Free Speech Union releases first survey on academic freedom

The Free Speech Union commissioned Curia Market Research to survey New Zealand academics on their perceptions of academic freedom. Almost half of academics feel more constrained than free in respect of most areas of their own academic freedom, revealing a common belief held by many academics that their freedoms are often undermined.

CAMPAIGNS



HATE SPEECH LAWS

When the Government proposed hate speech laws in June 2021, the Free Speech Union had a decision to make – we could either continue as a targeted, volunteer group working with a small number of supporters, or step up to professionalise our campaign, grow the supporter base, and effectively go toe-to-toe with the Government. With the help of our generous financial supporters, we were able to bring on board staff to fight this battle – and the results speak for themselves.

Over the five-week campaign running from the beginning of July, the Free Speech Union grew by 1,000%, with an additional 40,000 Kiwis stepping up to push against the Government’s proposals and signing the ‘Save Free Speech’ petition.

Through tools like the ‘Hate Speech Detector’, which illustrated in an interactive and (slightly) tongue and cheek way the subjectivity and variability of hate speech laws, we were able to reach many Kiwis who would not usually be engaged in public policy consultations.

The ‘Free Speech Submission’ website meant that Kiwis could submit their own submissions including our core arguments in a matter of minutes.

The Free Speech Union became the natural media commentator on the danger of these proposals, and engaged traditional print, radio, and TV networks, along with social media and sending material directly to subscribed supporters.

With nearly 20,000 submissions on the Government’s policy proposals – thanks to the Free Speech Union’s efforts – this was the most engaged non-Parliamentary consultation ever, with even more engagement than Michael Cullen’s tax working group and the Climate Change Commission’s processes. More than 80% of those who submitted explicitly endorsed the Free Speech Union’s primary submission.

With a recently elected majority Government, the odds were against us. But in the face of our campaign mobilising old fashioned people power, the Government shelved the proposals.

By the end of a campaign, the message was clear: New Zealanders will not support the Government’s plan to control or limit their speech – and we made sure they knew that!

ROYAL SOCIETY MĀTAURANGA MĀORI CASE

When seven eminent scientists wrote a letter to the editor of the *Listener* magazine on Mātauranga Māori and the danger of falsely equating it with science, the response was swift and vicious.

So when three of the authors, who were Fellows of the Royal Society, were threatened with expulsion for their remarks following five anonymous complaints to the Royal Society, we stepped up to support the professors' right to speech.

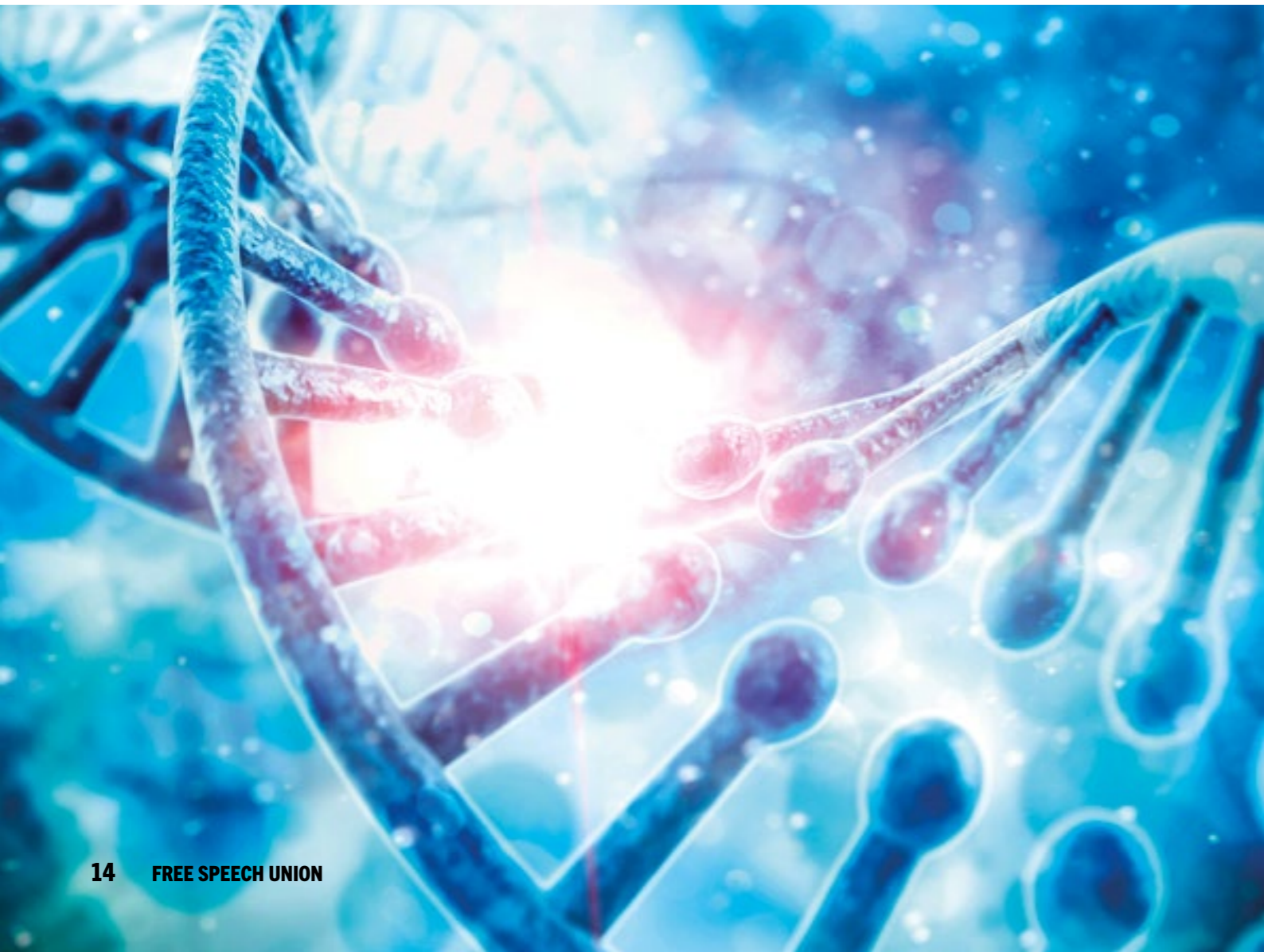
Professors Nola and Cooper (along with Michael Corballis, who passed away shortly after the letter was published) were investigated by the Royal Society and the supporters of the Free Speech Union were able to fund a defence for them.

We flagged the issue with our international allies and ensured that the story made major news overseas, even though New Zealand's media was largely absent. Before long, pressure was building on the Royal Society to stop bullying their Fellows and instead

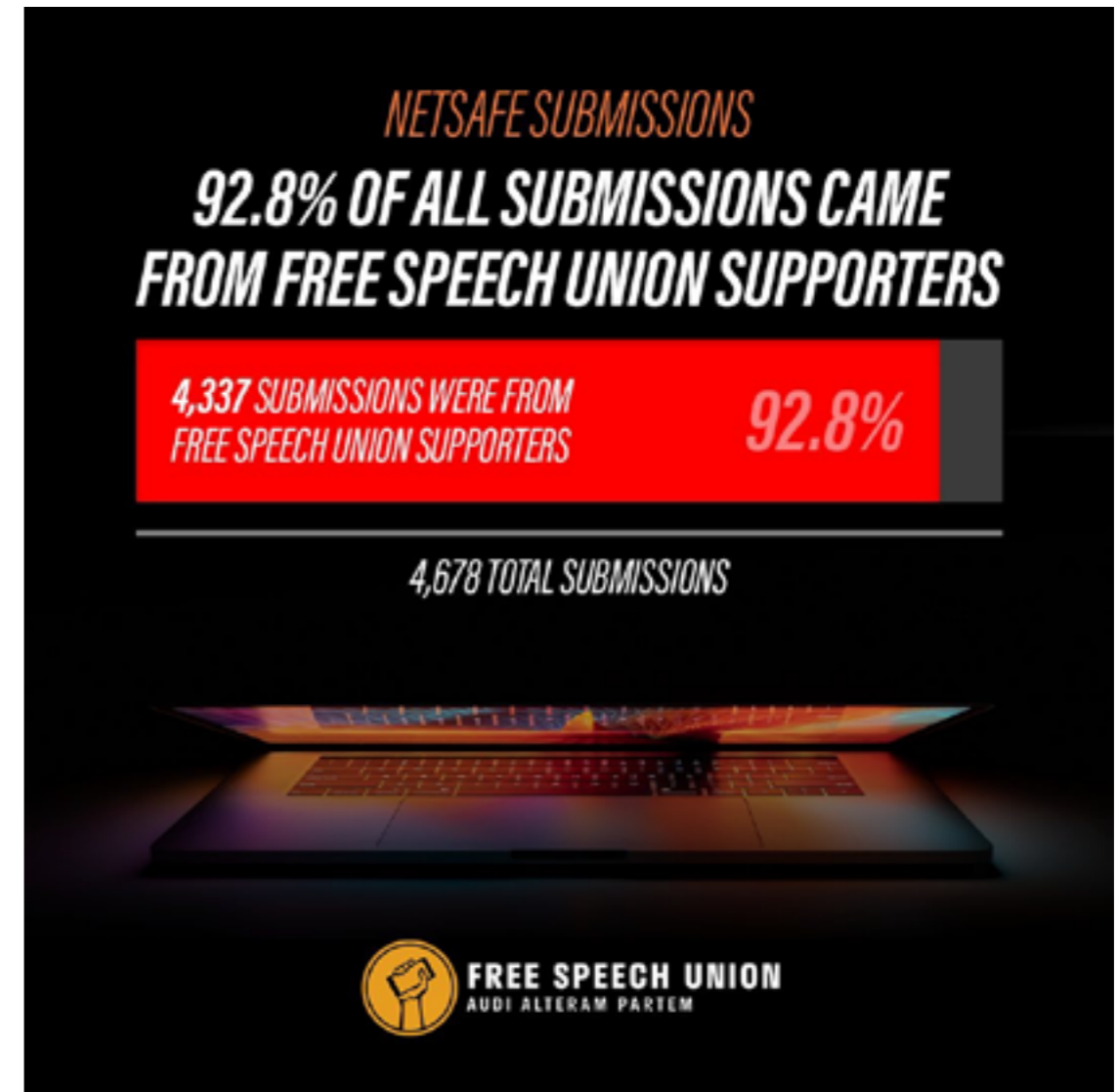
defend their right to free speech and contrarianism.

The international coverage also embarrassed those who had been so quick to denounce the scientists, with Auckland University Vice-Chancellor Dawn Freshwater committing to sponsoring a symposium on Mātauranga Māori and science. The Royal Society inquiry into the professors decided they had not breached the code of conduct of the Royal Society. Shortly after this decision, the professors resigned from the Society in protest at their treatment, and over 70 other fellows signed a petition calling on the Royal Society to apologise to Professors Cooper and Nola and to review the code of conduct to stop such anti-speech bullying in the future.

Without free speech, our academics aren't free to challenge the status quo and push our knowledge forward. With the help of our supporters, we pushed back against a woke and establishment pile-on, and won.



NETSAFE'S CENSOR'S CHARTER "ONLINE SAFETY AND HARM" CODE



At the beginning of 2022 new steps to control online speech were proposed by online safety organisation Netsafe which receives substantial funding from the Ministry of Education and the Ministry of Justice.

In our increasingly digital age, online speech is crucial, and we must resist attempts to undermine individuals' rights to express opinions online. Terms like 'online safety' seem very positive, but when we look into what we're being 'protected' from and who's enforcing this work, it's clear that this was just hate speech laws and censorship by the back door (or back modem, really).

The implications of major international companies like Facebook or Google regulating what content we are exposed to was not lost on Free Speech Union supporters. The Aotearoa New Zealand Code of Practice for Online Safety and Harms would have given

a big stick to activist groups wanting to deplatform those they disagreed with. We mobilised our supporters by drawing attention to this work (which had flown under the radar) and established a submissions portal to make it easy for them to insist that 'legal speech must remain free.' Of the 4,678 submissions made, 4,337 came from the Free Speech Union, and Netsafe was sent back to the drawing board.

In addition to highlighting the consultation process, we called on the Minister of Justice to ensure that organisations which receive funding from his Ministry respect the fundamental right of free speech. Legal but harmful speech is problematic, but the answer isn't to give multi-national corporates control over what's tolerated. Thanks to the supporters of the Free Speech Union, they haven't been given more power.

PUBLIC VENUES COURT CASE (AUCKLAND COUNCIL)

The Free Speech Union was born out of the Free Speech Coalition, set up to crowdfund for a legal challenge after Phil Goff claimed he had banned Lauren Southern and Stefan Molyneux from speaking at any Auckland Council venues because he deplored their views.

We didn't act for them because we were in favour of what they were saying many of the groups founding members had never heard of the speakers and didn't agree with their viewpoints. But they were willing to defend everyone's right to decide for themselves what we made of the speakers' views, not those in power.

We all pay for public property. Those in power or the majority should not be able to remove from the minority the liberty to use public facilities to engage with and challenge ideas, no matter how unpopular they may be.



SPEAK UP FOR WOMEN - WHITMORE V PALMERSTON NORTH CITY COUNCIL

The feminist group, Speak Up For Women, opposed the Births, Deaths, Marriages, and Relationships Registration Bill (the bill that would allow people to change their sex on their birth certificate), saying it risked unintended consequences for women's sex-based rights. They were on a speaking tour to discuss the Bill and made bookings at council venues around the country for these events, including the Palmerston North City Library. The library later told SUFW it was cancelling their event and would only host a debate where "all views" would be represented.

We quickly went into bat for SUFW by organising crowd funding and making an application for judicial review.

In his decision, Justice Nettle granted the sought after injunction relief, forcing the Palmerston North City Council to host the event. He held that the Council's decision involved a "significant failure to recognise Speak Up For Women's right to freedom of speech and freedom of peaceful assembly." He also found that putting conditions on the event which insisted that Speak Up For Women could only present their views on the Bill if they were countered by speakers with an opposing view could not be considered a reasonable limitation on those rights.

The Auckland Council got the message too. With Palmerston North's case as a backdrop, Auckland Council settled with Speak Up For Women and the Auckland event went ahead in the Council Chamber. Similarly, both Dunedin City and Wellington City Councils backtracked and allowed the Speak Up For Women bookings. The latter accepted Speak Up For Women's booking at the Michael Fowler Centre after sending lawyers to the Palmerston North's High Court hearing to see if they could get away with not allowing the Michael Fowler event.



MONCRIEFF-SPITTLE V REGIONAL FACILITIES AUCKLAND LIMITED SUPREME COURT APPEAL

While the Court of Appeal judgement in the *Moncrieff-Spittle* case represented a substantial improvement on the High Court judgment, it left the right to free speech in public venues vulnerable to vague threats of violence and "health safety". The Court was given a perfect opportunity to deal head-on with the heckler's veto concept, but they weirdly passed that ball into space: saying all the right things about the value of free speech, but not taking the last step to put the onus on authorities to prevent situations of the protest groups threatening violence.

We appealed to the Supreme Court because free speech rights in public venues deserve protection from such an odious precedent. Jack Hodder QC and Phillip Joseph appeared in front of the Supreme Court in February to argue that, while there are limits that can be imposed in relation to freedom of expression, they don't include toleration for violence or the threat of violence.

When Regional Facilities Auckland Limited (RFAL) says they cancelled due to health and safety, what they're really talking about is the threat of violence. Capitulating to the threat of a blockade on the grounds of health and safety lends legitimacy to the adoption of such strategies to undermine the exercise of freedom of speech.

We say this should trigger an obligation on a decision-maker to facilitate cogent and informed evidence following proper consultation — if there is an attempt to call off an event for health and safety reasons.

But that didn't happen here. The decision was made on the fly. RFAL never found out anything about the veracity of the threat or how it might be appropriately managed because they just outright cancelled the event. This is a disproportionate response and a breach of fundamental human rights.

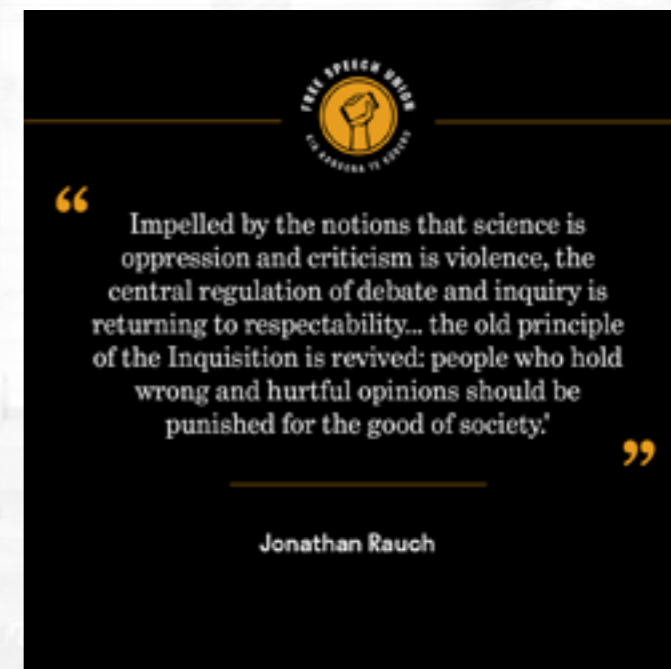
The decision to cancel the event was plainly (hence, arbitrary and unreasonable) at the time it was made and a declaration to that effect is the prize we are seeking.

AUCKLAND COUNCIL CAMPAIGN

We caught wind that Auckland Council was trying to introduce controlled use of public venues through the back door. The Rainbow Communities Advisory Panel was set to debate a policy that would give "preferred users" and designated groups priority access to Council facilities. If adopted, the proposal would mean these groups would have priority access and be able to prevent events from third party groups if they objected and claimed to want to use the facility at the same time.

In the presentation advising Councillors on the issue, the official documents claimed that there is tension in the fact that "the venue for hire service is for all Aucklanders, but controversial speakers and groups using venues cause harm to communities experiencing inequity and barriers to participation."

We alerted our supporters to this policy proposal and launched an email tool for supporters based in Auckland to email their Councillors telling them not to approve the policy. More than 4000 ratepayers wrote to their Councillors to tell them to ditch the proposal.



INDIVIDUAL CASES

DR RAYMOND RICHARDS: CALLING FLAT-EARTHERS 'CRANKS'

The Free Speech Union backed a university lecturer's fight for academic freedom against University of Waikato's attempts to stop him from describing those people as "cranks", who claim on religious authority that the earth is flat, and that people lived alongside dinosaurs.

Dr Raymond Richards, who teaches history at the University of Waikato, faced a disciplinary investigation for his lectures about methods of critical thinking in history. Following a student raising a concern, the Head of the Social Sciences School summoned Dr Richards to a meeting. They did not reach an agreement, but HR later wrote to him saying they "do not expect to have a repeat of these matters." The Head of School also cancelled an in-class test of the students' understanding of the methods of critical thinking.

Our lawyers leapt to the defence of free speech by writing to the Vice-Chancellor, reminding him of the University's responsibility to uphold academic freedom. They subsequently u-turned on their treatment of Dr Richards – a significant victory.

"A big THANK YOU to you and the Free Speech Union for battling on my behalf. The Tertiary Education Union refused to help - while they are organising a conference on academic freedom at the end of this month. What hypocrites! Your release of 4 August was superb, including the line "We are not confident that the TEU would wholeheartedly fight for the free speech of members they disagree with should they need to."

The University has not changed its view that it has a lawful role as censors of lectures. Remember, they did not object only to my use of the word "cranks". They objected more broadly to making religious students feel uncomfortable - as when I lectured that knowledge comes from research, not revelation. Richard Dawkins tweeted on my behalf, so the University has brought itself into disrepute internationally"

PUBLIC SERVICE EMPLOYEE: USING THE TERM 'MALE-BODIED'

A public service employee received a scathing letter from her department's deputy CEO for using the term 'male-bodied' to describe trans women in an exchange at work with a speaker from transgender activist group InsideOut.

Jonathan sat down with the Deputy Chief Executive of the ministry, along with a senior ministry HR advisor, and the employee (a member of the Free Speech Union) and unfortunately the Deputy Chief Executive was intransigent, insisting that they had the right to control the language that is used in the ministry and that this didn't undermine free speech in any way.

We wrote to the Ombudsman and Public Services Commissioner pointing out the absurdity of censoring someone for using the phrase 'male-bodied' to describe biological males. No further action was taken by the Ministry, and we know our defense sent shockwaves around public sector HR Departments.



TEACHER: SUBMITTING AGAINST MĀORI WARDS AND COUNCILS

The Free Speech Union defended a member who was intimidated at their place of work by a senior District Council manager. Their crime? Writing a submission to the Council on Māori wards that took an opposing view to the one held by the manager.

We laid a Code of Conduct complaint against the manager, pointing out that citizens have every right to participate in local democracy without being harassed and intimidated by Council staff for expressing their views. In exchange for not naming the Council or manager, the Free Speech Union negotiated an apology and retraction from the manager.

"I contacted the Free Speech Union looking for help after being intimidated in my place of work as a result of my political views. Jordan and the team jumped into action and did more than I could have hoped to support my right to have an opinion. At every stage, I always felt in control of what the Union was doing on my behalf. I now feel comfortable in my place of work knowing that even if a similar incident was to occur, the Free Speech Union would have my back and ensure there was a consequence to intimidating me because of my political opinion. I am so grateful that this amazing union exists"

NURSE: GENDER CRITICAL VIEWS ON SOCIAL MEDIA

We supported a nurse who had a Nursing Council complaint laid against her due to Facebook posts on her personal page that espoused gender-critical views. A member of the public complained saying she was unfit to be a nurse due to her views on sex and gender, arguing that transgender patients would not be 'safe' in her care.

We arranged for one of our legal volunteers to respond to the complaint, arguing that her views were protected free speech and she made the posts in her personal capacity, so they had no bearing on her ability to provide safe care to transgender patients. Our local coordinator also attended meetings with the nurse as her support person. The complaint did not proceed any further.

"I couldn't believe that there are people out there who'd go to such lengths to get someone banned from their profession for having the wrong opinions. I'm very appreciative of all the support from the Free Speech Union."



CR. MICHAEL LAWS: CRITICISING TRANSPARENCY AT REGIONAL COUNCIL

We learned that the CEO of Otago Regional Council was attempting to use a Code of Conduct complaint to stifle the free speech of Councillor Michael Laws. The reason for the complaint was that in an Otago Times story on an illegal dumping into the Clutha River he said it was "extraordinarily embarrassing" that the council had given advice to a company that it later took enforcement action against for dumping construction waste in the river. He also said he was unhappy with a lack of transparency between council staff and councillors. Because of these comments to the media, the CEO laid a complaint against Laws alleging his comments had endangered regional council staff "psychologically and physically" despite no staff being named or identifiable from the comments.

The Free Speech Union sent a letter to the Chief Executive, asking for evidence of her allegation of psychological harm to staff and put to her that the complaint seemed intended to shut down legitimate criticism of the Council. Councillor Laws informed us it was instrumental in the complaint against him being dropped.



SUBMISSIONS TO PARLIAMENT

The Free Speech Union doesn't take stands on the substance of particular issues beyond their implications on free speech. This year, Parliament considered numerous pieces of legislation which drew wide interest from the public. Without wading into the details of each Bill, the Free Speech Union consistently fought for better protection and respect for speech rights.

SAFE ZONES BILL

The idea that in some areas, some people are protected from some ideas and some forms of speech is at odds to the notion of free speech. That's why we submitted to the Health Select Committee against the 'Safe Zones' legislation which prohibits protest outside of areas where abortion services are provided. There is little distinction between the vulnerability of an individual when seeking an abortion, and the purported 'harm' which can be caused by others protesting against abortions, and the vulnerability of, say, a Jew when faced with anti-Israel protests or an individual of any identity being challenged.

Legislation of this kind easily extends to 'protecting' other 'vulnerable' individuals from ideas or speech they don't agree with. Already, there are calls for schools to become 'safe zones' and protest be prohibited outside of them.

Free speech can often be confronting and challenging, but to delineate public areas in which free speech is prohibited threatens the principle itself and undermines the speech rights of all Kiwis.

CONVERSION PRACTICES PROHIBITION LEGISLATION BILL

We opposed this legislation as, without the ability to talk, we restrict the ability to grow. This is principally true for life's most important questions. While violent and tortuous physical

'treatments' to attempt to change an individual's sexuality were rightly condemned by the Conversion Practices Prohibition Legislation Bill, the ability to have conversations must be left on the table.

Crown Law's recognition that this legislation threatened to have significant implications for freedom of expression, along with the freedom of religion, reveals that this legislation did not strike the right balance. Religious communities, families, and medical practitioners are all undermined by legislation like this which fails to value speech as the best path forward.

Free speech, properly used, provides a capacity to engage ideas and perspectives that may challenge us without risking harm to our well-being or identity. Silencing conversations and dialogue make the problem worse, not better.

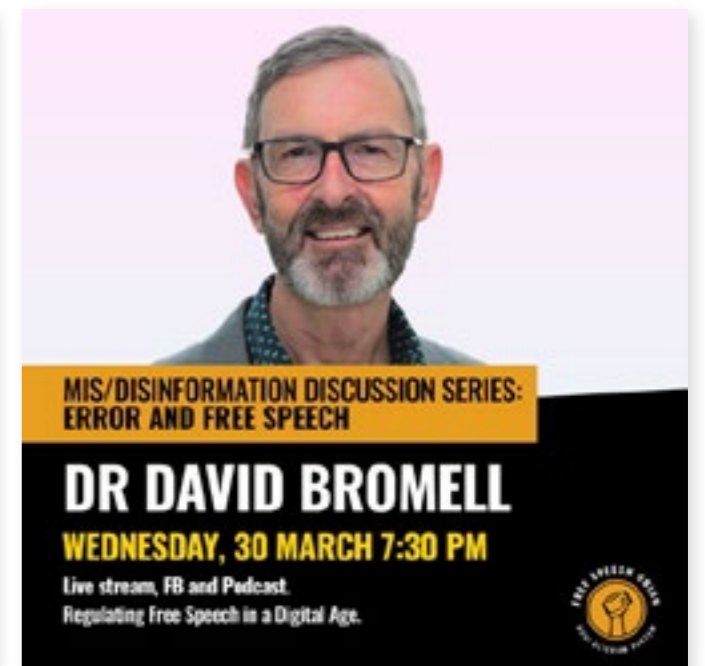
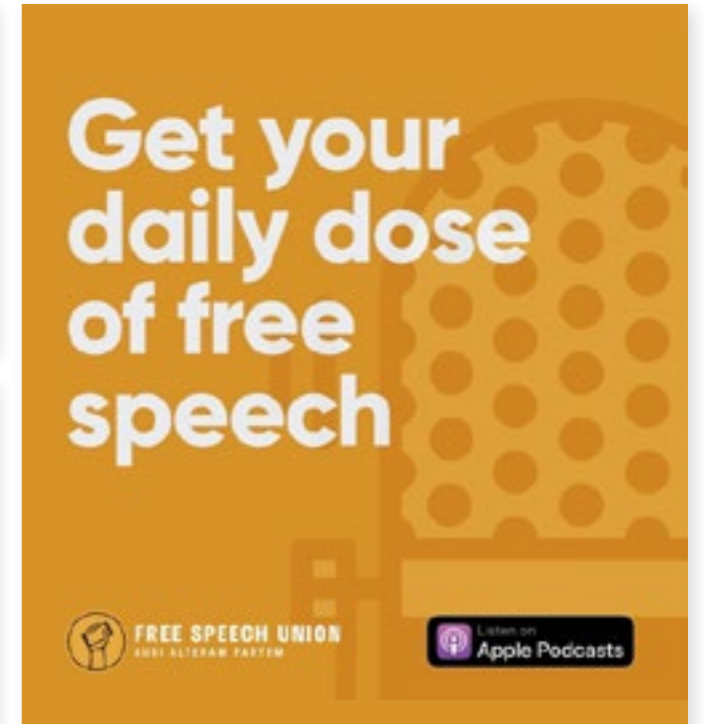
PLAIN LANGUAGE BILL

The picture of a public bureaucrat leaning over the shoulder of public policy advisors and communications managers, ensuring that the language being used is 'accessible', should concern any free speech champion. While there is, indeed, a free speech argument to be made for public access to government communications and participation in democratic dialogue, Plain Language Officers are internal censors waiting to happen. It also gives a big stick to those who would seek to abuse complaints processes to control what language is used and what ideas are communicated.

The Free Speech Union's submission against the Plain Language Bill reflects the fact that we must not only see what the intentions of legislation are, but the unintended implications they could have. The public service should use accessible communications, but they don't need a piece of legislation requiring that or a bureaucrat controlling it.

PODCASTS/FACEBOOK LIVES

Free speech is not only about being able to say your piece. It's also about being able to hear from others. Through our podcasts and Facebook Live streams, connecting Kiwis to experts on international regulation, politicians on domestic legislation, and those on the frontline of the fight for free speech around the world.



SPEAKEASIES: SAFE MEMBERS ONLY DISCUSSIONS

Just like the days under prohibition in the United States, Free Speech Union SpeakEasies assemble the defiant, opinionated, and uncensored together to indulge in the audacity of free thought and speech. As members-only events, SpeakEasies are an opportunity to hear from some of the most prominent and influential leaders in the fight for free speech and ask questions. Each of the individuals we have hosted over the year have had unique roles in defending free speech, both domestically and abroad.

SPEAKERS HAVE INCLUDED:

Kathleen Stock: silenced for gender-critical speech

Nadine Strossen: defeating hate through speech – the weakness of hate speech laws

Jonathan Rauch: an absurd idea – allowing free speech for a peaceful society

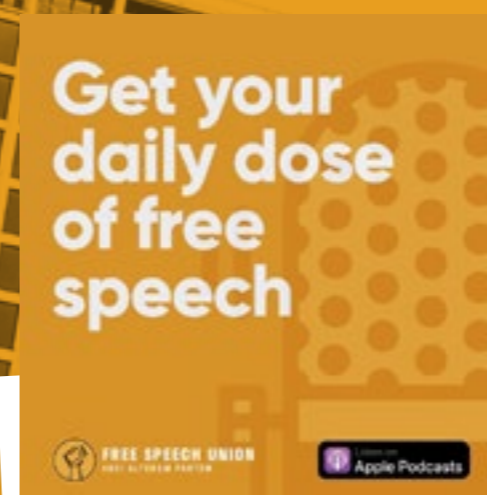
David Seymour: free speech and its future in New Zealand

Jacob Mchangama: where we've come from – tracing the influence of free speech through the centuries



IN THE MEDIA

- 25 media releases
- 4 television appearances
- 50+ podcasts
- 10+ radio appearances
- 50+ news articles/columns
- 5+ public meetings



UNIVERSITY EVENTS

UNIVERSITY UNION MEETINGS:

Ironically, much of the antagonism against free speech in New Zealand comes from where you'd expect the most debate - universities. No longer bastions of free thought and speech, woke and intolerant attitudes shut down dissenting views.

When we announced that we would hold a union meeting at each university in the country over the course of the year, we knew we would face opposition. And when the first event came around, we were right. Just two days before the meeting, the Auckland University of Technology cancelled the event.

This only highlighted the point we were trying to make. If we can't raise provocative questions and test assumptions on society's most difficult questions in universities, where can we?

AUT's decision to cancel our event seemed to make people pay even more attention to our other events, which were great successes where people with different perspectives came together to speak on complex subjects.

We have another series of events planned to challenge each university in the country to ensure free speech rights are protected for the staff and students.



WILL YOU JOIN US TO FIGHT FOR KIWIS' FREE SPEECH?

The Free Speech Union has over 70,000 subscribed supporters, and this year over 5,000 Kiwis donated to our work. Free speech enables us to express frustration and anger at injustice. It also enables us to learn, to debate, and to change our minds. Free speech enables us to grow and to share our stories with others.

The work of the Free Speech Union is for all those who believe that free speech means learning, admitting we don't have it all right, and growing as a result. With your support, we can fight against would-be censors and keep speech free in New Zealand.

New Zealand is becoming more intolerant. Where in the past we could accept our differences and move forward, today a zero-sum battle means that we can't respectfully disagree. This won't end well. We have to push back and insist that everyone gets to have their say, no matter how seemingly unconventional or bizarre.

Stand with us today to ensure we preserve this crucial liberty.

To join: www.fsu.nz/join To donate: www.fsu.nz/donate

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