

BRIEFING FOR THE MINISTER OF POLICE			
Priority	<input type="checkbox"/> Urgent <input type="checkbox"/> Time-Sensitive <input checked="" type="checkbox"/> Routine		
Title	Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023		
Date	7 February 2023	Ref	BR/23/15

Executive summary

1. The Prohibition of Gang Insignia in Government Premises Act 2013 (the Act) prohibits anyone from displaying gang insignia on premises of departments of the Public Service, the Police, Crown entities, local authorities, and schools.
2. The Act applies to the insignia of any gang named in the Act or listed in the Prohibition of Gang Insignia in Government Premises Regulations 2018 (the Regulations).
3. Additional gangs can be included in the legislation by amending the Regulations. For this to happen, the Minister of Police needs to be satisfied that the group(s) have certain characteristics before making a recommendation to the Governor-General to identify the group of persons as a gang for the purposes of the Act.
4. Police has identified that five additional groups of people known as the Crips, Finks MC, Full Blooded Islanders (FBI), Kuki Squad and West Side Nation/Uru Taha (the named groups) meet the criteria for inclusion under the legislation.
5. In order to progress these amendments, we seek your agreement to instruct the Parliamentary Counsel Office to draft the required amendment to the Regulations to identify the named groups as gangs, ahead of consideration by the Cabinet Legislation Committee.

Recommendations

Police recommends that the Minister of Police:

- a) **confirm** that you are satisfied that the following groups have the required characteristics to be identified as a gang for the purposes of the Act:
 - i. Crips
 - ii. Finks MC
 - iii. Full Blooded Islanders (FBI)
 - iv. Kuki Squad

Yes/No

Yes/No

Yes/No

Yes/No

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- v. West Side Nation/Uru Taha Yes/No
- b) **agree** to recommend that the Governor-General make regulations to identify the named groups as gangs Yes/No
- c) **note** that as the regulations are routine and do not require new policy decisions, you may authorise drafting without reference to Cabinet
- d) **direct** Police to instruct the Parliamentary Counsel Office to draft an amendment to the Prohibition of Gang Insignia in Government Premises Regulations 2018 Yes/No
- e) **note** that a Cabinet Legislation Committee paper seeking Cabinet's authorisation to submit the Regulations to the Executive Council will be drafted for your approval and circulated for consultation
- f) **agree** to share this briefing with the Minister of Justice as the Ministry of Justice administers the Act. Yes/No

Minister's comments and signature

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Hon Stuart Nash
Minister of Police

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Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023

Purpose

1. This briefing seeks your agreement to recommend to the Governor-General that the groups known as Crips, Finks MC, Full Blooded Islanders (FBI), Kuki Squad, and West Side Nation/Uru Taha (the named groups) be identified as gangs for the purposes of the Prohibition of Gang Insignia in Government Premises Act 2013 (the Act).
2. We also seek your direction to instruct the Parliamentary Counsel Office (PCO) to draft the required amendment to the Prohibition of Gang Insignia in Government Premises Regulations 2018 (the Regulations) to enable this to happen.

The purpose of the Act is to prohibit the display of gang insignia

3. The Act prohibits the display of gang insignia on premises of departments of the Public Service, the Police, Crown entities, local authorities, and schools (this includes places like libraries, sports centres, hospitals and, public swimming pools). This reduces the ability for gang members to intimidate staff and members of the public on government premises.
4. The Act applies to any gang named under section 4 of the Act or identified in the Regulations made under section 5 of the Act (see Appendix one for full list).
5. Police has powers of arrest and seizure under the Act in relation to persons displaying gang insignia in government premises. Police also has the power to stop vehicles to exercise these powers of arrest and seizure.

Regulations are made on the recommendation of the Minister of Police

6. The Regulations were enacted in 2018 and then amended in 2020 to add the Comanchero Motorcycle Club and Mongols Motorcycle Club as gangs.
7. While the Act is administered by the Ministry of Justice, it is the Minister of Police that recommends to the Governor-General that regulations should be made by identifying an organisation, association, or group of persons as a gang for the purposes of the Act.
8. As this is a routine matter and does not require new policy decisions, you may authorise the drafting of the amendment regulations without reference to Cabinet. They will then go through the Cabinet Legislation Committee (LEG) process ahead of being made by the Governor-General. This approach was taken when the Regulations were amended in 2020.

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Named groups need to meet certain criteria

9. Under section 5 of the Act, you, as Minister of Police, must be satisfied on reasonable grounds that the organisation, association, or group proposed to be identified has the following characteristics:
- a) a common name or common identifying signs, symbols or representations
 - b) its members, associates or supporters individually or collectively promote, encourage, or engage in criminal activity.

The proposed groups meet the criteria for identification as a gang

10. Police has identified five additional groups that meet the criteria:
- a) Crips
 - b) Finks MC
 - c) Full Blooded Islanders (FBI)
 - d) Kuki Squad
 - e) West Side Nation/Uru Taha.
11. s6(c) [REDACTED]
12. A summary of the supporting evidence to assist with your decision is outlined in the table in Appendix two.
13. s6(c) [REDACTED]

This definition of a gang is used in other legislation

14. In addition to prohibiting the identified groups from displaying insignia in government premises, the proposed amendments will also impact Police's ability to implement important prevention tools aimed to reduce the harm caused by gangs and make communities safer.
15. Under the Criminal Activity Intervention Legislation Bill (the CAIL Bill), the warrants to search for and seize weapons when there is gang conflict can only be obtained for gangs listed in the Act.

¹ s6(c) [REDACTED]

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16. It is therefore important to ensure that this list of gangs is up to date and as comprehensive as possible to support and secure the effectiveness of the CAIL Bill.
17. We are aiming to have the Regulations amended to support the implementation of the CAIL Bill when it is passed (anticipated end of March 2023). However, the timing of this will be affected by other priorities and therefore may not be possible.
18. Maintaining an up to date list also ensures the provisions within the Arms Act 1983 (the Arms Act) can be applied to these groups, as the Arms Act defines a gang as having *the meaning given in section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013* (section 24A(6)).
19. The definition of a gang is significant under the Arms Act when a member of the Police is deciding if someone is a fit and proper person to possess a firearm or airgun. If the person is linked to a gang, Police may determine that they are not a fit and proper person to be in possession of a firearm or airgun.

Next steps

20. If you agree that the five identified groups meet the statutory test to be identified as a gang, we recommend that you direct Police to instruct the Parliamentary Counsel Office to draft an amendment to the Regulations.
21. A LEG paper seeking Cabinet's authorisation to submit amendments to the Regulations to the Executive Council will be drafted for your approval and circulated for consultation. We expect LEG consideration in early May.
22. As the Act is administered by the Ministry of Justice, we recommend that you share this briefing with the Minister of Justice.

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Sue Schwalger
Assistant Commissioner: Investigations

First contact	Jenny Cross, Manager, Criminal Justice Policy	s9(2)(a)
Second contact	Gillian Ferguson, Director, Policy	s9(2)(a)

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Appendix one: List of gangs

Any organisation, association, or group of persons that is known by a name that is the same as, or substantially similar to, any of the following:

- Aotearoa Natives
- Bandidos MC
- Black Power
- Devils Henchmen MC
- Epitaph Riders
- Filthy Few MC
- Forty-Five MC
- Greasy Dogs MC
- Head Hunters MC
- Hells Angels MC
- Highway 61 MC
- Hu-Hu MC
- Killerbeez
- King Cobras
- Lone Legion MC
- Lost Breed MC
- Magogs MC
- Mongrel Mob
- Mangu Kaha
- Mothers MC
- Nomads
- Outcasts MC
- Outlaws MC
- Rebels MC
- Red Devils MC
- Road Knights MC
- Satans Slaves MC
- Sinn Fein MC (not being a branch, or an associated organisation, of the political party known by a similar name)
- Southern Vikings MC
- Storm Troopers
- Taupiri MC
- Tribal Huk
- Tribesmen MC
- Tyrants MC
- Comanchero MC
- Mongols MC.

s6(c)

