

PROACTIVE INFORMATION	
Talking Points on Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023 for LEG on 11 May	
	Date: 4 May 2023

Purpose

1. This paper attaches the Cabinet paper, *Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023*, associated Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023 (the Amendment Regulations), and advice sheet for lodging.
2. Talking points to support your discussion at the Cabinet Legislation Committee (LEG) on 11 May 2023 are also attached as Appendix One.

Recommendations

- a) **note** that you have previously agreed to lodge the attached Cabinet paper and associated Amendment Regulations for consideration by LEG, which is now scheduled for Thursday 11 May 2023
- b) **consider** the attached talking points to support your discussion at LEG.

The Amendment Regulations identify additional groups as gangs for the purpose of the Prohibition of Gang Insignia in Government Premises Act 2013

3. The Prohibition of Gang Insignia in Government Premises Act 2013 (the Act) allows staff at government premises to ask persons displaying specified gang insignia on those premises to either leave the premises or remove their insignia.
4. The Minister of Police, if satisfied that a group, or groups, meet certain criteria, can make a recommendation to the Governor-General to identify the group of persons as a gang for the purposes of the Act.
5. On 2 April 2023, you agreed to progress amendments to the Prohibition of Gang Insignia in Government Premises Regulations 2018 [BR/23/5GA refers].
6. The Amendment Regulations, if passed, will allow the groups known as Crips, Finks MC, Full Blooded Islanders (FBI), Kuki Squad and West Side Nation/Uru Taha to be identified as gangs.
7. The Cabinet paper and associated Amendment Regulations underwent Ministerial consultation from 20 April to 4 May 2023. There were no issues raised.

Next steps

8. The attached Cabinet paper, *Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023*, associated Amendment Regulations, and advice sheet is due to be lodged with the Cabinet Office on Thursday 4 May, for consideration by LEG on Thursday 11 May 2023.

9. Lauano Sue Schwalger, Assistant Commissioner, Investigations, and Jenny Cross, Manager, Criminal Justice Policy, will attend LEG on 11 May 2023 in support, and will be available to call upon if required.

Reviewed by	Jenny Cross, Manager, Criminal Justice Policy	s9(2)(a)
Approved by	Tanya Roth, Acting Director, Policy	s9(2)(a)

Appendix One: Talking Points for Cabinet Legislation Committee on 11 May Prohibition of Gang Insignia in Government Premises Amendment Regulations 2023

Five gangs are being added

- I propose that five additional groups be identified as gangs for the purposes of the Prohibition of Gang Insignia in Government Premises Act 2013.
- These groups are:
 - Crips
 - Finks MC
 - Full Blooded Islanders (FBI)
 - Kuki Squad
 - West Side Nation/Uru Taha.
- I am satisfied, based on evidence provided by Police, that the groups meet the criteria for identification as a gang under the Act – that is, that they are groups of people who share common identifying insignia and who promote, encourage or engage in criminal activity.

The benefits of adding these gangs are:

- The Act allows staff at government premises like courts, WINZ offices, hospitals and public swimming pools, to ask people displaying specified gang insignia to either leave the premises or remove their insignia.
- This is important because gang insignia is designed to intimidate the public and other gangs, state their 'ownership' of an area, and to attract gang prospects.
- The impact of a gang is reduced when their ability to advertise their presence in public is limited.
- Restricting the display of gang insignia on its own will not prevent the harm caused by gangs in this country.
- However, when combined with other enforcement and prevention-focused initiatives, it will contribute to a safer community and to this Government's overall goal of improving the wellbeing of New Zealanders and their families.

The list supports other legislation

- The list of gangs specified in the regulations is applicable for the gang conflict warrant provisions in the Criminal Activity Intervention Legislation Act 2023, and the fit and proper person licensing test of the Arms Act 1983. It is therefore important to ensure that the list is as up to date and comprehensive as possible.

Q and A (if required)

Are there any impacts on rights under New Zealand Bill of Rights Act 1990 (NZBORA) and te Tiriti?

- The impacts on te Tiriti and NZBORA were considered for the Prohibition of Gang Insignia in Government Premises Act 2013.
- This is an amendment to existing regulations and there has been no change of policy.
- I consider that no additional content is required as these Amendment Regulations do not alter the te Tiriti or NZBORA considerations made when the principal Act was passed.