

WMMK event, 1 May 2021 – Speaking points

Lou said most members will know very little about you, the Commission, and human rights. The themes we have discussed are popularising human rights, advancing a sense of inclusion and belonging, and the importance of the 3 R's, with the overall theme being that 'human rights are for everyone'. The suggested speaking time is 40 mins.

In addition to Jarrod Gilbert's chapter, I suggest the following background articles/documents from Prof Tracey McIntosh (indigenous researcher) from Auckland University (related to the Royal Commission into Abuse in Care) –

- <https://www.rnz.co.nz/news/national/402731/state-care-institutions-central-to-early-gang-formation-academic>
- <https://www.abuseincare.org.nz/assets/Uploads/Documents/Public-Hearings/Contextual/23.-Tracey-McIntosh.pdf>

Potential points/structure to speak to:

Background [Suggest 10 – 15 mins]

- Lou said that the members would be interested to hear about who you are, your past work experience, and your role as the Chief Commissioner.
 - Break the ice - who you are – as discussed in the Zoom hui with Lou and Paito.
- Suggest speaking to the Commission's role, how it fits/works with Government.
 - Striving to be a Tiriti-based organisation, and work with the National Iwi Chairs Forum.
 - 4 Commissioners - who they are, and what they are working on.
 - Reference to National Action Plan against Racism.
 - Commission's work in relation to UNDRIP (noting WMMK's submission to the UNEMRIP)
- What work you have been/are involved with, particularly in relation to popularising human rights.
 - Perhaps draw on 'marginalised' groups – e.g. prisoner voting ban.

Substantive human rights discussion – Human Rights are for Everyone [Suggest 20 mins].

Context setting:

- Outline why you have decided to attend the event – purpose is for you to speak, listen, and for them to share experiences and be heard, and be seen.
 - Importance of being heard by those in power (drawing on your career history).
 - Acknowledge that they are forging a different path. Suggest reading this article - <https://www.vice.com/en/article/qvy937/mongrel-mob-boss-on-overcoming-hate-in-the-wake-of-the-christchurch-massacre>. 'Fatu and his patched whanau members turned up to their local mosque with bouquets of flowers and returned today to offer protection during Friday prayers, one week on from the massacre which has left New Zealand in a state of shock and grief. ... Fatu declared gang members would stop using the rallying cry "sieg heil" and swastikas, symbolism the Mongrel Mob has historically used as a deliberately offensive anti-social stance rather than due to any links to Nazism.'
- Acknowledging the harmful impacts of colonisation, particularly for tangata whenua.





- [Redacted text block]

Human rights:

- What are human rights.
- Human rights as protective measures for everyone, including for everyone in the room:
 - Human rights as a framework for all. Rights don't go away – everyone deserves dignity and respect.
 - How to enforce/assert human rights in their daily lives – employment, housing, social welfare, justice/police interactions.
 - The 3 R's – abide by the law.
 - Rights can be complicated, and can conflict/breach with each other – suggest discussing Commission's mediation model. Need to engage with people to understand concerns.
- [Further required on 2 – 3 'concrete' actions – likely to be raised in the QA].

Future points/conclusion [Suggest 5 mins]:

- Commission is keen to use this event as a starting point for ongoing dialogue/kaupapa.
- Meng could raise discrimination as part of the kaupapa at a future point.

More background reading:

- Tough on gangs narrative - <https://www.newsroom.co.nz/crackdown-on-gangs-wins-votes-doesnt-solve-problems>
- About Paito - <https://www.nzherald.co.nz/nz/victims-family-says-mongrel-mob-boss-sonny-fatus-attempt-at-reform-is-offensive/UGTLIPU7HHTZDGWUGKIS42ESME/>
- Waitangi Tribunal claim by Mongrel Mob Wāhine Toa - <https://www.nzherald.co.nz/nz/mongrel-mob-wahine-toa-lodge-first-ever-all-female-gang-treaty-of-waitangi-claim/MAA475FOPBMRCVH5NUMCMYFWTA/>
- COVID-19 lockdown - <https://www.stuff.co.nz/national/health/coronavirus/121204172/coronavirus-gangs-deliver-food-in-lockdown-but-confusion-remains-over-their-status>
- Police crackdown on guns held by gangs (Operation Tauwhiro) - <https://www.rnz.co.nz/news/national/436729/police-crackdown-on-guns-held-by-organised-crime-groups-and-gangs>
- Handing back of firearms (question of rising gun violence) - <https://www.rnz.co.nz/news/political/439150/gang-gun-ownership-ban-bill-racist-politics-mongrel-mob-tells-mps>
- Police execution of a search warrant in Feb 2021 (alleged illegal sale and supply of alcohol) - https://www.teaomaori.news/mob-kingdom-lay-complaint-against-police?_ga=2.73266771.1930448883.1619568206-1082137533.1618549344
- Meth operation 'bust' - <https://www.rnz.co.nz/news/national/427645/waikato-police-operation-finds-over-1kg-meth> (unclear whether this relates to WMMK or MM more generally).
- Police pressure on disrupting gang gun violence - <https://www.rnz.co.nz/news/political/437153/gang-crackdown-simon-bridges-police-commissioner-andrew-coster-face-off-at-select-committee>
- <https://www.justice.govt.nz/assets/Documents/Publications/Arms-Firearms-Prohibition-Orders-Amendment-Bill-No-2.pdf>

WMMK event - Panel session – general topics/questions for pre-discussion

There will be a roving mic, and questions from the audience to:

- Paul
- Hon. Marama Davidson
- Dr Elizabeth Kerekere
- Polynesian Panthers members
- [REDACTED]



Important for Paul to reiterate his presentation is on human rights generally, and he can take questions in this session, but is unlikely to be in a position to answer 'legal' questions.

Gang membership is not protected ground in of itself; would have to be on one of the grounds of discrimination, either directly or indirectly (ie race/ethnicity, family status etc)- NZ HRC has no jurisdiction to apply its complaints function under Part 3 HRA to BORA claims that are not s 19.

If you want to talk about a specific complaint, we want to hear from you. Google us. We're at hrc.co.nz. Or you can phone us on 0800 496 877.

Arms (Firearms Prohibition Orders) Amendment Bill (No 2)

Background:

- Lou recently appeared before the Justice Select Committee in relation to the Arms (Firearms Prohibition Orders) Amendment Bill (No 2).
- The Member's Bill (National Party - Simeon Brown) was introduced on 13 Feb 2020, and is currently before the Justice Select Committee, with the Committee's report due back 11 May 2021. The stated objective of the Bill is to make sure that the most dangerous gang members do not have access to firearms.
- The Bill amends the Arms Act to allow the Commissioner of Police to make a 'Firearms Prohibition Order' against a person if the Commissioner think it is in the public interest, the person is a member of a gang, and the person has a relevant prior conviction under the Arms Act, Family Violence Act or a serious violence offence. A person who has a FPO made against them must not acquire, possess, or use a firearm or part.
- It is proposed that more severe penalties should apply for unlawful possession of firearms, and to place restrictions on where a gang member can be without becoming liable on conviction to those penalties.
- The AG's BORA advice is that the Bill is inconsistent with NZBORA ss 17 (right to freedom of association), and 25(c) (right to be presumed innocent) - <https://www.justice.govt.nz/assets/Documents/Publications/Arms-Firearms-Prohibition-Orders-Amendment-Bill-No-2.pdf>

Comments:

- Agree that Government should not legislate inconsistently with fundamental human rights more generally, and reference the AG's conclusion (above), but note that gang membership may pose an appreciable risk of firearms coming into a person's possession. Also there are important public safety/harm factors. Reiterate the 'Responsibilities'.
- Reference importance of being involved in the democratic Parliamentary process – and Lou appearing before Select Committee as a good thing in terms of putting out their member's perspective on this issue – as they are the target.



[REDACTED]



Criminal justice issues - Police 'racist' remarks + attention from Police more generally

Background:

- Meng's recent comments about Police being 'racist'.
- Note also that Police, in February 2021, announced 'Operation Tauwhiro' – "a nationwide operation to disrupt and prevent firearms-related violence by criminal gangs and organised crime groups", a long-term and nationally co-ordinated operation, to focus on harm prevention and enforcement. The 'Organised Crime Strategy' is to address organised crime, its social drivers and the harm it causes.
- In a statement, Police Commissioner said groups that commit violence involving firearms could expect to be at the centre of significant attention from law enforcement. "Violent offending, particularly involving firearms, poses significant risk and causes fear and long term harm in our communities", Coster said. Each district would have their own tailored initiative and work with iwi and partner agencies to identify risk factors and "implement appropriate interventions".
- Note also the ACT Party and National Party's comments. National Party's comments that Police are soft on crime. And ACT Party (Nicole McKee) questioning why under the Labour Government, more gang members are getting firearms licences (stating gang members should not have firearms licences).
- In a statement, Police Minister Poto Williams said police had only had the ability to revoke firearms licences on gang affiliation grounds since December 2020.

Comments:

- Allegation of systemic discrimination (in relation to Police and other Government agencies), can be complained about to IPCA (in so far as it relates to the Police), and also to the HRC (complaint would have to cite one of the s 21 grounds). Complaints can be made by individuals or organisations. The complaint would be dealt with by our mediation service. This process also opens up the ability to take the complaint to the Human Rights Review Tribunal if it is unable to be resolved through our dispute resolution services. This process does not involve Commissioners.
- Paul's letter to Lou of 1 March 2021 also notes, in relation to Operation Tauwhiro, that at this stage, the Commission has not formed a particular position on it, nor has the Commission discussed it with the Police. Paul says – "We would be happy to hear from you further about this when we meet in due course".

Employment issues

Background

- Lou's email – 'Employment opportunities blocked purposely by NZ Police eg. security work being blocked and businesses who employ our members are being targeted. No law against being a gang member, not written into certain Acts that they will be blocked from employment.'

Comments:

- Seems like this is an issue in relation to the vetting Police provide to the Private Security and Personnel Licensing Authority. (Quite technical). Police can provide information to the Authority,

which the Authority relies upon in decided whether to grant a licence. [Police relationship issue/ability to review Authority's decision?]

Oranga Tamariki

Background:

- Lou's email – 'use the label of 'gang member/associate as ammunition in government departments eg. Oranga Tamariki'.

Comments:

- Could comment on the structural changes identified as a result of the Hawkes Bay uplift last year – and series of reviews.



- [REDACTED]
- Refer to the Waitangi Tribunal decision released yesterday (Friday 30 April) re Oranga Tamariki breaches of te Tiriti - <https://www.stuff.co.nz/pou-tiaki/124990089/waitangi-tribunal-says-oranga-tamariki-in-breach-of-treaty-government-needs-to-step-back-from-intruding-into-mori-communities>

Family violence/Women's Refuge access issues

- [REDACTED]/Lou says women aren't able to access women's refuge services. Appears to be a resource issue – capacity for only one woman (in terms of health/safety for Refuge staff).

○



- [REDACTED]
- Hon Marama Davidson this week has been reported as noting the concerns with emergency housing in Aotearoa, including safety issues at these houses.
- Could potentially direct the question to Hon Marama Davidson – her portfolios are 'Prevention of Family and Sexual Violence'. Marama is the Minister in charge of the Joint Venture Business Unit – whole-of-government approach to prevent, reduce and address family and sexual violence.
- Suggest don't explicitly accept any of the allegations as facts, but offer standalone advice/observations. E.g.
 - Family violence is a huge issue in NZ and it's really important that we treat this as a community concern. We are all responsible for calling on each other to make our families safe, warm, nurturing places to be. And support for women is an extremely important part of this.
 - Again, I'd suggest that you could contact the Human Rights Commission when you're concerned that there has been discrimination, and we can often seek to facilitate a conversation.
 - Minister Davidson might want to address this question as well.

Gang members travelling overseas:

- NZ can't stop anyone leaving NZ, but other countries will make their own rules.

2. Runsheet

Where:

17 Bandon Street, Frankton Hamilton

Auditorium style layout. There will be a staging area with a lecture. Paul will have a mic – and there will be a sound system.

When:



Powhiri starts at 1pm. A more 'informal' powhiri. 30 mins. [REDACTED] and [REDACTED] are meeting Paul at hotel in the morning.

- Mihi- [REDACTED]
- Karakia – [REDACTED]
- Performance – [REDACTED]
- Formal welcome – Sonny Fatupaito.

Paul will then speak.



Who will be there:

- HRC – Paul, [REDACTED] is intending on attending.
- Green Party – Hon Marama Davidson, and Dr Elizabeth Kerekere, plus 2 – 3 Green party staff (including [REDACTED]).
- Polynesian Panthers – unsure whether all 4 members will be there.
- [REDACTED] – noted as attending panel discussion. [REDACTED] confirmed she is attending.
- 350 - 500 members/people, revised from 150 – 200 from the Zoom meeting. Lou said there will not be room for everyone in the auditorium, so people will be outside (there will be screens outside).

What:

- Paul to speak – 40 mins allocated.
Theme – 'Human Rights are for everyone'. Content:
 - Intro to Paul – tell personal story.
 - Intro to HRC.
 - 3 R's – high-level. Importance of advancing sense of inclusion and belonging.
- Greens – Hon Marama Davidson and Dr Elizabeth Kerekere. 30 mins total.
- Polynesian Panthers. Lived experience discussion. 40 mins allocated.
- Q/A discussion (including [REDACTED]) - roving mic, but the mic will be handed over by a moderator. Questions will come directly from members. 30 mins allocated.
- Closing remarks (4.15pm)
- Kai at 4.30pm. 5.30pm finish. Travel time to airport.

