



## Todd McClay

Member of Parliament for Rotorua

14 July 2011

His Worship Mayor Richard Kempthorne  
Tasman District Council  
Private Bag 4  
Richmond  
NELSON 7050



To Your Worship Mayor Kempthorne,

As you may be aware I recently announced my intention to bringing a Bill before Parliament to restrict the display of gang insignia from all government buildings, public schools and hospitals in New Zealand.

Criminal gangs are the backbone of organised crime in this country. They profit from the intimidation and harm of law abiding citizens and inflict significant misery to families and communities through their involvement with violent crime and the drug trade. They are the driving force behind the manufacture and sale of methamphetamine in our towns and cities and the public feels intimidated by their presence in public places.

Since announcing my Bill I have received overwhelming public support for this clampdown on gangs. Recent police information has suggested that since the introduction of the Wanganui Gang Patch Act, gang membership in this city has decreased by more than 15% with residents saying that they no longer feel intimidated when they go about their business in Wanganui.

I am encouraged to have received strong support for my Bill from a number of Councils and territorial authorities around the country. These Mayors have asked me to consider extending the scope of my bill to include local government building and premises. I see merit in this suggestion and therefore seek your support for the Prohibition of Gang Insignia in Government Premises Bill, and would be interested in your views on whether the inclusion of Council controlled premises is something that you believe the ratepayers of your district would benefit from.

The Prohibition of Gang Insignia in Government Premises Bill will not stop people from entering government buildings. It merely sets a standard that to do so, members of criminal organisations must leave their gang patches at home ensuring that employees of government and the public will be free of intimidation and threat in government premises.

I have enclosed a brief overview of my Bill for your information. I intend making a decision over the widening of the scope of this Bill towards the end of August and would therefore welcome your support and comments by 15 August 2011.

My very best wishes,

**Todd McClay MP**  
Member of Parliament for Rotorua

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## **Prohibition of Gang Insignia in Government Premises Bill.**

Todd McClay MP for Rotorua has announced that he will introduce a Members Bill to the Parliamentary Ballot to prohibit the display of gang insignia from all Government buildings in New Zealand.

### **The following is an overview of the proposed law.**

This Bill introduces restrictions surrounding gang insignia being displayed on the premises of Departments of the Public Service and Statutory Entities in New Zealand as defined by the State Sector Act 1988 and the Crown Entities Act 2004.

Gangs serve no legitimate purpose in New Zealand society and the public has a right to be protected from their intimidation and the significant harm that they do. Concern over public safety and gang involvement with organised crime in New Zealand has increased among law abiding citizens. Gangs are commonly identified by their insignia, which associates the wearer with an organisation which has criminal intent. This insignia is often worn as a badge of pride and demonstrates a high probability that the wearer has committed crimes as a means to earn the right to wear gang colours or insignia.

Departments of the Public Service and Crown Entities provide a valued service to members of the public. In so doing they employ a professional workforce of staff and advisors who deserves to feel safe in the work place. Members of the public also have a right to seek assistance from Ministry officials and state agencies in a safe and secure environment free from outside influences and intimidation. The display of gang insignia at publicly accessible government premises by members of gangs has the capacity to intimidate staff members and to cause on-going concern and distress to the general public.

### **The Bill will achieve the following:**

1. Prohibit the display of gang insignia on premises of Departments of the Public Service and Crown Entities in New Zealand;
2. Name specific gangs to be covered by the law;
3. Be future proofed by allowing the Minister of Police to add gangs to the prohibited list through regulation setting powers;
4. Cover all signs, symbols, or representations commonly displayed to denote membership of, an affiliation with, or support for a gang, not including tattoos, and includes any items of clothing to which a sign, symbol, or representation is affixed;

5. Include all offices, buildings and facilities both permanent and temporary under the authority of Departments of the Public Service as defined in Schedule 1 of the State Sector Act 1988 and Crown Entities as defined in Schedule 1 of the Crown Entities Act 2004;
6. Include the grounds of public schools and early childhood education facilities;
7. Include the grounds of public hospitals and health facilities under the authority of District Health Boards;
8. Exclude residential dwellings under the authority of the Housing New Zealand Corporation and buildings of State Owned Enterprises;

### **Penalty**

Contravention of this law will result in arrest, a fine of up to \$2000 and the destruction of the gang insignia. Police will have the ability to arrest a person who has contravened this law at any time. It will not be necessary for the police to apprehend a suspect at the time the law is broken.