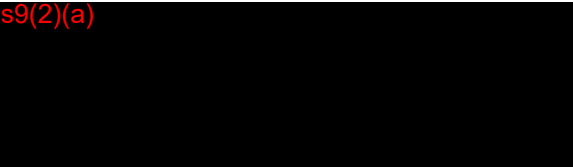


12 April 2024

s9(2)(a)



Ni sa Bula vinaka

s9(2)(a)



## RESPONSE TO AN OFFICIAL INFORMATION ACT REQUEST (REF: DOIA049-202324)

On 11 March 2024, you contacted the Ministry for Pacific Peoples (the Ministry) requesting under the Official Information Act 1982 (OIA), information relating to documents provided by the Ministry for Pacific Peoples (the Ministry) on the implementation of the Gang Amendment Bill. I have outlined your request and my response below.

*Copies of all advice, briefings, memos, feedback or any other documents provided by the Ministry for Pacific Peoples on the implementation of the Gang Amendment Bill as referred to on page 22 of the Regulatory Impact Statement, including which ministers, if any, it was provided to.*

I have identified four documents that are within the scope of your request. Copies of these are appended to this response (refer **Appendix One**). Some information has been withheld under the following sections of the OIA:

- s9(2)(f)(iv) to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers and officials.
- S9(2)(g)(ii) to maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.

I am satisfied that there are no other public interest considerations that render it desirable to make the information withheld under section 9 of the OIA available.

In line with standard OIA practice, the Ministry proactively publishes some of its responses to OIA requests. As such, this letter may be published on the Ministry for Pacific Peoples' website. Your personal details will be removed, and the Ministry will not publish any information that would identify you or your organisation.

Should you wish to discuss this response with us, please feel free to contact the Ministry at: [oi\\_requests@mpp.govt.nz](mailto:oi_requests@mpp.govt.nz).

If you are dissatisfied with this response, you have the right, under section 28(3) of the OIA, to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Vinaka vakalevu

A handwritten signature in blue ink, appearing to read 'Lucy Cassels', is centered on a light blue rectangular background.

Lucy Cassels  
**Deputy Secretary,  
Policy & Strategy**

**From:** s9(2)(g)(ii)  
**To:**  
**Cc:** [MPP Advice](#)  
**Subject:** RE: For feedback: gangs 100 day plan Cabinet paper  
**Date:** Friday, 1 December 2023 3:47:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)

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Talofa

Thank you for the opportunity to comment on this cabinet paper to support the Government's 100-day plan. We appreciate that you are working to tight timeframes and will keep our advice as brief as possible. Our comments focus on recommendations to further consider the implications for Pacific peoples on the proposals.

**General cabinet paper feedback**

- Pacific peoples are already overrepresented in the criminal justice system, and this change in policy may result in further disproportionate impacts for Pacific communities. We consider a higher level of detail is required on implications for Pacific peoples, so as to ensure the analysis is robust.

**Population implications**

- For example, we recommend there be more of a mention of the impact this policy will have on Pacific peoples in points 66 – 71. Currently there is no mention of Pacific people's presence in gangs and the implications this policy will have on them. Similar to Māori and other disadvantaged groups, membership mainly comprises those who come from a shared history of negligence, family harm, discrimination, and displacement in their society.

s9(2)(f)(iv)

**Next steps for engaging with us on the omnibus Bill**

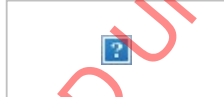
- We acknowledge the short timeframes and limitations on consultation. In addition to the 4th of December follow up consultation, we are more than happy to review and provide input to the drafting of the Bill once you are at that stage.

Many thanks again for the opportunity to provide this feedback, we look forward to hearing from you on Monday.

Fa'afetai lava,

s9(2)(g)(ii)

Level 1, 101-103 The Terrace  
PO Box 833, Wellington 6140, New Zealand



RELEASED UNDER THE OFFICIAL INFORMATION ACT (1982)

**From:** s9(2)(g)(ii)  
**To:**  
**Cc:** [MPP Advice](#)  
**Subject:** RE: Consultation - Gangs Policy RIA  
**Date:** Wednesday, 7 February 2024 6:15:00 pm  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)

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Talofa Stephan

Thank you for the opportunity to comment on this Regulatory Impact Statement (RIS) to support the Government's 100-day commitment to responding to gang harms. We provided feedback to your Cabinet paper on these proposals on 1 December 2023, and acknowledge our feedback was included in the final paper.

Noting that you are working to tight timeframes our comments are focussed on the implementation of the Coalition Government's gang harms policies and potential considerations for Pacific peoples.

***Note on data, and overall impacts for Pacific peoples***

Pacific peoples represent a significant number of the total population in custody with gang affiliations, and we wish to reiterate that Pacific peoples are overrepresented in the criminal justice system, overall. For this reason, policy responses will need to consider these statistics, drawing on accurate data. The RIS draws on data from 2017, which provides some challenges in your analysis, and if there is more up-to-date population data for Pacific peoples, we would recommend including this.

While your population analysis highlights gang membership is known to be concentrated among populations that are on average younger, disproportionately male, live in more deprived communities, and disproportionately Māori, it is important that policy approaches/responses are appropriately future-proofed for Pacific populations also. The Pacific population is much younger and faster growing than the general population, therefore it is important to note that these (current) changes may also result in further disproportionate impacts for Pacific peoples, in the future.

Having regard to these issues will ultimately ensure higher-quality and more tailored policy settings, which respond to Pacific peoples' challenges.

***Option one - Status quo***

We acknowledge that the Ministry of Justice's (MoJ) preferred option for the proposals is the status quo, as evidence shows that the existing powers allow for effective response to gang harm.

The status quo includes the Resilience to Organised Crime in Communities (ROCC) programme which is a cross-agency effort to work with local communities to reduce the social drivers and harms of organised crime. Paragraph 161 notes that Police will work with ROCC communities for input and oversight into how the use of the new powers align with their priorities and interventions to address the harms and drivers of offending. We would like to further understand to what extent Pacific communities are included in this work.

***Moving forward – next steps***

We note that two years after implementation, MoJ (alongside operational agencies) will conduct a review of these changes. We would like to further understand how the impact and outcomes for Pacific peoples will be considered in this review and would like to remain engaged in any future engagements.

We look forward to receiving the leg paper for feedback in due course.

Fa'afetai lava,

s9(2)(g)(ii)

Level 1, 101-103 The Terrace  
PO Box 833, Wellington 6140, New Zealand



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Excerpt from Weekly Report to the Minister for Pacific Peoples  
For the period ending 2 February 2024

## 6. THE MINISTRY'S ADVICE

100-day Gangs Policy	
<b>Agency</b>	Ministry of Justice
<b>Date feedback provided</b>	26 January 2024
<b>Type of paper</b>	Draft proactive release of Cabinet paper
<b>Cabinet Committee</b>	N/A
<b>Summary of paper</b>	This paper sought the proactive release of the 100-day Gangs Policy Cabinet paper that delivers on the proposals set out in the Government's 100-day plan relating to restoring law and order. The Ministry provided advice for this paper on 1 December 2023 which was incorporated by Justice and approved by Cabinet.
<b>Feedback provided</b>	This proactive release does not compromise any sensitive information from the Ministry's perspective, and we have approved its release with no further redactions.
<b>Ministry position</b>	As above.
<b>Feedback incorporated in final report</b>	N/A
<b>Feedback incorporated in final report</b>	Not yet known.

RELEASED UNDER THE OFFICIAL INFORMATION ACT (1982)

Excerpt from Weekly Report to the Minister for Pacific Peoples  
For the period ending 16 February 2024

## 6. THE MINISTRY'S ADVICE

Responding to gang harms	
<b>Agency</b>	Ministry of Justice
<b>Date feedback provided</b>	7 February 2024
<b>Type of paper</b>	Regulatory Impact Statement (RIS)
<b>Cabinet Committee</b>	Cabinet Legislation Committee (LEG)
<b>Summary of paper</b>	The Coalition Government's 100-day commitments include introducing legislation to respond to gang harm. The RIS considers options for delivering on the Coalition Government's gang harms policy and their associated costs and benefits, the proposed implementation and review. Ultimately, the Ministry of Justice recommends retention of the status quo, arguing that existing powers are already effectively able to respond to gang harm.
<b>Feedback provided</b>	<p>The Ministry provided feedback to the gang harms Cabinet paper on 1 December 2023 on population implications, and our feedback was included in the final paper. Our comments have focused on the implementation of the Coalition Government's gang harms policies, and its potential to impact Pacific peoples.</p> <p>In delivering its advice to Ministry of Justice, the Ministry pointed to the need for accurate statistics, and tailored policy advice in this space, which addresses the wider population as well as Pacific peoples' situations. This is because Pacific peoples represent a significant number of the total population in custody with gang affiliations, and are overrepresented in the criminal justice system, overall. Further, as the Pacific population is younger and faster growing than the general population, any current changes may result in further disproportionate impacts for Pacific peoples in the future. Having regard to these issues will ultimately ensure higher-quality and more tailored policy settings, which respond to Pacific peoples' challenges.</p>
<b>Ministry position</b>	The Ministry continues to have an interest in this work as it progresses through the legislative stages and the implementation.
<b>Feedback incorporated into final report</b>	TBC