

Gangs Bill

(Divided from the Gangs Legislation Amendment Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Gangs Legislation Amendment Bill as reported from the Justice Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- this Bill comprising clauses 1 and 2, Parts 1 to 4, and Schedules 1 to 3
- Sentencing Amendment Bill comprising Part 5 and Schedule 4.

This Bill was then further amended to incorporate AP 111.

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

~~text deleted~~

Hon Paul Goldsmith

Gangs Bill

Government Bill

Contents

	Page
1 Title	3
2 Commencement	3
Part 1	
Preliminary provisions	
3 Purpose	3
4 Interpretation	3
5 Transitional, savings, and related provisions	6
6 Act binds the Crown	6
Part 2	
Prohibition on display of gang insignia in public places	
7 Prohibition on display of gang insignia in public place	6
8 Exceptions to prohibition	7
8A Mandatory gang insignia prohibition order for repeat offences	7
Part 3	
Dispersal notices and non-consorting orders	
Subpart 1—Dispersal notices	
9 Power to issue dispersal notice	8
10 Service of dispersal notice	8
11 Power to detain for purposes of issuing and serving notice	9
11A Duty of constable to explain dispersal notice	9
12 Requirement to disperse	10
<i>Duration and terms of notice</i>	
13 Duration of dispersal notice	10
14 Terms of dispersal notice	10

Gangs Bill

15	Limits on dispersal notices	11
16	Variation of dispersal notice for specified reasons	11
	<i>Offence</i>	
17	Breach of dispersal notice	12
	<i>Review of notice</i>	
18	Review of dispersal notice	12
	Subpart 2—Non-consorting orders	
19	Power to make non-consorting orders	13
	<i>Duration and terms of order</i>	
20	Duration of non-consorting order	13
21	Terms of non-consorting order	13
22	Limits on non-consorting orders	13
	<i>Offence</i>	
23	Breach of non-consorting order	14
	<i>Variation and discharge of order</i>	
24	Variation or discharge	14
25	Variation of non-consorting order for specified reasons	14
	<i>Proceedings</i>	
26	Civil proceedings	14
	Part 4	
	Miscellaneous provisions	
	<i>Standard of proof</i>	
27	Standard of proof	15
	<i>Filing charging document</i>	
28	Filing charging document for offence	15
	<i>Application of Evidence Act 2006</i>	
29	Application of Evidence Act 2006	15
	<i>Secondary legislation</i>	
30	Power to amend Schedule 2 by Order in Council	15
31	Regulations	16
	<i>Amendment to Legal Services Act 2011</i>	
32	Principal Act	16
33	Section 4 amended (Interpretation)	17
	<i>Amendment to District Court Fees Regulations 2009</i>	
33A	Principal regulations	17
33B	Regulation 3 amended (Application)	17

	<i>Repeals, revocation, and consequential amendments</i>	
34	Repeals and revocation	17
35	Consequential amendments	17
	
	Schedule 1	18
	Transitional, savings, and related provisions	
	Schedule 2	19
	Identified gangs	
	Schedule 3	21
	Consequential amendments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Gangs Act **2024**.

2 Commencement

This Act comes into force on **21 November 2024**.

5

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to reduce the ability of gangs to operate and cause fear, intimidation, and disruption to the public by—

10

- (a) prohibiting the display of gang insignia in public places:
- (b) providing for the issue of dispersal notices to stop gang members from gathering in public places:
- (c) providing for the making of non-consorting orders to prevent specified gang offenders from associating or communicating with each other for 3 years.

15

4 Interpretation

In this Act, unless the context otherwise requires,—

associate, with another person, means to be in the company of the other person
communicate, with another person, means to communicate directly or indirectly with the other person by any means (for example, telephone, email, or any other form of electronic communication)

20

consort, in relation to a person who is a specified gang offender, means to associate or communicate (or both) with another specified gang offender or other specified gang offenders

constable has the same meaning as in section 4 of the Policing Act 2008

criminal activity means an activity that constitutes the commission of an offence 5

dispersal notice means a notice issued under **section 9**

electronic address includes an email address

gang means any organisation, association, or group of persons that is specified by a name that is the same as, or substantially similar to, that of any organisation, association, or group of persons identified in **Schedule 2** 10

gang insignia—

- (a) means a sign, symbol, or representation commonly displayed to denote membership of, or an affiliation with, a gang, not being a tattoo; and
- (b) includes any item or thing to which a sign, symbol, or representation referred to in **paragraph (a)** is attached or affixed (for example, clothing or a vehicle) 15

gang member includes the following:

- (a) an individual who is a prospective member or nominee;
- (b) an individual who demonstrates affiliation to a gang by displaying the gang's insignia: 20
- (c) an individual who is involved in the affairs of a gang for the likely purpose of participating in a criminal activity

government agency means—

- (a) a public service agency (as defined in section 5 of the Public Service Act 2020): 25
- (b) a Crown entity (within the meaning of section 7 of the Crown Entities Act 2004):
- (c) the New Zealand Police:
- (d) the New Zealand Defence Force 30

immediate family, in relation to a person,—

- (a) means a member of the person's family, whānau, or other culturally recognised family group, who is in a close relationship with the person; and
- (b) to avoid doubt, includes— 35
 - (i) a spouse, civil union partner, or de facto partner:
 - (ii) a child, whāngai, or stepchild:
 - (iii) a brother, sister, stepbrother, or stepsister:

- (iv) a parent, person who acts as parent of a whāngai, or step-parent:
- (v) a grandparent:
- (vi) a parent of the person's child

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

5

named person, in relation to a dispersal notice, means a person who—

- (a) took part in the gathering to which the dispersal notice relates; and
- (b) is named in the dispersal notice as a person with whom the person issued with the notice must not associate in a public place while the notice is in effect

10

personal service, in relation to a dispersal notice, means serving the notice by handing it to the person or, if the person refuses to accept it, leaving the notice near the person and bringing it to the person's attention

place includes any land, building, premises, or vehicle

prospective member or nominee, of a gang, means a person who is a gang member but who does not have full membership status

15

public place—

- (a) ~~means a place that, at any material time, is open to or is being used by the public, whether or not on payment of a charge, and whether or not any owner or occupier of the place is lawfully entitled to exclude or reject any person; and~~
- (b) ~~includes any vehicle, craft, or vessel that carries or is available to carry passengers for reward (for example, an aircraft, a hovercraft, a ship, a ferry, a train, or a motor vehicle); but~~
- (c) ~~does not include—~~
 - (i) ~~any publicly accessible online place (for example, an internet site or an online application or similar):~~
 - (ii) ~~for the purposes of **Part 2 or subpart 1 of Part 3**, the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000)~~

20

25

30

public place has the meaning given by section 2(1) and (2) of the Summary Offences Act 1981, but does not include—

- (a) any publicly accessible online place (for example, an internet site or an online application or similar):
- (b) for the purposes of **Part 2 or subpart 1 of Part 3**, the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000)

35

qualified constable means a constable who is of or above the level of position of sergeant

serious offence means—

- (a) an offence that is punishable by a term of imprisonment of 7 years or more; or
- (b) an offence against—
 - (i) section 16(4), 16A, 42A, 42B, 43, 43AA, 44, 44AA, 44A, 45, 50, 50AA, 50A, 50B, 50C, 50CA, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or
 - (ii) section 25, 26, or 70 of the Psychoactive Substances Act 2013; or
 - (iii) section 189(2), 202C, 232(2), 267(3), or 308A of the Crimes Act 1961

specified gang offender means a person—

- (a) who is a gang member; and
- (b) who, on or after the commencement of this Act,—
 - (i) is made subject to a firearms prohibition order under section 39A of the Arms Act 1983; or
 - (ii) is convicted of—
 - (A) a serious offence; or
 - (B) an offence under the law of another jurisdiction that, if committed in New Zealand, would be a serious offence.

Compare: 2012 No 24 s 18A; 2013 No 56 s 4

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

6 Act binds the Crown

This Act binds the Crown.

Part 2

Prohibition on display of gang insignia in public places

7 Prohibition on display of gang insignia in public place

- (1) A person commits an offence if the person knowingly, and without reasonable excuse, displays gang insignia at any time in a public place.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a term of imprisonment not exceeding 6 months or a fine not exceeding \$5,000.
- (3) If a person pleads guilty to, or is convicted of, an offence against **subsection (1)**, the gang insignia concerned—

- (a) is forfeited to the Crown; and
- (b) may be destroyed or otherwise disposed of as the court, either at the time of the conviction for the offence or on a subsequent application, directs.

Compare: 2009 No 1 (L) ss 12, 13; 2013 No 56 ss 6, 7(2), (3)

8	Exceptions to prohibition	5
	Section 7 does not apply if the display of gang insignia in a public place—	
	(a) was for, or relates to, any of the following purposes:	
	(i) a genuine artistic or educational purpose:	
	(ii) media reporting of news, observations on news, or current affairs:	
	(iii) the broadcast of a documentary:	10
	(iv) law enforcement:	
	(iva) a headstone or grave marker erected before the commencement of this Act:	
	(v) providing training or information to persons carrying out work for a government agency or local authority; and	15
	(b) was, in the circumstances, reasonable for that purpose.	
8A	Mandatory gang insignia prohibition order for repeat offences	
	(1) A court must make a gang insignia prohibition order if—	
	(a) the court convicts the person of an offence against section 7 ; and	
	(b) the person has been convicted of 2 or more previous offences against section 7 within 5 years of the date of the conviction referred to in paragraph (a) .	20
	(2) An order made under subsection (1) prohibits—	
	(a) the person from possessing gang insignia; and	
	(b) the person from controlling gang insignia; and	25
	(c) gang insignia being present at the person’s usual place of residence.	
	(3) A gang insignia prohibition order takes effect when it is made and continues in effect for 5 years.	
	(4) If a court must make an order under subsection (1) but the person is already subject to an order made under that subsection, the court must amend that order to provide that it continues in effect for 5 years from the date of the amendment.	30
	(5) A person commits an offence if the person—	
	(a) is subject to a gang insignia prohibition order; and	
	(b) intentionally breaches all or any part of the order.	35

- (6) A person who commits an offence against **subsection (5)** is liable on conviction to a term of imprisonment not exceeding 1 year.

Part 3

Dispersal notices and non-consorting orders

Subpart 1—Dispersal notices 5

9 Power to issue dispersal notice

Grounds for issuing

- (1) A constable may issue a dispersal notice to a person if the constable has reasonable grounds—
- (a) to suspect that the person— 10
 - (i) is a gang member; and
 - (ii) is one of 3 or more gang members who are gathering or were gathered in a public place; and
 - (b) to believe that issuing the notice is necessary to avoid unreasonably disrupting the activities of other members of the public. 15

Process for issuing

- (2) The dispersal notice—
- (a) must be issued in writing; and
 - (b) may be issued to the person— 20
 - (i) while the gathering is taking place; or
 - (ii) after the gathering has ended.

Limit on issuing

- (3) A dispersal notice may not be issued to a person who is a member of any group of persons who are gathering in a public place for the primary purpose of demonstrating support for, or opposition to, or otherwise publicising, a point of view, cause, or campaign. 25

Compare: 1981 No 113 s 5A(3)

10 Service of dispersal notice

- (1) A dispersal notice may be served by— 30
- (a) personal service; or
 - (b) sending it to an electronic address supplied by the person to whom it is issued.
- (2) However, a dispersal notice may only be served electronically under **subsection (1)(b)** if an explanation of the notice has been given under **section 11A** before sending the notice. 35

- (3) If the person does not supply an electronic address for the purposes of **subsection (1)(b)**, a constable may require the person to accompany the constable to a Police station to effect personal service of the notice.

11 Power to detain for purposes of issuing and serving notice

- (1) A constable who is proposing to issue a dispersal notice to a person may detain the person for the period that is reasonably necessary to do 1 or more of the following: 5
- (a) take the person’s biographical details:
 - (b) issue the notice:
 - (c) serve the notice. 10
- (2) A person who is detained under **subsection (1)** may, after being cautioned, be arrested without warrant if the person—
- (a) fails or refuses to remain at the place where the person is detained; or
 - (b) fails or refuses to give their biographical details on demand, or gives any biographical details that the constable reasonably believes to be false. 15
- (2A) A person who, after being cautioned, fails or refuses, without reasonable excuse, to comply with a direction of a constable exercising the constable’s powers under **section 10(3)** or this section—
- (a) commits an offence; and
 - (b) is liable on conviction to a fine not exceeding \$1,000. 20
- (3) In this section, **biographical details**, in relation to a person, means the person’s—
- (a) name; and
 - (b) date of birth; and
 - (c) physical address; and 25
 - (d) electronic address (if any).

Compare: 1981 No 113 s 39(2); 1998 No 110 s 114(3), (6); 2008 No 72 s 33(4); 2018 No 46 s 32(1), (2)(b)

11A Duty of constable to explain dispersal notice

- (1) A constable who issues a dispersal notice must, to the extent that it is reasonably practicable to do so in the circumstances, explain to the person to whom the notice is issued— 30
- (a) the effect and duration of the notice; and
 - (b) the consequences that may follow if the person breaches the notice.
- (2) The explanation may be given when— 35
- (a) the dispersal notice is issued under **section 9**; or
 - (b) serving the dispersal notice under **section 10**; or

- (c) detaining the person under **section 11** for the purposes of issuing or serving the notice (or both).
- (3) A failure to comply with this section does not affect the validity of the dispersal notice.
Compare: 2018 No 46 s 33(1) 5
- 12 Requirement to disperse**
- (1) This section applies if a dispersal notice is issued to a person while the gathering to which it relates is taking place.
- (2) A constable may require the person issued with the notice and all or any of the named persons— 10
- (a) to immediately leave the public place (or part of the public place) specified by the constable; or
- (b) to go beyond a reasonable distance from the public place (or part of the public place) specified by the constable.
- Duration and terms of notice* 15
- 13 Duration of dispersal notice**
- (1) A dispersal notice issued to a person takes effect when it is served on the person.
- (2) A dispersal notice continues in effect for 7 days starting on the day on which the gathering to which it relates took place, unless the notice is sooner revoked under **section 18(2A)**. 20
- 14 Terms of dispersal notice**
- A dispersal notice must—
- (a) state the following information:
- (i) the name and date of birth of the person to whom the notice is issued: 25
- (ii) the date on which the notice was issued:
- (iii) the date on which the gathering to which the notice relates took place:
- (iv) the address or location where the gathering to which the notice relates took place; and 30
- (b) specify the name of each named person with whom the person must not associate in a public place while the notice is in effect; and
- (c) include the following information:
- (i) a statement that, unless sooner revoked, the notice continues in effect for 7 days starting on the day on which the gathering to which it relates took place: 35

-
- (ii) a statement that the notice does not prevent the person from associating with a named person in a public place if any of the circumstances specified in **section 15** apply:
 - (iia) a statement that the person may apply for a variation of the notice under **section 16**: 5
 - (iii) a statement that associating with a named person in a public place while the notice is in effect constitutes an offence against **section 17**:
 - (iv) a statement that the person may apply for a review of the notice under **section 18**: 10
 - (v) the contact details of New Zealand Police where the person may apply for a review of the notice or for any variations to the notice to be considered:
 - (vi) any other information required by regulations made under **section 31**. 15
- 15 Limits on dispersal notices**
- A dispersal notice may not prevent any of the persons subject to the notice from associating in a public place if they are—
- (a) members of the same immediate family; or
 - (b) doing so— 20
 - (i) because they are in legal custody, serving a sentence, appearing in court, subject to a court order, or subject to an order or conditions imposed by or under legislation; or
 - (ii) for work, education, or health care purposes.
- 16 Variation of dispersal notice for specified reasons** 25
- (1) A person issued with a dispersal notice may apply to a qualified constable to vary the terms of the notice to allow the person to associate with a named person in a public place in order to—
 - (a) attend a specified tangi or funeral; or
 - (b) participate in any other specified lawful activity. 30
 - (2) The application must be made—
 - (a) in writing; and
 - (b) during the period in which the dispersal notice is in effect.
 - (2A) A qualified constable may vary the notice if satisfied that—
 - (a) the proposed variation relates to an activity referred to in **subsection (1)(a) or (b)**; and 35
 - (b) granting the variation would not unreasonably disrupt the activities of other members of the public.

- (3) The application must be decided, and the decision must be communicated to the applicant, within 48 hours after the application is made.

Offence

17 Breach of dispersal notice

- (1) A person commits an offence if the person— 5
- (a) has been served with a dispersal notice; and
 - (b) knowingly, and without reasonable excuse, associates with a named person in a public place during the period in which the notice is in effect.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding \$5,000. 10

Review of notice

18 Review of dispersal notice

- (1) A person issued with a dispersal notice may apply to the Commissioner of Police for a review of the notice if the person believes that the notice was not issued in accordance with the requirements of this Act. 15
- (2) The application must be made—
- (a) in writing; and
 - (b) during the period in which the dispersal notice is in effect.
- (2A) After reviewing the application, the Commissioner of Police— 20
- (a) may uphold, vary, or revoke the dispersal notice; but
 - (b) must revoke the dispersal notice (by giving written notice to the applicant) if satisfied that any of the following apply:
 - (i) the person to whom the notice was issued is not a gang member:
 - (ii) the gathering to which the notice relates— 25
 - (A) did not occur in a public place; or
 - (B) did not consist of 3 or more gang members:
 - (iii) issuing the notice was not necessary to avoid unreasonably disrupting the activities of other members of the public:
 - (iv) the notice was issued in contravention of **section 9(3)**. 30
- (3) The application must be decided, and the decision must be communicated to the applicant, within 48 hours after the application is made.
- (5) If the notice is revoked, the revocation takes effect on the date and at the time specified in the revocation notice.
- (6) A dispersal notice ceases to have effect if a decision is not made, or is not communicated, within the time frame specified in **subsection (3)**. 35

Subpart 2—Non-consorting orders

19 Power to make non-consorting orders

- (1) The District Court must, on hearing an application made by the Commissioner of Police, make a non-consorting order in respect of a person if satisfied that—
- (a) the Commissioner of Police has given notice of the application to the person; and 5
 - (b) the person is a specified gang offender; and
 - (c) the order would specify another specified gang offender or other specified gang offenders with whom the person may not consort; and
 - (d) the order would assist in disrupting or restricting the capacity of the person to engage in conduct that amounts to a serious offence. 10
- (1A) The application must be made in accordance with the rules of the District Court for originating applications.
- (1B) Notice of the application must be given in accordance with the rules of the District Court for personal service. 15
- (2) The District Court may not make a non-consorting order in respect of a person if satisfied that the person has shown that its detrimental effects on the person outweigh its societal benefits.

Duration and terms of order

20 Duration of non-consorting order 20

A non-consorting order takes effect when it is made and continues in effect (unless earlier discharged) for 3 years.

21 Terms of non-consorting order

A non-consorting order must specify—

- (a) the name of the person to whom the order applies; and 25
- (b) the name of each specified gang offender with whom the person may not consort; and
- (c) the duration of the order.

22 Limits on non-consorting orders

A non-consorting order may not prevent a specified gang offender from consorting with another specified gang offender if they are— 30

- (a) members of the same immediate family; or
- (b) doing so—
 - (i) because they are in legal custody, serving a sentence, appearing in court, subject to a court order, or subject to an order or conditions imposed by or under legislation; or 35

- (ii) for work, education, or health care purposes.

Offence

23 Breach of non-consorting order

- (1) A person commits an offence if the person—
- (a) is subject to a non-consorting order; and 5
 - (b) knowingly, and without reasonable excuse, breaches the order.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 5 years or a fine not exceeding \$15,000.
- Compare: 2021 No 36 s 171; 2015 No 70 s 47 10

Variation and discharge of order

24 Variation or discharge

- (1) The District Court may vary or discharge a non-consorting order on application by—
- (a) the Commissioner of Police; or 15
 - (b) a person subject to the order.
- (2) The District Court must discharge a non-consorting order in respect of a person if satisfied that the person is no longer—
- (a) a gang member; and
 - (b) considered at risk of committing a serious offence. 20
- (3) A varied non-consorting order takes effect and expires, and may be varied or discharged, in the same way as one that has not been varied.
- Compare: 2019 No 79 s 27; 2002 No 10 s 107M(1), (4)

25 Variation of non-consorting order for specified reasons

- (1) The District Court may, on application by a person subject to a non-consorting order, vary the terms of the order to allow the person to— 25
- (a) attend a specified tangi or funeral; or
 - (b) participate in any other specified lawful activity.
- (2) The application must be determined as soon as practicable.
- Compare: 2019 No 79 s 15(4) 30

Proceedings

26 Civil proceedings

Proceedings in respect of non-consorting orders, other than those under **section 23**, are civil proceedings.

Part 4 Miscellaneous provisions

Standard of proof

- 27 Standard of proof** 5
- (1) This section applies to a question of fact arising in a proceeding—
- (a) that is a proceeding under this Act; and
 - (b) that is not a proceeding for an offence against this Act.
- (2) The question must be decided on the balance of probabilities.
- Compare: 2019 No 79 s 31

Filing charging document 10

- 28 Filing charging document for offence**
- Only a constable may file a charging document for an offence against this Act.
- Compare: 2009 No 1 (L) s 15; 2013 No 56 s 9

Application of Evidence Act 2006

- 29 Application of Evidence Act 2006** 15
- (1) A Judge may apply section 128 of the Evidence Act 2006 in deciding whether a sign, symbol, or representation is gang insignia for the purposes of this Act.
- (2) **Subsection (1)** does not limit section 128 of the Evidence Act 2006.
- Compare: 2013 No 56 s 6(3)

Secondary legislation 20

- 30 Power to amend **Schedule 2** by Order in Council**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, amend **Schedule 2** to do either or both of the following:
- (a) add the name of an organisation, association, or group of persons identified as a gang for the purposes of this Act to the schedule: 25
 - (b) remove the name of an organisation, association, or group of persons identified as a gang for the purposes of this Act from the schedule.
- (2) The Minister of Police may not make a recommendation under **subsection (1)(a)** unless satisfied on reasonable grounds that the organisation, association, or group proposed to be identified— 30
- (a) has a common name or common identifying signs, symbols, or representations; and
 - (b) is currently active in New Zealand; and

- (c) has members or associates who individually or collectively have, within the previous 5 years, engaged in conduct that amounts to—
- (i) a category 3 offence or category 4 offence (as defined in section 6(1) of the Criminal Procedure Act 2011); or
 - (ii) an offence under the law of another jurisdiction that, if committed in New Zealand, would be a category 3 offence or category 4 offence (as defined in section 6(1) of the Criminal Procedure Act 2011). 5
- (2A) Nothing in **subsection (2)(c)** applies to conduct that consists primarily of civil disobedience for the purpose of political activism. 10
- (3) The Minister of Police may not make a recommendation under **subsection (1)(b)** unless satisfied on reasonable grounds that the organisation, association, or group previously identified no longer has the characteristics specified in **subsection (2)**.
- (3A) The Minister of Police must review the list of identified gangs in **Schedule 2**— 15
- (a) before making a recommendation under **subsection (1)(a) or (b)**; and
 - (b) within 5 years after the commencement of this Act if no recommendation has been made during that period.
- (3B) The Minister of Police must review the list of identified gangs in **Schedule 2** at least once every 5 years after it was last reviewed. 20
- (4) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2013 No 56 s 5

31 Regulations 25

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
- (a) providing for anything that this Act says may or must be provided for by regulations; and
 - (b) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act. 30
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendment to Legal Services Act 2011

32 Principal Act 35

Section 33 amends the Legal Services Act 2011.

33 Section 4 amended (Interpretation)

In section 4(1), definition of **specified application**, after paragraph (cb), insert:

- (cc) by a person who is a respondent to an application under **subpart 2 of Part 3** of the **Gangs Legislation Amendment Act 2024**, or who is subject to an order under that Act, in respect of an application under that Act; or

5

Amendment to District Court Fees Regulations 2009

33A Principal regulations

Section 33B amends the District Court Fees Regulations 2009.

33B Regulation 3 amended (Application)

10

Replace regulation 3(2)(a)(vii) with:

- (vii) the Harmful Digital Communications Act 2015;
 (viii) **Parts 1 to 4 of the Gangs Legislation Amendment Act 2024**; or

Repeals, revocation, and consequential amendments

15

34 Repeals and revocation

- (1) The Prohibition of Gang Insignia in Government Premises Act 2013 (2013 No 56) is repealed.
- (2) The Wanganui District Council (Prohibition of Gang Insignia) Act 2009 (2009 No 1) (L) is repealed.
- (3) The Prohibition of Gang Insignia in Government Premises Regulations 2018 (LI 2018/64) are revoked.

20

35 Consequential amendments

Amend the legislation specified in **Schedule 3** as set out in that schedule.

.

25

Schedule 1
Transitional, savings, and related provisions

s 5

Part 1
Provisions relating to this Act as enacted

5

There are no transitional, savings, or related provisions in this Act as enacted.

Schedule 2 Identified gangs

ss 4, 30

1	Aotearoa Natives	
2	Bandidos MC	5
2A	Barbarian Stormtrooper	
3	Black Power	
4	Comanchero MC	
5	Crips	
5A	Damned Pirates	10
6	Devils Henchmen MC	
8	Filthy Few MC	
9	Fitus	
11	Full Blooded Islanders	
12	Greazy Dogs MC	15
13	Head Hunters MC	
14	Hells Angels MC	
15	Highway 61 MC	
16	HTOWN07	
17	Killerbeez	20
18	King Cobra	
19	Kuki Squad	
22	Magog MC	
23	Mangu Kaha	
24	Mongols MC	25
25	Mongrel Mob	
27	New Zealand Nomad	
28	Outcasts MC	
29	Outlaws MC	
30	Rebels MC	30
32	Road Knights MC	
33	Satans Slaves MC	
36	Stormtrooper	
37	Taupiri MC	
38	Tribal Huk	35

39 Tribesmen MC

40 Uru Taha

41 West Side

Compare: 2013 No 56 s 4; LI 2018/64 rr 3–9

Schedule 3

Consequential amendments

s 35

Arms Act 1983 (1983 No 44)

In section 24A(6), definition of **gang**, replace “section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013” with “**section 4 of the Gangs Legislation Amendment Act 2024**”. 5

Search and Surveillance Act 2012 (2012 No 24)

In section 18A, definition of **gang**, replace “section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013” with “**section 4 of the Gangs Legislation Amendment Act 2024**”. 10

In section 18A, definition of **gang insignia**, replace “section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013” with “**section 4 of the Gangs Legislation Amendment Act 2024**”. 15

In section 18A, replace the definition of **gang member** with:

gang member has the same meaning as in **section 4 of the Gangs Legislation Amendment Act 2024**

.

Legislative history

8 August 2024

Divided from Gangs Legislation Amendment Bill (Bill 23–2) as Bill 23–3A

18 September 2024

Recommittal to committee of the whole House, committee of the whole House (Bill 23-4A)