

[Parliamentary Coat of Arms]

**Wanganui District (Prohibition of Gang Insignia) Act 2007**

Local Act	2007 No [ ]
Date of Assent	[date]
Commencement	see section 2

**Contents**

	Preamble
1	Title
2	Commencement
3	Purpose
4	Interpretation
5	Power to make bylaws designating specified places
6	Prohibition of Gang Insignia
7	Powers of arrest and seizure in relation to persons wearing or displaying gang insignia

**Preamble**

- (1) Wanganui District Council is a territorial authority constituted under the Local Government Act 2002 and is required to give effect to the purpose of local government including promotion of the social, economic, environmental and cultural well being of communities in the present and for the future:
- (2) The Council has become aware of increasing problems created by violent confrontations between rival gangs in the district. The wearing or display of gang insignia in public places is the principle means of identifying the members or associates of different gangs and contributes to and is likely to promote further violent gang confrontations. Members of the public are being intimidated by gang members congregating in public places and wearing gang insignia. There has been repeated instances of residents in the district being frightened by such displays:
- (3) There is an informal policy at a number of public buildings in Wanganui, for example police stations, the Courthouse and the Hospital of prohibiting gang members from wearing or displaying gang insignia. The Act is an extension of the existing informal regime :
- (4) The Council wishes to minimise such confrontations and prevent intimidation of members of the public by gang members. The New Zealand Police support the Council's objectives in this regard.

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Wanganui District (Prohibition of Gang Insignia) Act [2007]

**2 Commencement**

This Act comes into force on [date]

**3 Purpose**

The purpose of the Act is to prohibit the wearing or display of gang insignia in specified places in the District.

**4 Interpretation**

(1) In this Act unless context otherwise requires:

**Council** means the Wanganui District Council

**District** means the district of the Wanganui District Council

**gang** means-

- (a) Black Power, Hells Angels, Magogs, Mothers, Mongrel Mob, Nomads or Tribesmen; and
- (b) any other specified organisation, association or group of persons identified in a bylaw made pursuant to section 5 of this Act.

**gang insignia** means any sign, symbol or representation (with the exception of tattoos) which relates to or identifies a gang, and includes any items of clothing to which signs, symbols or representations are attached.

**public place** has the same meaning as section 147(1) of the Local Government Act 2002

**specified place** means a public place identified in a bylaw made pursuant to section 5 of this Act

- (2) Without limitation, and for the avoidance of doubt, a Judge may apply s128 of the Evidence Act 2006 in deciding whether a sign, symbol or representation comprises gang insignia under this Act.
- (3) If any question arises as to the identity of a gang, common reputation shall be evidence that a gang exists by that name and it shall not be necessary to have or produce evidence, in proof of that identity.

**5 Power to make bylaws designating specified places or new gangs**

- (1) The Council may, from time to time, make bylaws:
  - a. designating any public place a specified place for the purposes of this Act;
  - b. identifying any organisation, association or group of persons as a gang for the purposes of this Act.
- (2) In making a bylaw under subsection (1), the Council must use the special consultative procedure set out in section 83 of the Local Government Act 2002.
- (3) The Council shall not make a bylaw identifying a gang under subsection (1)(b) unless it is satisfied that the organisation, association or group proposed to be regulated, has the following characteristics:
  - a. a common name or common identifying signs, symbols or representations; and
  - b. its members, associates or supporters individually or collectively engage in criminal activity.
- (4) The Council may only make a bylaw under this section if it is satisfied that the bylaw is demonstrably justified in order to prevent intimidation or harassment of lawful persons in a specified place or to avoid or reduce the potential for confrontation by or between gangs.

**6 Prohibition of Gang Insignia**

- (1) No person shall wear or display at any time gang insignia in a specified place in the District.
- (2) Every person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$5000.

**7 Powers of arrest and seizure in relation to persons wearing or displaying gang insignia**

- (1) A member of the police may, without warrant, -
  - a. Arrest a person whom the member of the police has good cause to suspect has committed an offence against section 6(2);
  - b. Seize and remove gang insignia (by the use of force if necessary) being worn or displayed in a specified place ;
- (2) Gang insignia seized under subsection (8)(1) (a) is forfeited to the Crown if the person from whom the gang insignia is taken is convicted of an offence under section 6 (2)