

**IN THE WAITANGI TRIBUNAL**

Wai 3060

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

Te Rau o te Tika: the Justice  
System Kaupapa Inquiry

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**MEMORANDUM-DIRECTIONS OF JUDGE C M WAINWRIGHT**  
**COMMISSIONING RESEARCH**

11 December 2024

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1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, I commission researcher Philip Cleaver to prepare a report on Māori, gangs, and the criminal justice system for Te Rau o te Tika: the Justice System Inquiry (Wai 3060).
2. The report should provide a historical overview of the evolution and experience of predominantly Māori gangs and Māori gang members from the 1950s to c.2000, focusing on their relationship with the criminal justice system and Crown policy responses. The contemporary aspect of the report should focus on Crown responses to predominantly Māori gangs and Māori gang members from c.2000 to the present.
3. The report will address the following research questions, where possible:

*Historical background*

- (a) Under what circumstances did Māori involvement in gangs originate since the 1950s? How has the culture, structure, and operation of predominantly Māori gangs evolved from the 1950s to c.2000? What factors influenced gang membership from the 1950s to c.2000?
- (b) What were the major historical developments in Crown legislation, policy, and practice relating to predominantly Māori gangs and Māori gang members from the 1950s to c.2000?
- (c) How have predominantly Māori gangs and Māori gang members been perceived in New Zealand's national consciousness? Has this perception changed over time, and if so how? How has this shaped Crown policy directed towards predominantly Māori gangs and gangs more generally?

*Contemporary Crown responses to Māori and gangs c.2000 to the present*

- (d) What strategies, legislation, policies and practices has the Crown developed to address gangs, including predominantly Māori gangs? How did these strategies, legislation, policies and practices arise and what motivated their development? Did the Crown consult with Māori in their development and implementation?
- (e) Has the Crown's response to predominantly Māori gangs and Māori gang members, and gangs more generally, changed since c.2000? If so, what prompted these changes? How has the New Zealand Police's approach to predominantly Māori gangs and Māori gang members, and gangs more generally evolved?
- (f) To what extent, if any, does gang association impact the sentencing of Māori defendants? To what extent, if any, do patterns of Māori offending and sentencing correlate with gang association?
- (g) To what extent, if any, have predominantly Māori gangs and Māori gang members been treated differently in the criminal justice system compared to other gangs??
- (h) Are there any regional variations in the Crown's approach to addressing predominantly Māori gangs, Māori gang members and gangs more generally? If so, what is the cause of these variations?

- (i) In what ways, if any, are victims of crime who are whānau of Māori gang members treated differently by the criminal justice system? If so, what is the impact of this treatment on these victims?
- (j) How has the Crown, and the criminal justice system more specifically, responded to Māori deportees from Australia and their involvement in predominantly Māori gangs and gangs more generally?

*Crown data collection and reporting*

- (k) How does the Crown survey and quantify gangs and gang membership information, including of predominantly Māori gangs and Māori gang members, generally? How has this changed over time?
  - (l) How reliable is the Crown's current data and reporting on predominantly Māori gangs and Māori gang members?
  - (m) To what extent has the Crown utilised data on predominantly Māori gangs and Māori gang members to inform its policies, practices and legislation relating to gangs? How has this changed over time?
  - (n) What criteria does the Crown use to classify an individual as a gang member? What measures does the Crown take to verify an individual's continued membership of a gang?
  - (o) What is the Crown's criteria for determining whānau affiliation, or any other kind of affiliation, with gangs when engaging with Māori victims of crime?
4. The commission will end on **4 September 2026**, at which time an electronic copy of the final report must be submitted to the Registrar for filing. Indexed electronic copies of any supporting documents or transcripts must be provided within four weeks of the commission end date. The report and any supporting documentation should be provided in Microsoft Word or PDF file format.
  5. The report may be received as evidence and the author may be cross-examined on it.

The Registrar is to send this direction to all those on the notification list for Wai 3060, Te Rau o te Tika: the Justice System inquiry.

He kupu ēnei nāku, otirā nā te Pae-Rukutātari nei.

**DATED** at Toronto, Canada this 11<sup>th</sup> day of December 2024

A handwritten signature in black ink, appearing to read 'Carrie Wainwright', followed by a period.

Judge Carrie Wainwright  
Presiding Officer

**WAITANGI TRIBUNAL**