OFFICIAL

IN THE WAITANGI TRIBUNAL **Wai 3300** **Wai 3011**

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry (Wai 3300)
BY	Paula Ormsby, on behalf of the Wāhine Toa Chapter of the Mongrel Mob Kingdom, and Priority Whānau, including Māori women and their children associated with other gangs

---

MEMORANDUM OF COUNSEL
Dated: 2 February 2026

Phoenix Law Limited
Barristers and Solicitors
200 Willis Street
PO Box 27400
Marion Square
Wellington 6141
Phone: (04) 384 1353
Email: mason@phoenixlaw.expert
And: wiperi@phoenixlaw.expert
Counsel Acting: Janet Mason
Counsel Assisting: Nakita Wiperi

RECEIVED
Waitangi Tribunal
2 Feb 26
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. This Memorandum of Counsel ("MoC"):

a. is filed on behalf of Paula Ormsby, on behalf of the Wāhine Toa Chapter of the Mongrel Mob Kingdom, and Priority Whānau, including Māori women and their children associated with other gangs (Wai 3011); and

b. files documents as directed in Memorandum Directions ("MDs") dated 19 December 2025 ("the 19 December MDs").

2. On 2 December 2025, the Presiding Officer Her Honour Chief Judge Dr C L Fox, at the Te Tai Tokerau wānanga, verbally directed that Ms. Paula Ormsby file certain sections of the Report by the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions concerning statistics about the rate of incarceration and abuse in state care.

3. These directions were confirmed in the 19 December MDs as follows:

> 11. On the afternoon of 2 December 2025, Matilda Kahotea presented, alongside Paula Ormsby, on behalf the Mana Wahine (Ormsby) (Wai 3011) claim (Wai 3300, #B70). Counsel should file the speaking notes of Ms Kahotea.
>
> 12. During Tribunal questioning, Ms Ormsby confirmed that the statistics on incarceration rates and abuse in state care in her statement of position were provided from the 2024 Report on Abuse in State Care. Counsel should file the relevant sections of this report.

4. The speaking notes of Ms Kahotea are attached as **Annex A.**

5. Ms Ormsby advised that she was unable to locate the relevant statement within the Royal Commission of Inquiry's published reports. She did, however, identify that the statement is recorded on the Royal Commission of Inquiry into Abuse in Care website ("Website"), which attributes to the Waitangi Tribunal an acknowledgment of the connection between State care and gangs, including an estimate that 80 to 90

percent of Mongrel Mob and Black Power gang whānau had been State wards.[1] A copy of the webpage is attached as **Annex B.**

6. The statistics referred to on the website come from page 285 of the Waitangi Tribunal's *He Pāharakeke, He Rito Whakakīkīnga Whāruarua Oranga Tamariki Report*:

> Jean Te Huia notes that the negative influence of State intervention on tamariki Māori who lose contact with their own whānau, leads them to find solace within gangs. She cites statistics from Moana Jackson, who 20 years ago estimated that 85 per cent of the Mongrel Mob and 88 per cent of Black Power members had been State wards.[2]

7. Counsel notes that, upon review, the article referenced in the footnote in Ms. Te Huia's evidence, where these statistics are apparently derived, was written by Juan Tauri,[3] not Moana Jackson. Counsel has reviewed both Mr. Tauri's article, and Mr. Jackson's 1988 report "The Māori and the Criminal Justice System A New Perspective: He Whaipaanga Hou", which Mr. Tauri bases his statistics on, and can confirm that the percentages given do not appear to be present in those works.

8. It appears that the information originates solely from the Brief of Evidence of Ms Jean Te Huia who stated:

> 22.13 Also noted is the negative influence of State Intervention on tāmariki Māori who lose contact with their own whanau, and eventually find solace within gangs- 85% mongrel mob and 88% black power.[4]

---

[1] The Royal Commission of Inquiry "*Gangs First-Ever Joint Hui to Discuss State's Role in Their Formation, Royal Commission Invited",* 20 March 2023, < Gangs' first-ever joint hui to discuss State's role in their formation, Royal Commission invited | Abuse in Care - Royal Commission of Inquiry> [accessed 27 January 2026].

[2] Waitangi Tribunal *He Pāharakeke, He Rito Whakakīkīnga Whāruarua Oranga Tamariki* (Wai 2915, 2021) at 185; citing Moana Jackson, *Explaining Recent Innovations in New Zealand's Criminal Justice System : Empowering Māori or Biculturalising the State ?* Australian & New Zealand Journal of Criminology, vol 32, no 2 (1999).

[3] Juan Tauri, *Explaining Recent Innovations in New Zealand's Criminal Justice System : Empowering Māori or Biculturalising the State ?* (1999) 32(2) Australian & New Zealand Journal of Criminology; Mr. Juan Tuari is an indigenous criminologist.

[4] Wai 2195, #A69 at [22].

9. The link between state wards and gang membership is also referenced in the testimony given to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions by a Mr. Keith Wiffin:

> The damage to this nation is immense. Our prison population, 90% of them have been in State care. Gangs, 80 to 90% of Black Power and Mongrel Mob have been in State care. Most of those people would have had different lives apart from that abuse. And you don't have to be a psychiatrist or rocket scientist to see the cause and effect. It is a truly astonishing thing to realise that.

10. A copy of the transcript including Mr Wiffin's testimony is attached as **Annex C**.

11. Counsel was directed to file the attached documents by 5pm, Tuesday 27 January 2026, and apologises for the slight delay in filing.

Dated 2 February 2026

Janet Mason
Counsel Acting