

13.05.2020

Malo e lelei, Talofa lava, Minister of Justice Little, Attorney General Parker, Minister for Pacific Peoples Sio and New Zealand Electoral Commission

**RE: COVID-19 Public Health Response Bill**

Thank you for the work you are collectively leading to ensure that Aotearoa and our people can be safe and well in our special country.

We wanted to state clearly we are very supportive of strong public health leadership, and long-term public health strengthening in Aotearoa. We support a future Commission of Inquiry into Public Health reflecting on the COVID19 experience, and also before this, drawing on significant lessons outlined by leaders such as Professor Dr David Skegg in his book “The Health of the People.” We are very fortunate to have had Dr Ashley Bloomfield with his training and experience at such a time as this so that some of the existing public health challenges have been able to begin to be addressed. We wish to raise two broad areas related to this bill that we are uncertain have been adequately addressed.

**1. Enforcement**

We are two of the petitioners who worked alongside Glued Mire, and Actionstation to ensure Pacific and Multicultural New Zealanders voices spoke into the national talanoa about the Police Armed Response Team’s.<sup>1</sup> We are grateful that it was often acknowledged by previous Police Commissioner Mike Bush that Police officers, and staff have unconscious bias that must be continually addressed.<sup>2 3</sup> We know our communities who shared their voices in the petition, and the subsequent survey are worried about police bias and targeting, and this worry increased when Police were routinely armed.<sup>4</sup> In the 2017 Pacific Youth Parliament, Pacific Youth MP’s stated:

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<sup>1</sup> <https://our.actionstation.org.nz/petitions/police-put-your-guns-away>

<sup>2</sup> <https://www.newshub.co.nz/home/new-zealand/2015/11/commissioner-police-addressing-bias-in-maori-relations.html>

<sup>3</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12321874](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12321874)

<sup>4</sup> <https://www.newshub.co.nz/home/new-zealand/2020/04/most-m-ori-and-pasifika-don-t-feel-safe-with-police-armed-response-teams-out-and-about-survey.html>

## **12 - Justice**

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*(b) PYP declare that all Police are to have compulsory cultural awareness and engagement training.*

*(c) PYP insists that a racial bias committee be established within the Police co-led by the Police, Pasifika, and Māori Leaders inclusive of youth leaders, to keep the police accountable and transparent in their work. The bias committee may review arrests and prosecutions, alongside the IPCA.*

...<sup>5</sup>

Due to the acknowledged subconscious bias in Police, and the breadth of who an Enforcement Officer could be in respect of this bill, we see the need for a legislated racial bias committee in line with the Pacific Youth Parliament recommendations above, and broadened to ensure all Enforcement Officers are covered. It is essential that we learn from the Dawn Raids of the past, and ensure that when aspects of this bill (if enacted) are not further weaponised creating a Dawn Raids Part 2. We have had previous family experiences where neighbours have assumed due to the numbers of cars in the drive way, or noise, that we have participated in illegal activities and have called the Police. We are deeply worried that these provisions could be further manipulated to exacerbate emotional harm on Pacific families and others who may look like they are breaching the rules and be reported for investigation, but just have large families.

We also find it concerning that it is not clear what approach must be taken if people who are detained, questioned, tested (et cetera), that if premises are entered for people to be checked for COVID19. It has been important in the past weeks, that Dr Ashley Bloomfield and other leaders have stated that a health approach would be taken if people arrived at hospital with COVID, and their immigration status would not be asked for. For the ongoing work to achieve the goal of eradication we must affirm that the approach going forward will also be a health one, so that people come forward, or if visited and they are unwell, focus on health Enforcement Officers be clearly legislated that they cannot ask or, use information they hear about immigration status.

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<sup>5</sup> <https://www.parliament.nz/media/3868/pacific-youth-parliament-our-movement-act-2017.pdf>

## 2. Election Period

We understand the long held convention that in the lead up to an election, and during a coalition or, confidence and supply negotiation period the previous Government acts as the “Caretaker” until the new Government is formed.

With an upcoming election, whether in September, later in 2020, or early 2021 (if delayed due to COVID19) and considering what experts have been saying that we are unlikely to have a global vaccine ready with many predictions anywhere from early next year to much later. In the interests of strengthening our democracy during the upcoming election period, and because there is a real risk of a further outbreak until we have a global vaccine, there should be provisions in this bill, or a subsequent bill addressing what would happen if a future COVID19 outbreak was to occur during the election period.

If the significant decision needed to be made about whether to postpone the election, a process which protects the good governance of our country must be the focus. Whether the decision should be diverted to the Director-General of Health to decide this to remove perception or, real conflict of interest must be considered. Also what involvement parties in Parliament, and those outside of Parliament would or, should have is something that must be addressed too. The example of the Danish political parties working together to make decisions during this time is something that could also be considered.<sup>6</sup> Finally, it is important that whatever approach is chosen that it is clear what voice, or not, parties currently outside of Parliament would have such as The Opportunities Party, or, the māori Party to name but two.

We thank you for your consideration of our thoughts, and send you our ‘ofa/alofa as Government works through these difficult these decisions.

Malo aupito, la manuia,

Josiah Tualamali’i and Melissa Lama  
Pacific Community Members

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<sup>6</sup> <https://www.thelocal.dk/20200507/denmark-to-reopen-shops-cafs-and-schools-in-new-deal/amp>