

## COVER SHEET: PROACTIVE RELEASE – DAWN RAIDS APOLOGY

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**Rt Hon Jacinda Ardern**

Prime Minister

**Hon Aupito William Sio**

Minister for Pacific Peoples

**Hon Kris Faafoi**

Minister of Immigration

**Date of issue: 2 August 2021**

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

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No.	Document	Comments
1	<b>Dawn Raids Apology [SWC-21-MIN-0088]</b> <i>Cabinet Social Wellbeing Committee minute</i> Cabinet Office	Some information withheld.
2	<b>Dawn Raids Apology [CAB-21-MIN-0222.01]</b> <i>Cabinet Minute</i> Cabinet Office	Some information withheld.
3	<b>Dawn Raids Apology [SWC-21-SUB-0088]</b> <i>Cabinet paper</i> Office of the Prime Minister Office of the Minister for Pacific Peoples Office of the Minister of Immigration	Some information withheld.



# Cabinet Social Wellbeing Committee

## Minute of Decision

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### Dawn Raids Apology

**Portfolio** Prime Minister / Immigration / Pacific Peoples

On 9 June 2021, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that there is sufficient evidence available to indicate that Pacific peoples, Māori, and other ethnic groups were discriminatorily targeted based on their race, ethnicity, and colour, in the implementation of immigration legislation and policy during the Dawn Raids period of 1974-1976;
- 2 **noted** that established criteria for a public apology has been met, and a moral imperative exists to apologise for the Dawn Raids, given the evidence of discrimination, the growing public demand for an apology, and New Zealand's human rights framework;
- 3 Section 9(2)(h) [REDACTED]
- 4 **agreed** that a formal government apology be delivered by the Prime Minister on behalf of the government for the treatment of individuals and communities impacted by the Dawn Raids between 1974–1976, which acknowledges the harm suffered and expresses sorrow and remorse about the events;
- 5 **agreed** to the draft wording of the statement of apology set out in Appendix 2 of the paper under SWC-21-SUB-0088;
- 6 **authorised** the Prime Minister, Minister of Immigration and Minister for Pacific Peoples make any changes as required to finalise the statement of apology;
- 7 **agreed** that the Prime Minister deliver the formal government statement of apology at a government event to be held in Auckland on 26 June 2021;
- 8 **invited** the Prime Minister, Minister of Police, and Minister of Immigration to participate in Pacific cultural gifting processes to accompany the delivery of the apology, including by way of directing or inviting relevant senior officers to also participate;

- 9 **agreed** that the Minister for Pacific Peoples direct officials to coordinate the events management planning for attendance by the Prime Minister and other relevant Ministers, in consultation with relevant departments;
- 10 **noted** that a comprehensive historical record of the Dawn Raids does not exist and is highly desirable for historical preservation, the promotion of reconciliation, and for education purposes;
- 11 **agreed** that the Ministry for Culture and Heritage and Ministry for Pacific Peoples enable Pacific artists and/or historians to work with communities to develop a comprehensive historical record of account of the Dawn Raids period as an additional goodwill gesture of reconciliation;
- 12 **agreed** that the Minister of Police and Minister of Immigration direct their officials to make available archival records to assist with the compilation of the historical account;
- 13 **invited** the Minister for Arts, Culture, and Heritage and Minister for Pacific Peoples to jointly report back to SWC within six months on development of a historical account as agreed in paragraph 11 above;
- 14 **agreed** to the following additional goodwill gestures of reconciliation to accompany the government apology:
- 14.1 develop a comprehensive written and oral account of the Dawn Raids, including development of multimedia formats which will include community engagement;
  - 14.2 academic and vocational scholarships being provided for eligible Pacific people;
  - 14.3 resources that support the teaching and learning of the Dawn Raids and Pacific histories be made available for schools and kura that may wish to teach about the Dawn Raids;
  - 14.4 the provision of Manaaki New Zealand Short Term Scholarship Training Courses for delegates from Samoa, Tonga, Tuvalu, and Fiji;
- 15 **Section 9(2)(f)(iv)**  
[REDACTED]
- 16 **noted** the cost estimates and proposed funding sources for the goodwill gestures, set out in the paper under SWC-21-SUB-0088;
- 17 **noted** that the education academic and vocation scholarships commemorating the Dawn Raids historical event will be awarded to New Zealanders of Pacific heritage annually from the 2021/22 financial year;
- 18 **agreed** that the scholarships in paragraph 17 above will be administered by the Pacific Education Foundation;

19 **approved** the fiscally neutral adjustment to provide for the education scholarships, as described, with no impact on the operating balance and/or net core Crown debt:

	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26& Outyears
<b>Vote Education Minister of Education</b>					
Multi-Category Expenses and Capital Expenditure: Primary and Secondary Education (MCA) <i>Departmental Output Expense:</i> Support and Resources for Education Providers (funded by revenue Crown)	(0.280)	(0.525)	(0.525)	(0.525)	(0.525)
<b>Vote Tertiary Education Minister of Education</b>					
Departmental Output Expense: Stewardship and Oversight of the Tertiary Education System (funded by revenue Crown)	0.035	0.035	0.035	0.035	0.035
Benefits or Related Expenses: Tertiary Scholarships and Awards	0.245	0.490	0.490	0.490	0.490

20 **agreed** that the changes to appropriations for 2021/22 in paragraph 19 above be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

21 **authorised** the Minister of Education and Minister for Pacific Peoples to approve the final design of the scholarship programme;

Section 9(2)(f)(iv) [Redacted]

22 Section 6(a) [Redacted]

23 Section 9(2)(f)(iv) [Redacted]

24 Section 9(2)(f)(iv) [Redacted]

25 Section 9(2)(f)(iv) [Redacted]

Rachel Clarke  
Committee Secretary

Present: (see over)

**Present:**

Rt Hon Jacinda Ardern  
Hon Carmel Sepuloni (Chair)  
Hon Andrew Little  
Hon Nanaia Mahuta  
Hon Willie Jackson  
Hon Dr Ayesha Verrall  
Hon Aupito William Sio  
Hon Meka Whaitiri  
Hon Priyanca Radhakrishnan

**Officials present from:**

Office of the Prime Minister  
Office of the Chair  
Officials Committee for SWC

Proactively Released



# Cabinet

## Minute of Decision

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### Dawn Raids Apology

**Portfolios** Prime Minister / Immigration / Pacific Peoples

On 14 June 2021, following reference from the Cabinet Social Wellbeing Committee (SWC), Cabinet:

- 1 **noted** that there is sufficient evidence available to indicate that Pacific peoples, Māori, and other ethnic groups were discriminatorily targeted based on their race, ethnicity, and colour, in the implementation of immigration legislation and policy during the Dawn Raids period of 1974-1976;
- 2 **noted** that established criteria for a public apology has been met, and a moral imperative exists to apologise for the Dawn Raids, given the evidence of discrimination, the growing public demand for an apology, and New Zealand's human rights framework;
- 3 **Section 9(2)(h)**
- 4 **agreed** that a formal government apology be delivered by the Prime Minister on behalf of the government for the treatment of individuals and communities impacted by the Dawn Raids between 1974–1976, which acknowledges the harm suffered and expresses sorrow and remorse about the events;
- 5 **agreed** to the draft wording of the statement of apology set out in Appendix 2 of the paper under SWC-21-SUB-0088;
- 6 **authorised** the Prime Minister, Minister of Immigration and Minister for Pacific Peoples to make any changes as required to finalise the statement of apology;
- 7 **agreed** that the Prime Minister deliver the formal government statement of apology at a government event to be held in Auckland on 26 June 2021;
- 8 **invited** the Prime Minister, Minister of Police, and Minister of Immigration to participate in Pacific cultural gifting processes to accompany the delivery of the apology, including by way of directing or inviting relevant senior officers to also participate;
- 9 **agreed** that the Minister for Pacific Peoples direct officials to coordinate the events management planning for attendance by the Prime Minister and other relevant Ministers, in consultation with relevant departments;

- 10 **noted** that a comprehensive historical record of the Dawn Raids does not exist and is highly desirable for historical preservation, the promotion of reconciliation, and for education purposes;
- 11 **agreed** that the Ministry for Culture and Heritage and Ministry for Pacific Peoples enable Pacific artists and/or historians to work with communities to develop a comprehensive historical record of account of the Dawn Raids period as an additional goodwill gesture of reconciliation;
- 12 **agreed** that the Minister of Police and Minister of Immigration direct their officials to make available archival records to assist with the compilation of the historical account;
- 13 **invited** the Minister for Arts, Culture, and Heritage and Minister for Pacific Peoples to jointly report back to SWC within six months on development of the historical account as agreed in paragraph 11 above;
- 14 **agreed** to the following additional goodwill gestures of reconciliation to accompany the government apology:
- 14.1 develop a comprehensive written and oral account of the Dawn Raids, including development of multimedia formats which will include community engagement;
  - 14.2 academic and vocational scholarships being provided for eligible Pacific people;
  - 14.3 ensure resources are available to schools and kura who choose to teach the history of the Dawn Raids, which would include histories of those directly affected;
  - 14.4 the provision of Manaaki New Zealand Short Term Scholarship Training Courses for delegates from Samoa, Tonga, Tuvalu, and Fiji;
- 15 **Section 9(2)(f)(iv)** 
- 16 **noted** the cost estimates and proposed funding sources for the goodwill gestures, set out in the paper under SWC-21-SUB-0088;
- 17 **noted** that the education academic and vocation scholarships commemorating the Dawn Raids historical event will be awarded to New Zealanders of Pacific heritage annually from the 2021/22 financial year;
- 18 **agreed** that the scholarships in paragraph 17 above will be administered by the Pacific Education Foundation;

19 **approved** the fiscally neutral adjustment to provide for the education scholarships, as described, with no impact on the operating balance and/or net core Crown debt:

	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26& Outyears
<b>Vote Education Minister of Education</b>					
Multi-Category Expenses and Capital Expenditure: Primary and Secondary Education (MCA) <i>Departmental Output Expense:</i> Support and Resources for Education Providers (funded by revenue Crown)	(0.280)	(0.525)	(0.525)	(0.525)	(0.525)
<b>Vote Tertiary Education Minister of Education</b>					
Departmental Output Expense: Stewardship and Oversight of the Tertiary Education System (funded by revenue Crown)	0.035	0.035	0.035	0.035	0.035
Benefits or Related Expenses: Tertiary Scholarships and Awards	0.245	0.490	0.490	0.490	0.490

20 **agreed** that the changes to appropriations for 2021/22 in paragraph 19 above be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

21 **authorised** the Minister of Education and Minister for Pacific Peoples to approve the final design of the scholarship programme;

**Section 9(2)(f)(iv)**

22 **Section 6(a)**

23 **Section 9(2)(f)(iv)**

24 **Section 9(2)(f)(iv)**

25 **Section 9(2)(f)(iv)**

Michael Webster  
Secretary of the Cabinet

**Secretary's Note:** This minute replaces SWC-21-MIN-0088. Cabinet amended paragraph 14.3.

**[IN CONFIDENCE]**

Office of the Prime Minister

Office of the Minister for Pacific Peoples

Office of the Minister of Immigration

Cabinet Social Wellbeing Committee

## **Dawn Raids Apology**

### **Proposal**

- 1 This paper seeks Cabinet approval for the Government to make a formal apology to communities and individuals that were impacted by what has become known as the “Dawn Raids” during the 1970s. Specifically, two proposed decisions are sought from Cabinet:
  - 1.1 a public announcement of apology with accompanying goodwill gestures of reconciliation for communities and individuals impacted by the Dawn Raids, particularly Pacific peoples; and
  - 1.2 Section 9(2)(f)(iv)  
[REDACTED]

### **Relation to government priorities**

- 2 This proposal aligns with the Government’s priorities to improve race relations and deliver an open, transformative, and compassionate government. It also aligns with efforts by previous Labour Governments to acknowledge discriminatory policies, such as the Chinese poll tax. Such acknowledgements support wider efforts against racism and discrimination.

### **Executive Summary**

- 3 This paper outlines a compelling case for a government apology to be made for the discriminatory enforcement of immigration laws of the 1970s that led to the events of the Dawn Raids. This includes consideration of historical fact, the enduring impacts on those subjected to the Dawn Raids events, Section 9(2)(h)  
[REDACTED] and the moral imperative to address harms of the past.
- 4 As such, the paper seeks Cabinet’s agreement to make a formal apology for the Dawn Raids at a government event on 26 June 2021. In addition to the proposed government apology event, this paper seeks Cabinet’s approval for goodwill gestures of reconciliation to be provided for Pacific communities, which were disproportionately impacted. Section 9(2)(f)(iv)  
[REDACTED]

## Background

- 5 For several years, Pacific communities have voiced that the Crown address its role in the discriminatory implementation of immigration enforcement policies in the 1970s that largely targeted Pacific peoples but also affected Māori and other ethnic minorities.
- 6 More recently, the call for an apology for the Dawn Raids was made in a request to Government from the Polynesian Panther Party; specifically for an apology to be delivered at its 50-year anniversary in June 2021. Many others, particularly in the Pacific communities, have since written to the Government seeking a formal apology. These requests have received significant media and public attention, and we understand that public sentiment demonstrates a view that the Government should apologise.
- 7 We understand that the primary drivers underpinning calls for an apology are to acknowledge the Crown's role in past actions and ensure that the history of the Dawn Raids is widely and accurately known by the public. Moreover, community members calling for an apology also seek to highlight the historical racism linked to the Dawn Raids, and how racism and discrimination still permeate New Zealand society. Another key aspect sought to be achieved is the provision of a reconciliation process, particularly for those communities and individuals directly impacted by the Dawn Raids.

## **Brief history of Pacific peoples' migration and immigration enforcement policy during the Dawn Raids period**

### *Migration history and "overstayers" in the 1970s*

- 8 From the 1950s to the 1970s, significant migration from the Pacific region to New Zealand was encouraged to meet domestic labour shortages in manufacturing and primary production industries. Many Pacific peoples travelled to New Zealand on temporary visas under various work schemes. Due to the labour shortages at the time, the enforcement of these visas was largely relaxed.
- 9 However, at the downturn of the New Zealand economy in the early 1970s, parts of society started viewing migrants as jeopardising their financial security and quality of life. These views were fuelled and perpetuated by less than favourable media portrayals targeting Pacific peoples particularly as the cause for job shortages and other social harms.

### *The Dawn Raids on Pacific overstayers' homes and random stop checks on Pacific peoples, Māori, and non-Pakeha ethnic minorities*

- 10 Between 1974 and 1976, a series of rigorous immigration enforcement policies were carried out that resulted in Immigration and Police officials conducting targeted raids on the homes of Pacific families. The raids to find, convict, and

deport overstayers often took place very early in the morning or late at night, and we understand were routinely severe with demeaning verbal and physical treatment. This gave rise to the term the “Dawn Raids.”

11 The table below sets out known records of the early morning Dawn Raids.

**Table 1. Known records of the Dawn Raids**

Date	Details
March 12 – 19, 1974	Police and immigration officials launched the first series of raids and targeted the houses of Tongans living in Onehunga. An estimated 40 – 80 people were arrested.
February 17 – 18, 1976	18 houses in Onehunga and four houses in Ponsonby were raided. An estimated 23 overstayers were arrested.
21 – 24 October, 1976	Auckland police raided 200 houses and stopped and demanded the passports of 856 mostly Pacific people on the street. A total of 23 overstayers were located.
	Wellington police raided 141 addresses, questioning 172 people and arresting 16.

12 Throughout the Dawn Raids period of 1974-1976, a Police taskforce was set up to carry out random checks in public, stopping and requiring people to provide evidence that they were legally in New Zealand. This was based on officials’ interpretations of the then immigration legislation; for example, ‘good cause’ to suspect a breach of provisions under the Immigration Act 1964.<sup>1</sup> These random checks mostly impacted Pacific, Māori and other non-Pakeha ethnic minorities. In the words of a Police Chief Superintendent of the time:<sup>2</sup>

12.1 *“Anyone who speaks in a non-Kiwi accent or looks as though he was not born in this country should carry a passport.”*

13 From the significant number of raids and random stop checks that took place, this resulted in only a handful of arrests and deportations. In October 1976 Auckland police raided 200 houses and demanded the passports of 856 people on the street, however only 23 overstayers were located. Some individuals detained through random checks or in the Dawn Raids had lawful status to be in New Zealand.<sup>3</sup>

14 The Dawn Raids and random checks ceased in 1976. This was partly due to public pressure and protests by the public, the media and certain groups,

<sup>1</sup> Immigration Act 1964, s 34A(1).

<sup>2</sup> Auckland Star, ‘Overstayers: The Big White Lie’ and ‘Migrant officials at centre of row’ (Auckland, 23 March 1976), cited in Tamara Ross (2003), *New Zealand’s ‘Overstaying Islander’: A construct of the ideology of ‘race’ and immigration*, p. 158.

<sup>3</sup> For example, Pacific peoples from the Cook Islands, Niue, and Tokelau who as part of the Realm, are New Zealand citizens.

including the Polynesian Panther Party, the Citizens Association for Racial Equality (CARE), the Borough Council of Onehunga, and Amnesty Aroha.

*Legal framework for the Dawn Raids and random checks*

- 15 Immigration and police officials had relevant powers available under the Immigration Act 1964 and the Crimes Act 1961, which were relied upon to support their actions. We also understand there was a Cabinet directive to police to take over the apprehension of overstayers.<sup>4</sup> Even so, this does not necessarily mean that all actions carried out were in fact lawful, but rather that there was a legal framework that could support lawful actions to detect and remove overstayers.

*Findings of entrenched departmental discrimination following the Dawn Raids*

- 16 In 1986, the then Minister of Immigration directed the Race Relations Conciliator to investigate allegations that immigration officers were discriminatory in their search for overstayers. The Race Relations Conciliator's report's findings included:<sup>5</sup>
- 16.1 Pacific peoples made up roughly a third of overstayers but represented 86% of all prosecutions;
  - 16.2 overstayers from the United States and Great Britain also made up roughly a third of overstayers but only 5% of prosecutions;
  - 16.3 the disparity in prosecutions was a result of more time and resource applied to the apprehension and prosecution of Pacific overstayers; and
  - 16.4 a pervasive attitude existed at all levels of the Immigration Department that Pacific peoples were more likely to breach the conditions of their visas, constituted the majority of overstayers, and overstayed longer than any other groups.
- 17 This report highlights that Pacific peoples were unduly and excessively targeted and impacted by immigration officials at the time of the Race Relations Conciliator's investigations.<sup>6</sup>
- 18 The report also considered that in the context of the Dawn Raids, deportations and random police checks in the 1970s, it was clear that overstaying was considered a Pacific problem and that the stereotype of Pacific peoples as overstayers was established. It submitted that the racism involved in stereotyping and targeting Pacific peoples during the Dawn Raids period

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<sup>4</sup> Deputy Commissioner (R J Walton) to Minister of Police (A McCreedy) 21/10/76 in Police 1/1/27, v. 2, cited in James Mitchell (2003), *Immigration and National Identity in 1970s New Zealand* (PHD University of Otago).

<sup>5</sup> Race Relations Office (1986), *Investigation into Allegations of Discrimination in the Application of Immigration Laws in New Zealand*.

<sup>6</sup> Note, the Immigration Department only kept records for prosecutions by nationality since August 1985 (Race Relations Office, 1986). At this stage it is unclear whether there is any consolidated record of prosecutions from the 1970s.

remained an influence in the Immigration Department until at least the publication of the report in 1986.<sup>7</sup>

- 19 A more detailed history of the events of the Dawn Raids is set out in **Appendix 1**.

### **The case for a formal government apology for the Dawn Raids**

- 20 Today it is undeniable that the Dawn Raids and the implementation of the then immigration laws were racially discriminatory and unduly targeted Pacific peoples. Therefore, we consider that it is now time for these events to be acknowledged and denounced as unacceptable.

#### *Enduring impacts of the Dawn Raids on Pacific communities*

- 21 The Dawn Raids period is a defining one in the history of New Zealand and is particularly significant to Pacific peoples. We understand that many still struggle to talk about their experiences today.
- 22 During the Dawn Raids, it was common to hear of stories where people were woken abruptly, physically removed from their beds and forced into Police vans to be taken to the station for questioning. They were taken to the police station and often appeared in court the next day barefoot, in pyjamas or in clothes loaned to them in the holding cells.<sup>8</sup> We understand that those who were impacted directly in the Dawn Raids have described feelings of shame, fear, terror, and deep hurt.
- 23 While these events took place almost 50 years ago, the legacy of the Dawn Raids era lives on today in Pacific communities. The emotional harm caused by the Dawn Raids remains etched in the living memory of those who were directly impacted. We understand that many continue to struggle with the emotional harm from the events. It has also been described as an event that has defined Pacific communities' view of government and we understand there is some ongoing distrust and faith in authorities due to those events.
- 24 In the past months, we have witnessed the widespread and passionate public support for a government apology particularly from Pacific communities. We understand this strong desire is fuelled by lack of a government response to date to the events of the Dawn Raids.
- 25 The public response is telling of the community's need for the Crown to acknowledge its role in the immigration enforcement actions of the 1970s. We believe this is a timely opportunity to address the longstanding calls for the government to make a public and unwavering statement that the Dawn Raids were unacceptable through a formal apology to the impacted communities.

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<sup>7</sup> *Ibid.*

<sup>8</sup> Joris de Bres and Rob Campbell (1976), *The Overstayers: Illegal Migration from the Pacific Islands to New Zealand* (Auckland Resource Centre for World Development, Auckland, p.21-22).

*The moral imperative to apologise is aligned with today's human rights protections*

- 26 New Zealand's modern domestic human rights framework is well-established. As a nation, we expect all persons in New Zealand to be treated with dignity and respect and to have their human rights protected. Unfortunately, these expectations were not met in this case. We believe there is a strong moral imperative to acknowledge the harm suffered through the Dawn Raids through a government apology.
- 27 We also consider this to be a significant opportunity to support public knowledge of this part of New Zealand's history. It is an opportunity to strengthen race relations and social cohesion through a clear message that these events are not tolerated or accepted today. The making of an apology is aligned with our Government's manifesto commitment to eliminate racism in New Zealand.

*A formal government apology should be made*

- 28 Overall, we believe that the reasons outlined above make a compelling case for the government to make a formal public apology for the Dawn Raids.

**An apology for the Dawn Raids is consistent with previous government apologies**

- 29 We believe that an apology for the Dawn Raids meets the criteria used in the assessment of previous government apologies.
- 30 There have been very few formal government apologies outside the Te Tiriti o Waitangi settlement process. We understand this is demonstrative of the high benchmark for the government making a formal public apology for past events.
- 31 The four established criteria used in assessing the merits of an apology for both the Chinese poll-tax (2002) and Samoa government apologies (2002) are set out in the table below. For consistency, we have applied these criteria and found that they have been met in the case of the Dawn Raids.

**Table 2. Established criteria to assess the merits of formal government apologies**

Apology criteria	Evidence related to Dawn Raids	Criteria met?
A human injustice must have been committed and be well documented.	Evidence indicates that people who appeared non-Pakeha, particularly Pacific peoples, were disproportionately targeted by Police and Immigration officials when enforcing immigration laws during the 1970s both in the Dawn Raids and random stop checks.  This targeting was achieved through racial, ethnic, and colour-based profiling.	Yes.
The victims must be identifiable as a distinct group(s).	Groups affected were predominately Pacific peoples, however reports indicate that Māori and other non-Pakeha ethnic minority groups (e.g., Indian people) were also subjected to the	Yes.



■ Section 9(2)(h) [Redacted]

[Redacted]

■ [Redacted]

■ [Redacted]

■ [Redacted]

[Redacted]

■ [Redacted]

■ [Redacted]

■ [Redacted]

Section 9(2)(h)

[REDACTED]

### Potential risks involved in an apology

- 46 While we understand many sections of the public appear in favour of an apology, some may view the actions taken in the Dawn Raids as lawful and therefore justified. Some of these perceptions could be due to a lack of public understanding about the events. Therefore, this apology presents an opportunity to learn about the Dawn Raids as part of New Zealand's history.
- 47 There have been very few formal government apologies in the past. A risk considered in previous government apologies, including the Chinese poll tax, is the likelihood of setting a precedent for formal apology requests from other groups for similar treatment or historical injustice. However, as outlined above, there are established criteria able to be used to assess apologies and any future request should be assessed on its own merits.
- 48 Due to the confidential nature of this work, it has been progressed without public consultation with Pacific communities on the process of the apology and the accompanying goodwill gestures. There may also be some concerns around the process of offering an apology before the historical account process. We understand that an apology has been long requested by Pacific communities and we anticipate that a formal apology will be positively received. We are also proposing a historical account process as part of the reconciliation process, which could outline any further gestures of reconciliation requested by communities.

### Proposal for a formal apology

- 49 We propose that Cabinet agree for the Prime Minister, on behalf of the Government, to issue a formal statement of apology for the treatment of individuals and communities impacted by the Dawn Raids.
- 50 This apology would:
- 50.1 recognise the discriminatory treatment of individuals and communities impacted by the Dawn Raids in the period of 1974 – 1976;
  - 50.2 apologise for the discrimination that occurred and express sorrow and regret that such practices were once considered appropriate;

- 50.3 indicate that while on the face of it, the Crown had a legal framework in place to act to detect and deport overstayers, the discriminatory and heavy-handed implementation of these powers is now deemed unacceptable; and
  - 50.4 provide additional goodwill gestures of reconciliation for Pacific communities and signal that the Government is working to deliver further acts of reconciliation for all those impacted by the Dawn Raids and random police checks.
- 51 A proposed apology is set out in **Appendix 2**. This draft has been developed by the Ministry for Pacific Peoples in consultation with relevant departments, including Crown Law, MBIE, NZ Police, MFAT and the Department of Prime Minister and Cabinet.

**Goodwill gestures to accompany the apology**

- 52 While an apology in itself would be significant, Pacific culture holds that such a statement would carry greater cultural weight if it was to be accompanied with appropriate actions or gestures; and the apology may be perceived to have less weight without these.
- 53 The Government has also offered additional goodwill gestures in previous formal apologies, such as a \$5 million community trust and history resources in the case of the Chinese poll-tax apology; a national memorial in the case of the Erebus apology; and the expungement of criminal records in the case of the apology to men convicted of homosexual offences.
- 54 We therefore propose that some tangible goodwill gestures of reconciliation accompany the apology and be provided to Pacific and other impacted communities. These are:
- 54.1 Develop a comprehensive written and oral account of the Dawn Raids, including presentation of content in multimedia formats, which includes engaging with the community;
  - 54.2 Academic and vocational scholarships for eligible Pacific people;
  - 54.3 Manaaki New Zealand short term scholarship for young leaders from Samoa, Tonga, Tuvalu, and Fiji;
  - 54.4 Support the teaching and learning of the Dawn Raids and Pacific histories in schools and kura by having resources available for schools who may wish to teach about the Dawn Raids as part of the Aotearoa New Zealand Histories curriculum; and

54.5 Section 9(2)(f)(iv) [redacted]

55 Section 9(2)(f)(iv) [redacted]

*Develop a historical account of the Dawn Raids through community facilitated engagement*

- 56 A historical account, such as those captured through community consultation processes, does not exist at this time for the Dawn Raids. Instead, a range of resources exist that could be consolidated into a comprehensive record in oral, written and multimedia resources.
- 57 There are significant benefits to capturing a full historical account, including to:
- 57.1 consolidate and collect both formal and informal sources and accounts into records for historical preservation and educative purposes; and
- 57.2 enable a community facilitated process for affected persons to come forward and share their experiences as a reconciliation method.
- 58 We therefore propose to collect a written and oral historical account of the Dawn Raids. This historical account will seek to reflect the perspectives and lived experiences of those who were impacted by the Dawn Raids. To enable the community to share their experiences, we propose that the Ministry for Culture and Heritage work with the Ministry for Pacific Peoples and the community to ensure this is an accurate reflection.
- 59 Subject to the relevant Cabinet approvals, we propose that the Ministers for Arts, Culture and Heritage and Pacific Peoples undertake to report back within six months on the scope, plan and costings for the completion of the historical account and community facilitated engagements.
- 60 The Minister for Arts, Culture and Heritage has requested her officials commence work to capture a historical account of the Dawn Raids. This work will be supported by the Ministry for Pacific Peoples, in consultation with relevant departments such as Te Puni Kōkiri and the Office of Ethnic Communities.

*Ministry of Education academic and vocational scholarships*

- 61 As part of the goodwill gestures, the Ministry of Education will provide new academic and vocational scholarships for New Zealanders of Pacific heritage who wish to pursue further study or training towards qualifications Levels 4 and above.
- 62 These scholarships will pay tribute to the Polynesian Panthers' pioneering efforts in encouraging education as a tool to uplift Pacific peoples and their place in Aotearoa. These scholarships would be \$525,000 per annum, over four years with a total of \$2.1million.
- 63 The funding of these scholarships will come from underutilised allocations for the Budget 2019 initiative *Improving and Accelerating Education Outcomes for Pacific learners* [CAB-19-MIN-0174.13 initiative 10851 refers] under departmental output expense Support and Resources for Education Providers in the Primary and Secondary Education Multi Category Appropriation. The original intention for the budget allocation was impacted by a range of

responses to COVID-19 in the Contingency Budget, which superseded the earlier intention for the use of a part of the funding.

- 64 The scholarships will be administered by the Pacific Education Foundation.
- 65 The Ministry of Education will undertake further work to confirm the final design of the scholarship programme. We propose that Cabinet delegate authority to the Minister of Education and the Minister for Pacific Peoples to confirm this final design.

*The teaching and learning of the Dawn Raids and Pacific histories*

- 66 As part of implementing the new Aotearoa New Zealand's histories and Te Takanga o Te Wā curriculum, the Ministry of Education will work with Pacific communities to make resources available for the teaching and learning of the Dawn Raids and Pacific histories in schools and kura that may wish to teach about the Dawn Raids.
- 67 Consultation on a draft of the new Aotearoa New Zealand's histories and Te Takanga o Te Wā curriculum content ended on 31 May. Once feedback has been considered, the content will be ready for use from 2022.

*Ministry of Foreign Affairs and Trade Manaaki New Zealand Short Term Training Scholarship course*

- 68 Through New Zealand's Official Development Assistance Programme, the Ministry of Foreign Affairs and Trade will offer a new Short Term Training Scholarship (STTS) in 2023 that will be focused on leadership and governance.
- 69 The STTS will be offered to between 5 to 8 young leader participants from Samoa, Tonga, Tuvalu and Fiji: a total of 20-30 participants. We will explore a potential partnership with the Public Service Fale and a New Zealand training provider to deliver the cohort course.
- 70 The funding for this STTS will come from the Manaaki New Zealand Scholarships Official Development Assistance budget, with an estimated cost for development and delivery of \$1 million.

Section 9(2)(f)(iv) [Redacted]

71 Section 9(2)(f)(iv) [Redacted]  
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Section 9(2)(f)(iv) [Redacted]

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Section 9(2)(f)(iv)

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78 Section 9(2)(f)(iv) [Redacted]

79 Section 6(a) [Redacted]

80 Section 9(2)(f)(iv) [Redacted]

81 Section 9(2)(f)(iv) [Redacted]

82 Section 9(2)(f)(iv) [Redacted]



**IN CONFIDENCE**

<b><i>Sua tali sua (gestures to sustain the journey):</i></b>	Develop a comprehensive account of the Dawn Raids (written and oral) through community engagements, to be presented in a range of ways including in digital formats.	Work is underway for the Chief Historian of the Ministry for Culture and Heritage to develop a historical account, with support from the Ministry for Pacific Peoples and will include engaging with the community.	June 2021, roughly 12-18 months to complete, with a report back.
	Provide academic and vocational scholarships to eligible Pacific people.	Ministry of Education has earmarked \$2.1million in funding for scholarships.	Open from June 2022
	The events of the Dawn Raids will form the context for learning about Aotearoa New Zealand's histories and Te Takanga o Te Wā.	The Ministry of Education will work with Pacific communities to update and develop resources for schools and kura to teach about the Dawn Raids as part of the implementation of the new Aotearoa New Zealand's histories and Te Takanga o Te Wā content in the national curriculum.	From February 2022
	Manaaki New Zealand short term scholarships for young leaders from Samoa, Tonga, Tuvalu, and Fiji.	Ministry of Foreign Affairs and Trade to provide short term scholarships focussed on leadership and governance.	2023
	Section 9(2)(f)(iv) [Redacted]	Section 9(2)(f)(iv) [Redacted]	Section 9(2)(f)(iv) [Redacted]

*Proposed timing and process for the delivery of an apology*

- 86 We propose that a formal apology is delivered by the Prime Minister on 26 June 2021 at a government event in Auckland. This is to enable a separate event to be held that will not detract from the Polynesian Panther Party 50<sup>th</sup> anniversary celebrations. This would also provide a degree of control over logistics including planning for wider community involvement and attendance. It would also mitigate perceived risk of affiliating the campaign against the Dawn Raids solely to one group. We note, this is not intended to diminish the role the Polynesian Panther Party had in ending the Dawn Raids.
- 87 We also propose that both the Polynesian Panther Party anniversary and the formal government event be attended by the Ministers of Immigration and Police, and senior leadership officials, given the significant role of these departments in the Dawn Raids. The attendance of these Ministers as part of both events would signal the genuine intent to reconcile the past.

*Proposed cultural framework for the formal apology events*

- 88 Given the significance of this occasion to Pacific communities, we also propose that an apology is delivered in a culturally appropriate manner that acknowledges important cultural protocols and customs for Pacific communities. As such, we propose that the Prime Minister, as representative of the Government, participate in a cultural ceremony known as the *ifoga* in Samoan traditions.
- 89 The *ifoga* is a traditional practice of rendering a formal apology and seeking forgiveness where a wrong has been committed. In the practice, a fine mat is placed over the head of the highest-ranking chief, who represents the offender, as an act of humility and sincerity when seeking forgiveness. The receiving party will then remove the mat as an act of lifting the shame and burden and granting forgiveness.
- 90 This process is then followed by a traditional presentation of goodwill gestures called the *sua*. We propose to direct our respective officials to work together to provide the details of a culturally appropriate ceremony.
- 91 Given the actions of Immigration and Police officials in the Dawn Raids and how these officials are perceived in the eyes of both those affected and the public, we consider it to also be appropriate that relevant high-level officials or Ministers also participate in the *ifoga*. We therefore invite the Minister of Immigration and the Minister of Police to join the Prime Minister in the *ifoga* ceremony or delegate relevant senior officers to do so, for example, the Police Commissioner.

**Implementation**

- 92 Our high-level timeline for the implementation of the formal apology and accompanying goodwill gestures is set out at Table 3 above.

**Financial Implications**

- 93 Should Cabinet agree to a formal apology, funding will be required for the goodwill gestures proposed in Table 3.
- 94 Indicative cost estimates derived from similar apologies and initiatives, have been used to determine the estimated costs in Table 4 below.
- 95 Table 4 also includes the proposed sources of funding to meet those costs. Those sources are within existing baselines wherever possible.

**Table 4. Estimated costs for gestures**

Description	Estimated Cost	Proposed funding source
Apology announcement event	\$0.2 million	Ministry for Pacific Peoples baseline.

**IN CONFIDENCE**

Historical account	\$0.2 million	Ministry for Culture and Heritage baseline.
Resources for teaching and learning	\$0.3 million	Funded through Budget 2021 as part of the Reform of the Tomorrow's Schools System initiative (which includes supports for implementation of the Aotearoa New Zealand's histories curriculum).
Education academic and vocational scholarships	\$2.1 million	Ministry of Education baseline.
Manaaki New Zealand short term scholarships	\$1 million	Ministry of Foreign Affairs and Trade baseline.
<b>Total estimated costs</b>	<b>\$3.8 million</b>	

96 Where costs are being met from within existing baselines, only the creation of the proposed Ministry of Education scholarships in Vote Education requires Cabinet approval. Any other changes that may be required within baselines can be approved by joint Ministers under the delegations in Cabinet Office circular CO (18) 2 - *Proposals with Financial Implications and Financial Authorities*.

97 The proposed Ministry of Education scholarships will be awarded for study or training from the start of the academic year in 2022 and cost \$525,000 per annum.

98 Section 9(2)(f)(iv) [Redacted]

**Legislative Implications**

99 There are no direct legislative implications. Section 9(2)(f)(iv) [Redacted]

Section 9(2)(f)(iv)

### Impact Analysis

100 Proposals in this paper are not subject to Regulatory Impact Analysis requirements. Section 9(2)(f)(iv)

### Population Implications

101 Application of the immigration policies of the 1970s during the Dawn Raids disproportionately impacted Pacific peoples. However, others were impacted. We understand that some Māori and Indian ethnic groups were also affected during the random police checks. We do not understand the full extent to which these groups were impacted but this may be uncovered as part of the compilation of the historical account.

### Human Rights

102 This paper is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### Treaty of Waitangi

103 Some Māori were targeted during the random police checks as there are reports of individuals that were stopped but released when they informed officers that they were Māori.

104 Any claims related to the Dawn Raids through the Waitangi Tribunal are unlikely. This is because new claims received after 1 September 2008 by the Waitangi Tribunal can only concern contemporary Crown actions or omissions that occurred on or after 21 September 1992. Any new claim regarding actions that occurred before 21 September 1992 are defined as historical Treaty claims and must have been filed on or before 1 September 2008.

105 Officials confirmed with the Waitangi Tribunal that it is unlikely that claims of prejudice suffered by a Māori claimant have been lodged fitting these criteria, for actions carried out by the Crown as part of the Dawn Raids. Racial discrimination and profiling may be considered under the Waitangi Tribunal's Kaupapa inquiry on citizenship rights and equality, however, the matters for consideration in this inquiry are not yet confirmed.

106 Whether any Te Tiriti o Waitangi claims yet to be settled through the historical settlement process would contemplate inclusion of treatment of individuals for racial discrimination suffered during the Dawn Raids is unknown, though we consider it unlikely given the specific matters that tend to be included in Te Tiriti o Waitangi settlement apologies and Kaupapa Inquiries.

- 107 We have engaged with Te Puni Kōkiri and Te Arawhiti on the wording of the apology so that it appropriately acknowledges Māori given their status as the Crown's Treaty partner, and because some Māori were impacted in the enforcement of the immigration policies during the Dawn Raids.

### Consultation

- 108 The following departments were consulted on this paper and their views have been incorporated: the Ministry of Business, Innovation and Employment, the Ministry of Foreign Affairs and Trade, the Crown Law Office, the Ministry of Education, the Ministry of Justice, the New Zealand Police, the Ministry for Culture and Heritage, the Ministry of Social Development, the Office of Ethnic Communities, Te Arawhiti, Te Puni Kōkiri, the Treasury, and the Department of Prime Minister and Cabinet.
- 109 The following entities were also consulted during the development of initial advice to inform this Cabinet paper: the Human Rights Commission and the Waitangi Tribunal.
- 110 Due to the sensitive nature of this work and the need to manage the risk of information leaks, our officials have not undertaken public consultation on the apology. However, we understand that many sections of the public are in favour of a formal apology, most especially members of the affected communities.

### Communications

- 111 Subject to Cabinet decisions, we propose that an apology be announced by the Prime Minister at a government event on 26 June 2021 to be held in Auckland.
- 112 The communications approach around this paper and associated issues will be led by the Minister for Pacific Peoples, in consultation with the Prime Minister and Ministers' offices as appropriate.

### Proactive Release

- 113 We intend to release this paper proactively within 30 days.

### Recommendations:

We recommend that the Committee:

- 1 **note** there is sufficient evidence available to indicate that Pacific peoples, Māori, and other ethnic groups were discriminatorily targeted based on their race, ethnicity, and colour, in the implementation of immigration legislation and policy during the Dawn Raids period of 1974-1976.
- 2 **note** established criteria for a public apology has been met, and a moral imperative exists to apologise for the Dawn Raids, given the evidence of discrimination, the growing public demand for an apology, and New Zealand's human rights framework.

3 Section 9(2)(h)

4 **agree** that a formal government apology be delivered by the Prime Minister on behalf of the Government for the treatment of individuals and communities impacted by the Dawn Raids between 1974–1976, which acknowledges the harm suffered and expresses sorrow and remorse about the events.

5 **agree** to the draft wording of the statement of apology set out in **Appendix 2**.

6 **agree** that the Prime Minister deliver the formal government statement of apology at a government event to be held in Auckland on 26 June 2021.

7 **invite** the Prime Minister, Minister of Immigration, and Minister of Police, to participate in Pacific cultural gifting processes to accompany the delivery of the apology, including by way of directing or inviting relevant senior officers to also participate.

8 **agree** that the Minister for Pacific Peoples direct his officials to coordinate the events management planning for attendance by the Prime Minister and other relevant Ministers, in consultation with relevant departments.

9 **note** that a comprehensive historical record of the Dawn Raids does not exist and is highly desirable for historical preservation, the promotion of reconciliation, and for education purposes.

10 **agree** that the Minister for Arts, Culture and Heritage request the Chief Historian of the Ministry for Culture and Heritage, to complete a comprehensive written and oral historical record of account of the Dawn Raids period as an additional goodwill gesture of reconciliation. The Ministry for Pacific Peoples will facilitate engagement with the community.

11 **agree** that the Minister of Immigration and Minister of Police direct their officials to make available archival records to assist with the compilation of the historical account.

12 **invite** a joint report-back from the Minister for Pacific Peoples and Minister for Arts, Culture, and Heritage within six months on the scope, plan, and costings for the completion of the historical account.

13 **note** that additional goodwill gestures of reconciliation will accompany the government apology as set out below:

13.1 **agree** to develop a comprehensive written and oral account of the Dawn Raids, including development of multimedia formats which will include community engagement;

13.2 **agree** to academic and vocational scholarships being provided for eligible Pacific people;

**IN CONFIDENCE**

13.3 **agree** for resources that support the teaching and learning of the Dawn Raids and Pacific histories be made available for schools and kura that may wish to teach about the Dawn Raids;

13.4 **agree** to the provision of Manaaki New Zealand Short Term Scholarship Training Courses for delegates from Samoa, Tonga, Tuvalu, and Fiji.

14 Section 9(2)(f)(iv)

15 **note** the cost estimates and proposed funding sources for the goodwill gestures.

16 **note** that the proposed education academic and vocation scholarships commemorating the Dawn Raids historical event will be awarded to New Zealanders of Pacific heritage annually from the 2021/22 financial year.

17 **agree** the scholarships will be administered by the Pacific Education Foundation.

18 **approve** the fiscally neutral adjustment to provide for the education scholarships, as described, with no impact on the operating balance and/or net core Crown debt:

	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26& Outyears
<b>Vote Education</b>					
<b>Minister of Education</b>					
<b>Multi-Category Expenses and Capital Expenditure:</b>					
Primary and Secondary Education (MCA)					
<i>Departmental Output Expense:</i>					
Support and Resources for Education Providers (funded by revenue Crown)	(0.280)	(0.525)	(0.525)	(0.525)	(0.525)
<b>Vote Tertiary Education</b>					
<b>Minister of Education</b>					

<b>Departmental Output Expense:</b>					
Stewardship and Oversight of the Tertiary Education System (funded by revenue Crown)	0.035	0.035	0.035	0.035	0.035
<b>Benefits or Related Expenses:</b>					
Tertiary Scholarships and Awards	0.245	0.490	0.490	0.490	0.490

- 19 **agree** that the proposed changes to appropriations for 2021/22 above be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.
- 20 **authorise** the Minister of Education and the Minister for Pacific Peoples to approve the final design of the scholarship programme.

Section 9(2)(f)(iv)

■ [Redacted]

Section 6(a)

[Redacted]

[Redacted]

[Redacted]

■ [Redacted]

■ [Redacted]

[Redacted]

[Redacted]

[Redacted]

23 Section 9(2)(f)(iv)

Authorised for lodgement

Rt Hon Jacinda Ardern

**Prime Minister**

Hon Aupito William Sio

**Minister for Pacific Peoples**

Hon Kris Faafoi

**Minister of Immigration**

Proactively Released

## Appendix 1: New Zealand immigration policy approach towards Pacific peoples in the 1960s and 1970s – encouraged migration to deportation

- 1 This Appendix sets out Immigration Act provisions and historical information obtained through initial research carried out by officials at the Ministry for Pacific Peoples. It is primarily sourced from:
  - 1.1 James Mitchell's 2003 University of Otago PHD thesis, *Immigration and National Identity in 1970s New Zealand*; and
  - 1.2 Tamara Ross's 1994 Victoria University Master's thesis, *New Zealand's 'overstaying islander': a construct of the ideology of 'race' and immigration*.

### Offences and powers provisions under the Immigration Act 1964

- 2 The Immigration Act 1964 (the Act) set out offences relating to temporary permits, such as failing to comply with any of the conditions of a temporary permit, including remaining in New Zealand beyond the mandated period (which was usually six months).<sup>12</sup>
- 3 By way of the Immigration Amendment Act 1968, the Act provided Immigration Officers and constables various powers related to the enforcement of the Act, including powers to require a person suspected of committing an offence to produce documentation proving their identity and legal status to be in New Zealand.<sup>13</sup> If a person failed to comply with these requirements without reasonable excuse, a constable could arrest the person without a warrant.<sup>14</sup> The person could also be subjected to a fine not exceeding \$200.
- 4 Where a person was convicted of an offence, such as failing to comply with any of the conditions of a temporary permit, a court could order an offender to be detained and removed from New Zealand at any available opportunity.<sup>15</sup>

### Migration of Pacific peoples to New Zealand

- 5 During the 1960s and 1970s, many people from Polynesia, especially Samoa and Tonga, migrated to New Zealand to take up employment opportunities that were not available in their home countries, and to fill New Zealand's labour shortages. Between 1945 and 1976 the number of Polynesians living in New Zealand grew from 2,159 to 65,694.<sup>16</sup> Most settled in Auckland, which became as a result, the largest 'Polynesian' city in the world.
- 6 In 1962, the Government signed a Treaty of Friendship with the newly independent Samoan Government. The *Western Samoan Quota Scheme*, (later to become the *Samoa Quota Scheme*), formally established in 1970,

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<sup>12</sup> Immigration Act 1964, s 14.

<sup>13</sup> Immigration Amendment Act 1964, s 33A(1).

<sup>14</sup> Immigration Amendment Act 1964, s 33A(2); and Crimes Act 1961, s 316.

<sup>15</sup> Immigration Act 1964, s 20.

<sup>16</sup> Mary Boyd (1990), *New Zealand and Other Pacific Islands*, in Keith Sinclair (ed), *The Oxford Illustrated History of New Zealand* (Oxford University Press, Auckland), cited in Department of Labour - *A History of NZ Immigration Policy* (unpublished).

was in the spirit of this Treaty and was created to facilitate migration from Samoa. The Quota allowed for the New Zealand residency of up to 1,100 Western Samoan citizens each year subject to a guarantee of employment, age (18-45) and standard health and character requirements. An official Tongan work scheme was introduced in January 1975, with similar schemes for Fiji, Western Samoan, Tuvalu and Kiribati introduced in later years.

### **Economic decline – 1970s**

- 7 At the start of the 1970s the global economy was also under pressure, and New Zealand's economy was declining. Great Britain joined the European Economic Community, ending New Zealand's privileged access to British markets. The oil shocks of 1973 and 1974 also contributed to the worsening economic situation.
- 8 New Zealand was facing an acute labour shortage and tens of thousands of people migrated to New Zealand, with a substantial number 'overstaying' their permit, often with the collusion of their employers. This was for some time ignored, but as the economy declined, many people began to see migrants as jeopardising their financial security and quality of life, especially Pacific migrants. Public disquiet about the numbers of migrants, the shortage of labour, and pressures on social services led to a rethinking of immigration policy implementation.

### **Estimates on number of overstayers**

- 9 There are a range of estimates for the number people that were unlawfully in New Zealand or illegal "overstayers" during the Dawn Raids period. According to the Department of Labour, in 1974 there were an estimated 6,000 overstayers.<sup>17</sup> However, in 1976 the Immigration department and Immigration Minister Frank Gill maintained that there were 10,00 to 12,000 overstayers. Despite this, Immigration department computer figures for the following year suggested that at any one time there were never more than 5,000 overstayers in the country.<sup>18</sup>
- 10 When computerised immigration records were introduced in 1977, they provided a picture of overstaying patterns, and revealed that 40 percent of overstayers did not come from the Pacific sources of Samoa, Tonga and Fiji. This 40 percent included mostly those from Great Britain and the United States.<sup>19</sup>

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<sup>17</sup> Immigration Division, *Polynesians in New Zealand*, Aug. 1976 in Department of Labour (DOL) Auckland Office Archives, NZNA BBAI A. 251 59d DOL 22/1/76, cited in James Mitchell (2003), *Immigration and National Identity in 1970s New Zealand* (PHD University of Otago).

<sup>18</sup> Auckland Star, *4,000 overstayers here at a time*, (1 November 1977), and 'Get all overstayers' says Islander's man, 22 April (1978), cited in Tamara Ross (1994), *New Zealand's 'overstaying islander': a construct of the ideology of 'race' and immigration* (MA Victoria).

<sup>19</sup> New Zealand Foreign Affairs Review, *Overcoming the Overstayer Problem*, v. 27, no. 4 (Oct.-Dec. 1977), pp. 54-6, cited in Mitchel (2003), p. 248.

## The 1974 Dawn Raids

- 11 Many people, who had come from overseas, including the Pacific, on temporary work permits to fill unskilled labour shortages had not left at the expiry of their permit. After four illegal overstayers from Tonga were arrested at the New Zealand Dairy Board's processing plant in Dominion Road Auckland, in March 1972, it was discovered that 52 other Tongans of indefinite immigration status were also employed there.<sup>20</sup> The Auckland Office of the Immigration Division initiated concerted action in early 1974.<sup>21</sup>
- 12 On the night of 13 March 1974, police and immigration officials launched the first series of night raids. The raids targeted the houses of Tongans living in Onehunga and by 3am, 15 people were arrested.<sup>22</sup> Further raids were carried out on 18 March 1974, when six houses were raided, and 21 Pacific peoples were arrested.<sup>23</sup> On 19 March, immigration officers and police with dogs interrupted a prayer meeting of the Free Church of Tonga and arrested five more people including the minister.<sup>24</sup> An estimated 40 – 80 people were arrested.<sup>25</sup>
- 13 The raids produced considerable public outcry. While there were few in New Zealand who defended the right to overstay a temporary permit, the Tongan community, the Federation of Labour (FOL), The Citizens Association for Racial Equality (CARE), the Polynesian Panther Party, the Race Relations Council and Ngā Tamatoa, all expressed concern at the very narrow targeting of one ethnic group. They argued that the Tongans had been encouraged to come by New Zealand employers and that most were "well-settled" and should be granted a general amnesty.<sup>26</sup>
- 14 These groups also criticised police heavy-handedness. They claimed that some Tongans, who had left their papers with travel agents, had been wrongly arrested and that others had not been given a chance to dress properly and appeared in court barefoot, in pyjamas or in clothing loaned to them in the cells.<sup>27</sup> The Tongan community also strongly objected to the use of dogs in the raids, which was considered culturally insulting. A CARE pamphlet described a raid, "At one house two police dogs were used, one was stationed at the back door and one was brought into the sitting room. When one resident asked a policeman to show a search warrant one dog was moved forward and began growling. The policeman threatened to set the dog on anyone who tried to move away."<sup>28</sup>

<sup>20</sup> *Ibid*, p. 238.

<sup>21</sup> *Ibid*, p.238.

<sup>22</sup> *Ibid*, p. 238.

<sup>23</sup> Ross (1994), p. 62.

<sup>24</sup> Joris de Bres, Rob Campbell and Peter Harris (1974), *Migrant Labour in the Pacific*, CORSO (Wellington), Part 3, p.2, cited in Ross (1990), p.62.

<sup>25</sup> Ross (1994), p. 62.; Mitchel (2003), p. 239.

<sup>26</sup> *Ibid*.

<sup>27</sup> Joris de Bres and Rob Campbell (1976), *The Overstayers: Illegal Migration from the Pacific Islands to New Zealand* (Auckland Resource Centre for World Development, Auckland, p. 20-1. Nga Tamatoa Newsletter, 19/3/74. Bay of Plenty Times 21/3/74 in MFAT 32/3/31/1 pt. 2.), cited in *Ibid*, p. 239.

<sup>28</sup> De Bres and Rob Campbell (1976), *The Overstayers*, p. 21, cited in *Ibid*.

- 15 On 21 March 1974, the Government of the day ordered a halt to the raids. Minister of Immigration Fraser Colman declared that the tactics chosen were “alien to the New Zealand way of life” and told the media that “firm action is necessary, but until we have a concerted plan, sporadic raids can only damage New Zealand’s image at home and abroad.”<sup>29</sup>
- 16 The Crown then sought to resolve the overstayer problem by offering a partial amnesty. The amnesty was announced on the April 1st, 1974, at the same time as a two-month suspension of all temporary entry of Tongans, other than on humanitarian grounds.<sup>30</sup> Overstayers who signed a register would not be prosecuted and became eligible for an extension of their stay of two months to allow them to earn enough money to pay for their fare home. Around 3,500 Tongans signed the overstayer register by the June 1st deadline and following representations to government from the Tongan Church, a committee of Pacific Island community leaders and immigration officials was set up to select 300 “well settled” Tongans to be granted permanent residency.<sup>31</sup>
- 17 Amnesty was also granted to 2,000 Tongan overstayers, who were permitted to leave the country without arrest or deportation.<sup>32</sup>

### The early 1976 Dawn Raids

- 18 In December 1975, the National Party came into power under Prime Minister Muldoon. National’s election campaign signalled a crackdown on immigration, and after entering office, the new Government sought to target overstayers.
- 19 In February 1976, the Dawn Raids recommenced. Eighteen houses in Onehunga were raided, followed the next night by four raids in Ponsonby, 23 overstayers were found, but only half of the raids were successful in catching alleged overstayers, and several complaints of police harassment were laid.<sup>33</sup>
- 20 The Dawn Raids of February drew stern protests especially from CARE, Pacific Island community groups and church leaders. The Borough Council of Onehunga, where most of the raids had taken place, also protested and called for an amnesty for overstayers. The protests were against authorities’ methods and the apparent focus of the campaign on only Pacific overstayers. The Tongan Society along with the Tongan Church organised a 3,000-signature petition calling for an amnesty.<sup>34</sup> The press were predominantly critical of the

<sup>29</sup> Ross (1994), p.62, cited in *Ibid*, p. 241.

<sup>30</sup> There was, at the time, a backlog of 6 000 applications in Tonga for visitors permits to New Zealand. Herald 2/4/74, p. 1. This was about 7 percent of Tonga’s total population, cited in *Ibid*.

<sup>31</sup> Ross (1994), p. 65. De Bres and Campbell (1976) p. 26. W Hegarty (1977), *New Zealand Immigration Policy: The Tongan Experience*, MA, Canterbury, p. 49. A M Kapeli President of the Tongan Society Inc. Auckland to Minister of Immigration 16/7/74 and Minister’s reply 25/7/74 discuss the criteria for letting them stay permanently both in Department of Labour Auckland Office Archives NZNA BBAI A. 251 61f Department of Labour 22/1/91-5. Letter PM (N Kirk) to Tongan PM (Tupelehake), 5/4/74 in MFAT 32/3/82/1 pt. 2 and Immigration Division HO to all districts 11/4/74 in DOL 22/1/109, cited in *Ibid*.

<sup>32</sup> John E Martin, *Holding the Balance: A History of New Zealand’s Department of Labour 1891 – 1995* (Canterbury University Press 1996); Mitchel, p.231.

<sup>33</sup> Department of Labour 22/1/13, cited in Mitchel (2003), p. 244.

<sup>34</sup> Onehunga Borough Council to Minister of Immigration 8/3/76 in DOL 22/1/310 pt. 1. Correspondence regarding the petition is in DOL 22/1/310 pt. 1. Evening Post 1/3/76 and 3/3/76 in MFAT 301/1/5 pt. 3. CARE, The National Party’s Immigration Policy and the Need for an Amnesty, Mar. 76, cited in *Ibid*.

raids. The Christchurch Star accused Police and Immigration of “gestapo tactics” and the Auckland Star argued that the broader Pacific community suffered unfairly as a result of the raids.<sup>35</sup>

- 21 Police saw this publicity and complaints from some of those raided as harmful to police-public relations and a report into the policing of the Immigration Act was commissioned.<sup>36</sup> The report, written by Superintendent R P Silk, concluded that police procedures in pursuing illegal immigrants were disorderly.<sup>37</sup>
- 22 As procedures stood, raids were carried out in response to tip-offs from members of the public and the vast majority of these informants were Pacific peoples. At the time of the raids, Auckland immigration officials had records of more than 1,500 such letters or phone calls of denunciation.<sup>38</sup>
- 23 There was no formal procedure for apprehending overstayers. Usually, the Immigration Division would ask the police to assist them in a raid and ad hoc raiding parties were made up of two to six police assigned to one immigration officer. The raids were carried out without search warrants.<sup>39</sup>
- 24 While the Silk report was critical of police procedures, it laid most of the blame for the debacle on the Immigration Division. It found that the Division was not fulfilling its responsibility to prevent a situation where Dawn Raids were required and that it was failing to accept its full responsibilities in carrying out the raids. This, in turn, had forced police to play a role in the apprehension of overstayers which harmed both their public image and their relations with minority groups.<sup>40</sup>
- 25 After the report, police became more reluctant to participate in the pursuit of overstayers. Auckland District Commander J W Overton advised his officers to reduce their role in raids to one of waiting outside the properties in case immigration officials required police protection, declaring that it was of questionable legality for them to visit properties based solely on “hearsay evidence”, to use bluff to gain an invitation to enter, or to take people into custody for failing to produce a permit. He also instructed that police should not participate in raids between the hours of 10:00pm and 6:30am.<sup>41</sup>

### The 1976 stay of proceedings

- 26 The controversy over the raids discouraged the Crown from extending them. A week after they started, Minister of Immigration Frank Gill told Cabinet that Dawn Raids were “somewhat hit and miss,” that they “rarely resulted in the

<sup>35</sup> Christchurch Star editorial (ed.) 20/2/76 in DOL 22/1/310 pt. 1. Herald 14/4/76. Auckland Star ed. 20/2/76 condemned the raids in Department of Labour Auckland Office Archives, NZNA BBAI A. 251 51b 22/1/13, cited in *Ibid*.

<sup>36</sup> *Notes Regarding Illegal Overstayers*, 15/7/76 in Police 1/1/27 v. 1, cited in Mitchel (2003).

<sup>37</sup> R P Silk, ‘Illegal Immigration Enquiries, Police Participation’, 26/2/76 in Police 1/1/27 v. 1, cited in *Ibid*.

<sup>38</sup> Christchurch Star 20/2/76 in DOL 22/1/310 pt. 1. The Auckland Star reported that there were 1927 calls received about overstayers between August 1975 and April 1976 including 900 concerning Tongans, 367 concerning Fijians and 660 concerning Samoans. Auckland Star 13/4/76 in DOL 22/1/310, See also, Silk, p. 1, cited in *Ibid*.

<sup>39</sup> Silk, p. 16, cited in *Ibid*.

<sup>40</sup> *Ibid*, p. 12, p. 15, cited in Mitchel (2003).

<sup>41</sup> Memo Overton to Police Commissioner, 5/3/76 in Police 1/1/27 v. 1, cited in *Ibid*.

discovery of overstayers who are not Pacific Islanders” and that “a high level of activity in this field can bring forth claims of discrimination and harassment.”<sup>42</sup>

- 27 On April 10th, Gill announced a twelve week stay of proceedings to allow overstayers to register and escape prosecution. Those who registered could ask either for a short stay to allow them to make arrangements to leave, a longer stay to wrap-up their affairs in New Zealand, or they could apply for permanent residency.<sup>43</sup>
- 28 By trying to encourage registration through the active co-operation of Pacific church and community leaders, the stay of proceedings clearly targeted specifically Pacific overstayers and this focus was very successful. When the overstay register closed on July 5th, of the 4,647 overstayers who had registered, all but seventy were Pacific peoples.<sup>44</sup> Despite this, the Minister of Immigration expressed his disappointment at the numbers of Pacific peoples who had registered.<sup>45</sup> These comments were given despite the fact that of the estimated 3,300 – 4,000 British overstayers in the country at the time, only eighteen had signed the register.<sup>46</sup>
- 29 Media coverage of the raids and the stay of proceedings criteria also helped to define overstaying as an exclusively Pacific problem. Use of the term “Islander” to mean “overstay” was common. In February, the Herald published a story about overstayers, noting that “most tip-offs come from other Islanders.”<sup>47</sup> In June, the paper ran a feature which sought to explain “*Why Tongans overstay*” and in August, the Auckland Star carried the headline “*Minutes for each Islander*” in explaining the procedure of the committee examining registered overstayers’ requests for residency.<sup>48</sup> One of the stated criteria of the amnesty was, according to the Immigration Division, “whether or not the overstayers had family in the Islands,” which was not a criterion that many of the American or British overstayers would have met.<sup>49</sup>
- 30 The public were in little doubt about who were the subjects of the overstay campaign. One letter to the editor of the Herald described the amnesty as being for “law breaking Pacific Islanders”, and another argued that “Islanders are overstayers and law breakers and should be sent home.”<sup>50</sup> However, when computerised immigration records were introduced in 1977 and gave the first accurate picture of overstaying patterns, they revealed that 40 percent of

<sup>42</sup> Memo Minister of Immigration to Cabinet 23/3/76 in DOL 22/1/310 pt. 1, cited in *Ibid.*

<sup>43</sup> Minister of Immigration to Cabinet 25/3/76 in DOL 22/1/310 pt. 1, cited in *Ibid.*

<sup>44</sup> These included 2 338 Tongans, 2 050 Western Samoans, 267 Fijians and 81 others. Of these 4198 were in Auckland, 241 in Wellington, 87 in Lower Hutt and 33 in Christchurch. De Bres & Campbell (1976), *The Overstayers*, p. 28, cited in *Ibid.*

<sup>45</sup> Minister of Immigration press release, 7/7/76 in DOL 22/1/2 pt. 32. Herald 28/8/76, p. 1, cited in *Ibid.*

<sup>46</sup> Truth, 2/11/76, p. 3. The Auckland Star estimated number of British overstayers and this figure was also reported in the Pacific Island Monthly but its origins are unclear. Auckland Star 1/7/76 in NZNA BBAI A. 251 51b DOL 22/1/13. Maurice Dick, “Islander’s Black Letter Day”, Pacific Island Monthly, Nov. 1976, p. 12, cited in *Ibid.*

<sup>47</sup> Herald 21/2/76, p. 1, cited in *Ibid.*

<sup>48</sup> Herald 12/6/76, p. 17. Auckland Star 18/8/76 in NZNA BBAI A. 251 51b DOL 22/1/13, cited in *Ibid.*

<sup>49</sup> Auckland Star 9/10/76 in NZNA BBAI A. 251 51b DOL 22/1/13, cited in *Ibid.*

<sup>50</sup> Herald 11/11/76 in MFAT 301/1/5 pt. 3. Herald 20/4/76, p. 6, cited in *Ibid.*

overstayers did not come from the Pacific sources of Samoa, Tonga and Fiji. This 40 percent included mostly British and Americans.<sup>51</sup>

- 31 On August 16th, a committee of three Labour Department officials began considering the written applications for permanent residency from registered overstayers.<sup>52</sup> The main criteria included family grounds, length of New Zealand residence, skills and workplace responsibility, letters of support from employers, stable employment history and “strong community support.”<sup>53</sup> In late September, the applications had all been processed, and it was announced that 1,723, or just under half, had been accepted with the other 1,754 required to begin leaving.<sup>54</sup> Pacific governments, faced with a wave of unemployed returnees to their fragile economies, were unhappy at the number of repatriations, but could do little about it.<sup>55</sup>

### The late 1976 Dawn Raids

- 32 On July 19th, three months after the amnesty was announced, Cabinet discussed how to deal with overstayers who had not registered. It instructed the Ministers of Police and Immigration to work out a plan using existing resource.<sup>56</sup>
- 33 This operation was hampered by the Police decision to reduce their participation in overstay operations and a disagreement between the two departments ensued.<sup>57</sup> On August 10th, Police Minister Alan McCready wrote to Minister of Immigration Frank Gill, reiterating the refusal of Police to be directly involved in a drive against overstayers. As well as citing the dubious legality of police involvement, he expressed the Police's desire to shed “extraneous tasks” and concentrate on the apprehension of serious criminals. He also noted the serious damage to police-community relations that could be done by further Dawn Raids, concluding that “police involvement with

<sup>51</sup> *Overcoming the Overstayer Problem*, NZFAR, v. 27, no. 4, Oct.-Dec. 1977, pp. 54-6, cited in *Ibid.*

<sup>52</sup> The criteria were approved by Cabinet. *Overstayers: Criteria for Consideration of Cases*, Aug. 1976 in DOL 22/1/310 pt. 5. Other criteria included degree of assimilation, age, marital status, number of close family members in the home country who could subsequently apply for entry on grounds of family reunification, accommodation, character and health. Office of Minister of Immigration to Auckland District Office 23/8/76 in NZNA BBAI A. 251 74f DOL 22/1/121, cited in *Ibid.*

<sup>53</sup> The criteria were approved by Cabinet. *Overstayers: Criteria for Consideration of Cases*, Aug. 1976 in DOL 22/1/310 pt. 5. Other criteria included degree of assimilation, age, marital status, number of close family members in the home country who could subsequently apply for entry on grounds of family reunification, accommodation, character and health. Office of Minister of Immigration to Auckland District Office 23/8/76 in NZNA BBAI A. 251 74f DOL 22/1/121, cited in *Ibid.*

<sup>54</sup> Auckland Star 25/9/76 in NZNA BBAI A. 251 74f DOL 22/1/121. The most common reason for acceptance was employer representations, followed by humanitarian grounds and marriage to a New Zealand citizen or resident. Auckland Office to HO 21/7/76 in NZNA BBAI A. 251 74f DOL 22/1/121, cited in *Ibid.*

<sup>55</sup> Auckland Star 2/9/76, Herald, 20/9/76, Auckland Star 13/10/76 in NZNA BBAI A. 251 51b DOL 22/1/13, cited in *Ibid.*

<sup>56</sup> Cabinet Memo CM 76/29/22 of 19/7/76 and CM 76/29/22 of 19/7/76 in MFAT 301/1/5 pt. 2, cited in *Ibid.*

<sup>57</sup> On 29 June, Deputy Director of Immigration (D Bond) rung B W Gibson, at Police National Headquarters to express concern at the new Police policy that officers should reduce their role in apprehending overstayers. Gill had declared that the Police regulations were “no good to [him]- The Police will have to change them.” Gibson had curtly refused to even meet Immigration officials and rebuked Bond over Immigration's lack of effort to increase the role of its staff in the apprehension of overstayers. The following day, Gill wrote to McCready to express his displeasure. Record of telephone message, Bond to Gibson, 29/6/76. Gill to McCready 30/6/76 in Police 1/1/27 v. 1, cited in *Ibid.*

immigration laws could cause irreparable damage to New Zealand's image both at home and abroad."<sup>58</sup>

- 34 The Crown decided to pursue those overstayers who had not signed the register. Cabinet discarded the idea of letting all those who had signed the register stay and Muldoon described a renewed series of raids as "the next logical stage after the amnesty."<sup>59</sup> The Crown was forced to act to break the impasse between the Immigration Division and the Police. On October 18th, Cabinet directed Police to take-over the pursuit of overstayers.<sup>60</sup>
- 35 Minister McCready instructed Police Commissioner Burnside that for three months, police should give priority to the apprehension of overstayers over other police duties and that there were to be "no limitations on [the] operation, Police [were] to do as they [saw] fit." He ordered an end to the restriction on raids between 10:00pm and 6:00am.<sup>61</sup>
- 36 Police Commissioner Ken Burnside told the District Commanders of Auckland, Wellington and Christchurch that he wanted action immediately and that police would only slow down the operation by trying to co-ordinate with the Immigration Division. District Commanders were given discretion as to the time and the nature of their activities and it was emphasised that results were expected. Five special squads were formed, two each in Auckland and Wellington and one in Christchurch, and a directive was given that "all other personnel who are not engaged full-time on these duties must be briefed to accord priority to the detection and arrest of overstayers."<sup>62</sup> Commissioner Burnside then wrote to Minister McCready to inform him of the instructions he had given.<sup>63</sup>
- 37 This decision to proceed without the cooperation of the Immigration Division meant that police deprived themselves of records of the names and addresses of suspected overstayers. This left them little basis for detecting overstayers other than random stopping of members of the public on the streets. Auckland's senior officers were briefed by Chief Superintendent Berriman. He told them that "the whole situation has come down to the fact that for three months now the Police are going to round up as many illegal immigrants and overstayers as they can possibly get ... There is complete discretion as to the time of arrest. [The Crown] is only concerned with results."<sup>64</sup>

<sup>58</sup> *Notes Regarding Illegal Overstayers*, 15/7/76 and McCready to Gill, 10/8/76 in Police 1/1/27 v. 1, cited in *Ibid.*

<sup>59</sup> Cabinet considered giving all those who had registered the right to stay but discarded this idea on the grounds that it would reward law breakers. Cabinet's consideration of the matter is discussed in a number of sources.

Memos for Cabinet 8/7/76 and 9/7/76 in Department of Labour 22/1/310 pt. 4. Cabinet Memo to Minister of Immigration 9/7/76 and Memo Minister of Immigration to Cabinet 8/7/76 in Department of Labour 22/1/310 pt. 3. Muldoon's Press Statement, 26/10/76 and *Diary of Stay of Proceeding Events*, Mar. 1977, p. 4, in Department of Labour 22/1/30 pt. 6. Muldoon Press Conference Transcript, 26/10, cited in *Ibid.*

<sup>60</sup> Deputy Commissioner (R J Walton) to Minister of Police (A McCready) 21/10/76 in Police 1/1/27, v. 2, cited in *Ibid.*

<sup>61</sup> Minister of Police to Commissioner, 26/10/76 in Police 1/1/27 v. 2, cited in *Ibid.*

<sup>62</sup> *Notes on meeting held at National Headquarters at 08:40 hours on 21/10/76*, in Police 1/1/27 v. 2., cited in *Ibid.*

<sup>63</sup> Burnside to McCready 22/10/76 in Police 1/1/27 v. 2, cited in *Ibid.*

<sup>64</sup> *Minutes of Meeting with Officers re: Arrest of Immigrant Overstayers*, Auckland Central Police Station, 22/10/76 in Police 1/1/27 v. 2, cited in *Ibid.*

- 38 The whole objective of the exercise, he told his staff, was that the Commissioner could then go back to the Crown with a list of expenses from the operation and ask for increased funding.<sup>65</sup> He instructed that “any contact that the police have with a prospective illegal immigrant, they are to invoke the Immigration Act powers we have to ensure he is not an illegal immigrant or overstayer before we let go.”<sup>66</sup> This prompted the question of what constituted a ‘prospective illegal immigrant.’
- 39 One officer described his instructions from his Senior Sergeant regarding the overstayer operation: “We were to locate and arrest all persons whom we had good cause to suspect were illegal immigrants. The operation was to be pursued with vigour with no holds barred including dawn raids.” Examples given to officers of “good cause to suspect” illegal overstaying included:
- 39.1 If a person obviously appeared to be a foreigner e.g. Polynesian, we should approach him [sic] and establish his identity. If the man admitted he was a foreigner we should request his passport and visa. If that person refused to supply the documents we should, after warning him, arrest that person as a good cause to suspect would exist.
- 39.2 ... If a Polynesian claimed he could not understand the language and had no passport he should be arrested.
- 39.3 If a person found to be a foreigner claimed he had the necessary documents at his home, he should be given the opportunity of furnishing the documents by our taking him to his address. If that person refused to accompany the police to the address where it was claimed that the documents were kept, he should be arrested.<sup>67</sup>
- 40 As a result, a directive from Cabinet urging police to take control of the overstayer situation and stating that results were expected came to be interpreted as an instruction to police officers to stop Pacific peoples and ask for their papers and that if they could not produce them, to arrest them. This interpretation was a product of both an entrenched association in society between overstayers and Pacific peoples, and of flaws in the way in which immigration and particularly the pursuit of overstayers was administered by Police and the Immigration Division.<sup>68</sup>

*The 1976 random street checks*

- 41 During the weekend of October 22nd, 1976, Auckland police stopped and demanded the passports of 856 mostly Polynesian people. In addition, more than 200 houses were raided. A total of twenty-three overstayers were located.<sup>69</sup> Wellington Police did not launch random street checks, but they did

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Person Arrested on 21 October 1976 at Auckland for Breach of Immigration Act 1964*, Police Report, 24/10/76 in Police 1/1/27 v. 2, cited in *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Notes on Muldoon's Press Conference*, 26/10/76, p. 1, in MFAT 301/1/5 pt. 3. Herald 26/10/76 in NZNA BBAI A. 251 51b DOL 22/1/13, cited in *Ibid.*

raid 141 addresses, questioning 172 people and arresting sixteen for violations of the Immigration Act.<sup>70</sup>

- 42 The Auckland raids and street checks began at 7:00 pm on Thursday 20th October. On this night, police took twelve people into custody, but eventually released ten of them. Of those, four were Samoans in New Zealand legally under the continuing residence scheme, one was a permanent resident, another was a Tokelauan - and thus a New Zealand citizen - and two were overstayers who had signed the register.<sup>71</sup> Unperturbed by the inefficacy of the operation, police continued with the 'road-block' on Karangahape Road and questioned hundreds of Pacific peoples about their immigration status.<sup>72</sup>
- 43 Chief Superintendent Berriman told the media that police would stop and question "anyone who does not look like a New Zealander, or who speaks with a foreign accent." "These people," he declared, "must expect to arouse some suspicion."<sup>73</sup> The implication of this was clear: "Pacific Islanders did not look like New Zealanders". This is despite of the fact that, by 1976, there were more than 79,000 Pacific Islanders in New Zealand, of whom 60,000 were permanent residents or citizens, around 12,000 were in New Zealand on short term visas or under the continuing residency scheme for Samoans and a further 4,700 of whom had been granted temporary legal status through having signed the overstay register. This left no more than 2,500 or around 3 percent of the Pacific population as illegal overstayers.<sup>74</sup> However, by defining Pacific peoples as overstaying suspects, Chief Superintendent Berriman demonstrated the popular perception that Pacific peoples, irrespective of citizenship, fell outside the boundaries of New Zealand identity.
- 44 On Saturday 22nd, Chief Superintendent Berriman told the Auckland Star that the checks were "completely at random" but admitted that almost all of those questioned were Pacific peoples. His justification for this was that "*naturally we'd look twice at someone we did not think was New Zealand born.*"<sup>75</sup> He also defended the location of the random checks in the inner city and in predominantly Polynesian suburbs: "You look in the likely places if you are after something. Why would you look in Kohimarama or Remuera? It would help us and them if Pacific Islanders carried passports during this period."<sup>76</sup>
- 45 Police Minister McCready denied that police were "launching a major campaign" or that there would be widespread spot checks. Minister McCready compared the checks to being asked for a driving or a fishing licence: "You have to produce a licence even if you have been fishing for twenty years ... people

<sup>70</sup> E J Trapitt Chief Superintendent to Head of Training and Personnel (B Gibson) 17/11/76 in Police 1/1/27 v. 2, cited in *Ibid.*

<sup>71</sup> Ross (1994), p. 105.

<sup>72</sup> Auckland Star 22/10/76 in MFAT 301/1/5 pt. 3, cited in *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> Statistics derived from official estimate of overstayers of the Immigration Division based on the number who came forward in the amnesty and the accurate figures available from 1977 when immigration records were computerised. Immigration Division, *Polynesians in New Zealand* Aug. 1976, in NZNA BBAI 59d A. 251 DOL 22/1/76, cited in *Ibid.*

<sup>75</sup> At least one overstayee who was not Pacific was questioned, a Canadian Hare Krishna. Auckland Star 22/10/76 in MFAT 301/1/5 pt. 3, cited in *Ibid.*

<sup>76</sup> *Ibid.*

who look like overstayers will have to put up with a little inconvenience.”<sup>77</sup> When asked why only Pacific peoples were being questioned when there were also European overstayers he replied “if you have a herd of Jerseys and two Friesians, the Friesians stand out.”<sup>78</sup>

- 46 By the Tuesday after Labour Day, the opposition to the checks drew demonstrations, the largest of which were in Auckland. Those present included seven members of the city council, which earlier in the day had passed a resolution calling for the resignation of the Minister of Police. The meeting was then addressed by Assistant Commissioner Overton, who admitted that there had been raids and assured those present that they would cease.<sup>79</sup>
- 47 Chairman of the Auckland branch of the Police Association, Sergeant Peri Ngata also responded that police had “clear instructions” to carry out random checks and leaked the internal Police memo that had ordered them.<sup>80</sup> An anonymous police officer also told the papers that “our orders were to grab anyone who looked like an overstayer. We were told that Polynesians were an obvious target.”<sup>81</sup>
- 48 On the 27<sup>th</sup> of October, Police National Headquarters advised their Minister to “lay off emphatic denials of random checks” while police looked into the allegations.<sup>82</sup> Police Minister McCready and Prime Minister Muldoon ignored this and continued to deny the checks.<sup>83</sup> However, this position was undermined when on the 29<sup>th</sup> of October, Police National Headquarters instructed that staff should admit that random checks had taken place “through misunderstanding of orders.”<sup>84</sup>
- 49 On October 30<sup>th</sup>, the Minister of Police publicly admitted that raids had taken place, but now denied both that he had earlier denied the checks and that the order to carry them out had come from him.<sup>85</sup>
- 50 An internal police inquiry into the random checks was carried out by Chief Superintendent W R Fleming of the Hamilton police.<sup>86</sup> The report found that of 856 people questioned in Auckland about their immigration status over the weekend of October 22<sup>nd</sup>, 201 had been questioned at random. The report

<sup>77</sup> *Ibid.*

<sup>78</sup> Cited in Ross (1994), p. 105.

<sup>79</sup> Herald 26/10/76 in MFAT 301/1/5 pt. 3, cited in Mitchel (2003).

<sup>80</sup> *Ibid.* Auckland Police Association, *Police Action Regarding Illegal Immigrants*, Press Release, 25/10/76 in Police 1/1/27 v. 2, cited in *Ibid.*

<sup>81</sup> Auckland Star 27/10/76 in MFAT 301/1/5 pt. 3, cited in *Ibid.*

<sup>82</sup> *Police Summary of Events*, p. 5, cited in *Ibid.*

<sup>83</sup> Herald 28/10/76 in MFAT 301/1/5 pt. 3, cited in *Ibid.*

<sup>84</sup> A press statement was prepared for the Minister to this effect. McCready was angry that he had been allowed to make statements denying the raids over the preceding days while police were preparing to admit them. “Why have I been lied to?” he demanded. Deputy Commissioner Walton replied that he had warned the Minister several times to “lay-off” the denials. Walton also explained to him “that we are in a war situation, a constantly changing scene and what is the position today may not be the same tomorrow. Before continuing a stand, he should check.” *Police Summary of Events*, p. 6, cited in *Ibid.*

<sup>85</sup> He told the Herald that he had not denied the random checks but that he had stated that there was no proof of them. Herald 3/11/76 in MFAT 301/1/5 pt. 3, cited in *Ibid.*

<sup>86</sup> Deputy Commissioner (R J Walton) to Chief Superintendent (W R Fleming), 1/11/76, in Police 1/1/27 v. 2, cited in *Ibid.*

found that the operation in Auckland had been badly planned, that instructions were not communicated clearly and that police were not sufficiently aware of their rights and responsibilities under the Immigration Act.<sup>87</sup> It also suggested that blame for the Dawn Raids rested with Chief Superintendent Berriman or above with a strong suggestion of Ministerial involvement. It also found that police actions had partially been motivated by the sentiment that “this new type of work may be used to gain leverage for more equipment, vehicles and possibly pay.” Finally, while there was no direct order from Cabinet for random checks, the report found that Cabinet's demand for immediate results placed pressure on police which contributed to the institution of the policy of random checks.<sup>88</sup>

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<sup>87</sup> The report found that “Whilst verbal orders were given for the implementation of the operation, they lacked sufficient detail as to law, policy and execution.” Minister of Police (A McCreedy), Press Release 23/12/76 in DOL 301/1/5 pt. 3, cited in *Ibid.*

<sup>88</sup> Ross (1994), p. 113-9, cited in *Ibid.*

## Appendix 2: Statement of Apology

### Draft Dawn Raids Statement of Apology

#### *Opening / welcome*

Tēnā koutou katoa, Kia orana kotou katotoa, Fakaalofa lahi atu ki mutolu oti, Tālofa nī, Mālō nī koutou, Ni sa bula vinaka, Fakatalofa atu, Noa'ia 'e mauri, Kam na mauri, Malo e lelei, Sioto'ofa, Mālō lava le lagi e mamā ma le soifua maua, Oue tulou, tulou atu, tulouna lava.

#### *Māori address*

Tēnei te mihi māhana ki a koutou katoa – ngā uri o te Moana Nui a Kiwa, kua rauika nei i raro i te kaupapa whakahirahira o te wā.

(Translation - Warm greetings to you all – the descendants of the Pacific, who have assembled here at this time for this very important occasion.)

#### *Tongan address*

Tapu ki he 'afio 'a e Tolu-Taha'i-'Otua. Tapu mo hou'eiki. Tapu ki a ha'a matāpule. Tapu mo ha'a lotu. Pea tapu mo e ngaahi tu'unga kotoa 'oku fa'a fakatapua. Kau ha o atu hē.

Ko e 'aho ni 'oku ou tu'u 'i ho mou ha'oha'onga mo e loto fa'a fakamolemole mo fakatomala 'i he ngaahi fehālaaki 'o e kuohili.

(Translation: in acknowledgement of the presence of the Trinity. Acknowledging the presence of chiefs. Acknowledging the lineage of orators/speaking chiefs. Acknowledging religious lines. And acknowledging all positions that are normally acknowledged. May it allow me an opportunity to proceed. Today I stand before you all with a heart that is genuinely apologetic and contrite for the wrongs/transgressions of the past.)

#### *Samoan address*

O le aso lenei e moni ai le upu a le mua gagana, e tagi fua Li ua i le vaa o Eneli, ua solofoea le tatou sa. O le sasi o nisi o le au alo, ae aafia atu ai ma foe a isi. E ui la ua masaa le ipu vai, E ui l lea, ua masa'a le ipu va iL. E lē mafai foi e ni timuga, tafeaga ma ni lolo vaie ni vai l soo se lolo, tafeaga ma timuga ona faamagalo le sami. E faapena se lagona o lenei aso. auā o le mataisau o le Atua o le Olefa ma le Omega, o le tagata foi o lana foafoaga e faagafaina o tatou aiga, nuu, ekalesia ma atunuu . Ae avea ia lo tatou gafa faa le kerisiano po'o le fa'aleagaga e māgalo ai se leo fa'atauva'a. (Translation: Wrong of the past impacts the future. So, despite the spilt waters (wrong doings), no overflow of water from storm, floods and heavy rain can dilute the seawater or right the wrong. However, let our spiritual connectedness be of some sooth to enable forgiveness. The sea water cannot be diluted by many rainy weathers and that is the overarching sentiments of today, however I ask for our spiritual connectedness to forgive what I am about to say.)

Welcome to you all who have come here today for this important occasion. I stand before you as a symbol of the Crown that wronged you nearly 50 years ago.

Today is a day of solemn reflection and over the past weeks, I have particularly reflected on the story of Pacific peoples in New Zealand. This is a lengthy story that continues to evolve. One part of this bigger story is the migration from the Pacific to Aotearoa in the 1950s and how this has shaped who we are today as a nation made up of many rich and diverse cultures.

We have experienced the Pacific Aotearoa journey shift from one of new settlement to the present-day Pacific diaspora in New Zealand, where Pacific peoples are an integral part of Aotearoa's rich cultural and social fabric and are active contributors to our economic success.

However, in the multiple chapters of Pacific peoples' story in New Zealand, the chapter of the Dawn Raids stands out in our shared history as one that continues to cast a long shadow to this day.

### ***Discriminatory application of immigration law in 1970s***

During the economic boom of the 1950s, New Zealand encouraged significant migration from the Pacific region to fill our labour shortages in the manufacturing and primary production economy. It was a time of economic prosperity and many migrated from the Pacific to New Zealand as a result.

However, at the downturn of the New Zealand economy in the early 1970s, parts of our society began to see migrants as jeopardising their financial security and quality of life. The migrants who became the focal point and scapegoat for these fears were largely Pacific peoples, and when Police and Immigration enforced immigration laws around overstaying, not everyone was targeted.

Instead, Police and Immigration officials overwhelmingly conducted raids on the homes of Pacific families. Officials, often accompanied by dogs, planned, and undertook late night and early morning (dawn) raids of Pacific peoples' homes. They were woken abruptly, physically removed from their beds and forced into Police vans to be taken to the station for questioning. Some were hauled to the Police station to appear in court the next day barefoot, in pyjamas or in clothes loaned to them in the holding cells; others were wrongfully detained.

During the Dawn Raids period, Police also conducted random stops and checks under the law at the time which required any person, on request, to produce their passport or permit if there was good cause to suspect an immigration-related offence, like overstaying a permit. This lawful provision was exploited to racially profile those who were suspected as being overstayers, by randomly stopping Pacific peoples, Māori, and other people of colour in the street, at churches and schools, and other public places. I understand that, at the time, public statements were made that a passport should be carried by those who looked like and spoke like they were not born in New Zealand.

Many groups, such as the Citizens Association for Racial Equality, Ngā Tamatoa, Amnesty Aroha, and the Federation of Labour, took to the streets in protest of these

actions. A prominent youth group was the Polynesian Panthers, a social justice movement that was founded in inner-city Auckland in June 1971. This movement operated to bring awareness to the treatment of Pacific peoples and to protest Crown actions and immigration policies. These protests, coupled with the increasingly negative public reaction, led to the end of the Dawn Raids in 1976.

When we look back, it is now very clear that the immigration laws of the time were enforced in a discriminatory manner and that Pacific peoples were specifically targeted and racially profiled when these activities were carried out. The statistics are undeniable. There were no reported raids on any homes of people who were not Pacific; no raids or random stops were exacted towards European people. Following an inquiry report of the then Race Relations Conciliator, Walter Hirsh, in 1986, it was found that while Pacific peoples comprised roughly a third of overstayers, they represented 86% of all prosecutions for being an overstayer. During the same period, overstayers from the United States and Great Britain, who, together, also comprised roughly a third of overstayers, made up only 5% of prosecutions.

### ***Apology statement***

While these events took place almost 50 years ago, the legacy of the Dawn Raids era does live on today in Pacific communities. It remains vividly etched in the living memory of those who were directly impacted; it lives on in the minimisation of trust and faith in authorities, and it lives on in the unresolved grievances of Pacific communities that these events happened and that to this day have gone unaddressed.

Today, I stand on behalf of the New Zealand Government to offer a formal and unreserved apology to Pacific communities for the discriminatory implementation of the immigration laws of the 1970s that led to the events of the Dawn Raids. The Government expresses its sorrow, remorse, and regret that the Dawn Raids and random police checks occurred and that these actions were ever considered appropriate. Our Government conveys to the future generations of Aotearoa that the past actions of the Crown were wrong, and that the treatment of your ancestors was wrong. We convey to you our deepest and sincerest apology.

We also apologise for the impact that these events have had on other peoples, such as Māori and other ethnic communities, who were unfairly targeted and impacted by the random Police checks of the time. We acknowledge the distress and hurt that these experiences would have caused.

### ***New Zealand's human rights commitments***

As a nation, we expect all persons in New Zealand to be treated with dignity and respect and that all individuals are guaranteed their rights without distinction of any kind. Unfortunately, these expectations were not met in this case and inequities that stem from direct and indirect discrimination continue to exist. The Government is committed to eliminating racism in all its forms in Aotearoa New Zealand and affording everyone the right to be treated humanely and with respect for their dignity. I want to emphasise that under our current immigration compliance regime, the Government no longer prioritises compliance activity and deportation on the basis of ethnicity or

nationality, but instead seeks to address potential risks to the New Zealand community and the integrity of the immigration system.

***Pacific context – reconciliation***

As a government we want to honour Pacific ways of seeking reconciliation. We understand that Pacific practices and protocols vary, but the common thread that underpins these practices is the expectation to seek reconciliation in a way that is meaningful, genuine and that restores the balance from past wrongs.

We want our apology to be reflected in a manner that has meaning to Pacific peoples. Therefore, today we have engaged in the Samoan cultural protocol of *ifoga* which is a traditional practice of seeking forgiveness. We understand that this practice restores the honour and dignity of the wronged party. It is a restorative practice, and as a government, this is what we would like the events of today to represent.

I also understand that the Tongan practice of *kole fakamolemole* requires an apology to engage in meaningful dialogue to restore the *vā* or the relational space that has been severed. We hope that our presence here today to provide an apology helps to weave together our connections as people.

***Gestures to accompany the apology***

I understand that in many cultures, including in Pacific cultures, words alone are not sufficient to convey an apology and it is appropriate to also include tangible gestures of goodwill and reconciliation. We acknowledge the enduring hurt that has been caused to those who were directly affected by the Dawn Raids, as well as the lasting impact these events have had on the generations that followed. I have heard that, for many people, the hurt was so deep that even nearly 50 years later it is a struggle to talk about.

We recognise that no gestures can mend this hurt. However, we hope that these gestures are accepted as a way of expressing our deepest sorrow whilst recognising the wrongs of the past. We hope that they go some way to help everyone affected deal with the harm, and to help them hold their heads up high. Through these gestures we are seeking to pave a new dawn, and a new beginning for the Pacific peoples of New Zealand.

As a government, we commit to providing to Pacific communities in Aotearoa the following gestures of goodwill and reconciliation:

- We will support the development of an historical account of the Dawn Raids which will form a valuable source of historical preservation and that can be used for education purposes. As part of this, the community will have the opportunity to come forward and share their experiences.
- We will support the teaching and learning of the Dawn Raids and Pacific histories in schools and kura by having resources available for schools who may wish to teach about the Dawn Raids as part of the Aotearoa New Zealand Histories curriculum.
- We will provide \$2.1 million in educational scholarships and fellowships to be available to Pacific communities in New Zealand.

- We will also provide new Short Term Training Scholarships for young leaders from Samoa, Tonga, Tuvalu and Fiji.

***Closing comments***

Almost 50 years on from the Dawn Raids, the Pacific story continues to shift. This chapter sees a Pacific Aotearoa that is confident, thriving, prosperous and resilient. We hope that today has brought the much-needed closure and healing for our Pacific communities and will enable us to keep growing together as a community and as a nation.

*Tongan closing*

Ko 'e ku faka'amu ke tau kamata 'i he 'aho ni 'a hono lalanga ha kaha'u ma 'a kitautolu mo 'e tau fānau mo e makapuna 'oku fe'unu 'aki 'a e ako mei he kuohili mo e lolotonga 'o makatu'unga 'i he tauhi vā lelei mo e fe'ofa'aki.

(Translation: it is my wish that, starting from today, we will weave a future for us, our children, and grandchildren, that is held together by the learnings from the past and the present, founded on keeping good relations and love (for one another).)

*Samoan closing*

Faapea se faamanatu mai o Tui Atua, o le filemu e maua pe a talafeuga lelei le vanimonimo, siosiomaga, tagata I le isi tagata ma le tagata lava ia. O lenei faamoemoe, o le tatou saili malo ina ia maua le filemu I loto ma agaga o Pasefika I Aotearoa.

(Translation: As Tui Atua reminds us of the four harmonies to keep the peace; harmonies with the cosmos, harmonies with the environment, harmonies amongst people and harmony within oneself. Today we collectively pursue triumph to keep the peace within our minds and souls of Pacific Aotearoa New Zealand.)

Ia manuia