



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Petitions Committee

Komiti Whiriwhiri Take Petihana

54th Parliament
September 2024

Petition of Brian Tamaki: Ban support for Hamas and Hezbollah, and other terrorist organisations

Presented to the House of Representatives
by Greg O'Connor, Chairperson

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Petition of Brian Tamaki

Recommendation

The Petitions Committee has considered the petition of Brian Tamaki—Ban support for Hamas and Hezbollah, and other terrorist organisations—and recommends that the House take note of its report.

Request about the political wings of Hamas and Hezbollah

The petition was presented to the House on 7 December 2023. It requests:

That the House of Representatives: urge the Government to designate the political wings of the Hamas and Hezbollah movements as terrorist organisations, and pass legislation that expels members of Parliament who support any activities of designated terrorist organisations.

Background to this petition

Hamas is a Palestinian nationalist movement with both a political and a military wing. Hezbollah is a Lebanese political party and paramilitary group. The military wings of both Hamas and Hezbollah were designated terrorist organisations by the New Zealand Government in 2010.

The political wing of Hamas has governed the Israeli-occupied Gaza Strip since 2007. On 7 October 2023, Hamas made terrorist attacks on Israel in which over 1,000 Israelis and foreign nationals were killed. Following these attacks, Israel embarked on large-scale military action in Gaza in which tens of thousands of Palestinians have been killed and about 1.9 million displaced. The conflict has drawn substantial international attention and heated commentary in New Zealand and elsewhere.

Designation as a terrorist organisation

The Terrorism Suppression Act 2002 provides for the creation of a list of designated terrorist entities. Under the Act, when entities become designated terrorist entities, their assets are frozen and it becomes a criminal offence to participate in or support the activities of the entity. We note that it is illegal to fundraise for, recruit, or harbour terrorists regardless of whether they are officially designated as a terrorist entity.

Designated terrorist entities fall into one of two categories: entities listed by the United Nations as terrorist entities, which are automatically designated terrorist entities in New Zealand, and entities designated by the Prime Minister. The Prime Minister may designate an entity as a terrorist entity if they believe on reasonable grounds that the entity has knowingly carried out terrorist acts.

Comments from the petitioner

The petitioner's submission expresses his concern about the influence of Hamas and Hezbollah, which he says seek to "infiltrate" Western countries. He submits that Hamas

commits ongoing human rights violations in Gaza as well as those committed in Israel on 7 October 2023. He asks that the Government designate all wings of Hamas and Hezbollah as terrorist organisations.

The petitioner's submission further asserts that "Palestine and Hamas are one and the same". He says that a majority of Palestinians support Hamas's continuing government in Gaza and its terrorist activities. He is particularly concerned that Hamas supports the creation of a Palestinian state that would include portions of land currently considered part of Israel. He says that Palestinians hold generally negative views about Israel and about the role of the United States, the United Kingdom, and the European Union in supporting Israel against Hamas.

The petitioner expresses particular concern about the phrase "from the river to the sea", which he says references a Hamas slogan. He believes this phrase expresses a view that Israel should not exist and Jewish people in Israel should be eradicated. He submits that many Jewish New Zealanders consider the phrase inherently anti-Semitic. He also expresses the view that New Zealand should declare itself to be a Christian nation, which he said would be a deterrent to "other extreme religions feeling welcome in our nation".

Request to remove members of Parliament who express support for Palestine

The petitioner asks that the law be amended so that members of Parliament who express support for terrorist organisations are expelled from Parliament. He also says that, because he believes Palestine and Hamas are one and the same, in his view members of Parliament who express support or concern for Palestine are expressing support for a terrorist organisation. He is particularly concerned about MPs who have used the phrase "from the river to the sea". His submission calls for all members of the Green Party and Te Pāti Māori to be expelled from Parliament for having expressed support for Palestine.

Our response to the petition

In December 2023 the House unanimously agreed to unequivocally condemn the Hamas attacks on Israel in October 2023 and to call on all parties involved in the ongoing conflict to take urgent steps towards a just and lasting peace and a two-state solution.¹ We would like to take this opportunity to reiterate that sentiment.

We note that the political wing of Hamas was designated a terrorist entity in February 2024, which addresses one of the petitioner's requests.

We also note the petitioner's request that the House "pass legislation that expels members of Parliament who support any activities of designated terrorist organisations". The Electoral Act governs the conditions under which a member can be removed from Parliament. Section 55 of the Electoral Act 1993 provides that a member's seat is vacated if that member:

- fails to attend Parliament for a full session
- takes an oath, takes citizenship in, or is nominated or appointed as a member of a governing body of another State

¹ *New Zealand Parliamentary Debates*, Vol 772, 7 December 2023.

- is convicted of an offence punishable by imprisonment for longer than 2 years, or of a corrupt practice
- becomes a public servant or an electoral officer
- ceases to be a parliamentary member of the political party for which he or she was elected
- resigns, dies, or becomes mentally disordered.

We note that, under sections 8 to 10 of the Terrorism Suppression Act, providing material support for designated terrorist entities is punishable by penalties ranging from 7 to 14 years' imprisonment. A member of Parliament's seat would therefore be vacated if they were convicted of supporting a designated terrorist entity.

We do not agree with the petitioner that expressing support or concern for Palestine and Palestinians is the same as expressing support for Hamas. We do not think it would be appropriate to expel members of Parliament for exercising their freedom of speech to express support for Palestinians. We think New Zealand's Parliament is robust enough to accommodate many different expressions of opinion. Nevertheless, we intend to write to the Justice Committee so it can consider, in any review of the relevant provisions of the Electoral Act it may undertake, whether any specific provisions are needed should any member of Parliament express support for a terrorist act or a designated terrorist entity.

Appendix

Committee procedure

The petition was referred to us on 7 December 2023. We met between 7 March and 26 September 2024 to consider it. We received a written submission from the petitioner.

Committee members

Greg O'Connor (Chairperson)

Carl Bates

Kahurangi Carter (to 8 May 2024)

Greg Fleming

Francisco Hernandez (from 8 May 2024)

Related resources

The document we received as evidence in relation to this petition is [available on the Parliament website](#).