



## Proactive Release

The following document has been proactively released by the Department of the Prime Minister and Cabinet (DPMC), on behalf of Hon Judith Collins, Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques:

### **Briefing to the Incoming Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques**

The following document has been included in this release:

**Title of paper:** Briefing to the Incoming Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

#### **Key to redaction codes:**

- section 9(2)(a), to protect the privacy of individuals;
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials;
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion;
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# Briefing to the Incoming Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques

Date	4 December 2023
Priority	Routine
Security classification	<del>IN CONFIDENCE</del>

## Introduction

Welcome to your role as Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques.

This briefing sets out the:

- background information on the Royal Commission report and recommendations (see also Annex A)
- context for this portfolio, your roles and responsibilities, and how the Department of the Prime Minister and Cabinet (DPMC) can support you;
- key areas of focus requiring consideration or decisions within the first few months, while building towards the fifth anniversary of the attacks on 15 March 2024; and
- our interest in having early discussions with you on the Government's future response to the Royal Commission report.

Following the delivery of this Royal Commission's report and its 44 recommendations, a cross-government work programme was initiated to improve New Zealand's national security system and counter-terrorism effort, enhance community safety and to build social cohesion and inclusion. There are 17 agencies involved in the Government's response.

DPMC is:

- the coordinating agency;
- responsible to you on two recommendations related to community engagement (Recommendation 27 – with the 15 March community, and Recommendation 38 – with all communities); and
- responsible to the Minister for National Security and Intelligence, and is responsible or responsible with other agencies for 17 recommendations relating to national security and preventing and countering terrorism.

DPMC is available to support you as required:

- as Lead Coordination Minister (a role established in response to Royal Commission Recommendation 43) – by ensuring agencies are aware of related issues and progress, reporting to ministers and to the public on the overall response progress;
- on matters relating to the appointment of and providing the secretariat support to the ministerial advisory group on the implementation and oversight of the Government response, known as Kāpuia (established under Recommendation 44);
- through the Policy Community Engagement Tool, to encourage all public sector community engagements to be consistent with the Open Government Partnership and the International Association for Public Participation IAP2 Public Participation Spectrum<sup>1</sup> (under Recommendation 38);
- preparing information and options for discussing restorative justice processes with the whānau, survivors and witnesses of the attack (under Recommendation 27); and

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<sup>1</sup> The International Association for Public Participation (IAP2) spectrum of Inform-Consult-Involve-Collaborate-Empower.

- developing an inter-agency outcomes framework to assess the impact of the response to the Royal Commission's report and recommendations – the Response Outcomes Framework.

There are numerous stakeholders interested in the Government's Royal Commission response, including the affected community, faith and ethnic organisations, and others interested in the recommended changes to the national security system and to enhancing social cohesion. These stakeholders will be pleased a Lead Coordination Minister has been appointed and will continue to seek information about the Government's priorities for the response.

We would like an early opportunity to meet with you and to provide you with advice on potential areas of focus for the Royal Commission response over the next Parliamentary term, including:

- Seeking **your priorities** for the Government's response to the Royal Commission report and recommendations. To support your decisions on this, we will provide a separate paper seeking your direction and priorities for the future of the Royal Commission response. Matters to be canvassed in this future response paper are likely to include possible timeframes for decisions on key pieces of work, concerns of the whānau, survivors and witnesses of the attack (affected community), and governance and oversight of the response. This may result in a Cabinet paper in 2024.
- Working with other ministers to ensure **public conversations** are well-informed and engaged on national security threats, with the intention of building trust and social cohesion across all communities living in New Zealand.
- Supporting the Minister of National Security and Intelligence to respond to **17 recommendations on counter-terrorism and New Zealand's national security system** in that portfolio.
- Supporting other ministers to respond to the Royal Commission's other recommendations.
- Options for you regarding the **Response Outcomes Framework**, for monitoring and evaluating the overall response to the Royal Commission report, which Cabinet agreed should proceed to business case development for report back early in 2024 [DPMC-2023/24-123].
- Unless you wish to reframe its role earlier, **an independent ministerial advisory group - Kāpuia** - is in place and will continue to provide advice on the Government response (as expected under Recommendation 44) for the remainder of current members' terms. Current funding for Kāpuia concludes on 30 June 2024.

**Support to the 15 March affected community** has been at the heart of the response and they will possibly seek an early indication of the Government's ongoing support. Three of the 44 Royal Commission recommendations directly relate to the affected community:

- The Ministry of Social Development leads on –
  - the Kaiwhakaoranga Specialist Case Management Service (Recommendation 25, which coordinates services for the affected community) and
  - the former Collective Impact Board (established under Recommendation 26, this board has concluded its work this month).
- DPMC currently leads on options for discussions with the affected community on restorative justice processes (Recommendation 27).

The following table summarises pressing matters for this portfolio; these are further discussed later in this document:

	For Action	For Awareness
December	<p>You and the Prime Minister may receive early questions on the Government’s ongoing commitment to the Royal Commission report and response work programme.</p> <p>Suggested <b>talking points</b> will be available for any immediate questions to you and the Prime Minister.</p> <p>Briefing and discussion with officials on current progress and <b>future priorities</b> for the Royal Commission response work programme. A separate briefing will be submitted to support discussions.</p>	<p>In addition to this BIM, you will receive <b>two letters from Kāpuia</b> regarding the future of the response to the Royal Commission report.</p> <p>s9(2)(g)(ii)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____ DPMC, MFAT, the Ministry for Ethnic Communities and other agencies are engaging directly with Jewish, Palestinian, Arab and Muslim communities in New Zealand – who are all reporting a rapidly declining sense of security and safety in their communities in New Zealand.</p> <p>s9(2)(g)(i)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>The Chairperson of Kāpuia will seek a meeting with you in December, to discuss Kāpuia’s priorities, its letters to you and its future role. Kāpuia will invite you to meet in February 2024, if not before then.</p>
December/January	<p>Options will be proposed and decisions sought on government and ministerial <b>engagements with the affected community</b> in the lead up to the fifth anniversary of the attacks on 15 March 2024.</p> <p>Discussion on the possible future of Kāpuia and its governance.</p> <p>Respond to Kāpuia’s letters of advice.</p>	<p>s9(2)(f)(iv)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

February/ March	You will be invited to attend Kāpuia’s first meeting for 2024, likely to be scheduled for late February.	Proactive release of this BIM and the letters of advice from Kāpuia to the incoming government and responses to Kāpuia.
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## Your roles and responsibilities

### Response coordination

In 2020, and in response to Recommendation 43 of the Royal Commission report, a Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into the Terrorist Attack on the Christchurch Mosques was appointed. The letter of appointment for that Minister stated the role would have the “lead coordinating role” on the implementation of the Royal Commission’s recommendations, and that this would include convening a group of Ministers to respond to the recommendations and to coordinate the wider government response and any resulting work programme.

To deliver on this expectation, the previous Lead Coordination Minister has:

- Coordinated liaison with relevant ministers and reporting, including public reporting, on the progress of the Government response;
- Overseen and liaised with Kāpuia, including regularly meeting with the advisory group and coordinating Government responses to Kāpuia’s letters of advice; and
- Supported Ministerial colleagues’ responses on specific recommendations – e.g. as co-lead with the Minister of Police on New Zealand Police’s work on Recommendation 12 (for a public reporting system for concerning behaviours and incidents), and the planned report-back to Cabinet.

### Portfolio lead

The Lead Coordination Minister has had portfolio responsibility for:

- Recommendation 27 - that conversations on restorative justice should occur with the 15 March affected community.
- Recommendation 38 - that Government agencies are expected to use the IAP2 framework to support community engagement.
- Recommendation 44 - that there should be an independent oversight advisory group, Kāpuia. Kāpuia provides advice to you on how agencies are implementing the Royal Commission report, gaps and opportunities in the Government’s response programme, and feedback to response agencies. You are responsible for the appointments, terms of reference and funding of Kāpuia, as well as for responding to Kāpuia’s letters of advice.
  - The current appointments of Kāpuia members conclude 9 June 2024, and funding for Kāpuia and the secretariat supporting it concludes 30 June 2024.

- If you wish Kāpuia to run for a longer period, we would appreciate an early opportunity to discuss matters related to future appointments and resourcing.
- Alternatively, the Government could direct Kāpuia should conclude earlier than 9 June 2024.

## Related Ministerial portfolios

You will receive updates and advice on Royal Commission recommendations from the GCSB and NZSIS in your capacity as Minister Responsible for those agencies.

The Prime Minister, in his capacity as Minister for National Security and Intelligence, will also receive Royal Commission advice and updates from DPMC on the 17 recommendations that fall within that portfolio.

Other key colleagues with responsibility for significant areas of ongoing Royal Commission-related work and with whom you may want to engage early include:

- Minister of Justice
- Minister of Police
- Minister for Ethnic Communities
- Minister for Social Development and Employment
- Minister of Internal Affairs
- Minister of Immigration
- Minister of Education.

Subsequent briefings will provide further advice on potentially convening a meeting of ministers responsible for Royal Commission work.

## Engagement

In addition to meeting the affected community after the Royal Commission report was accepted, the then Lead Coordination Minister, together with the then Minister for Diversity, Inclusion and Ethnic Communities, led a series of hui with Muslim, wider ethnic and faith, and other communities around the country in 2021.

Those Ministers also engaged with affected whānau, survivors and witnesses of the attack and representatives of the wider Christchurch community in September 2022. The then Lead Coordination Minister, who was also the Minister of Immigration, most recently met with the affected community in Christchurch on 13 September 2023. You and your colleagues will be invited to consider further engagement with the affected community, supported by officials.

Whilst the Minister for Ethnic Communities could undertake significant engagement with the affected community, you may wish to also consider a having a member of the Government who is well-known in Christchurch to support you as a conduit with this community.

## Background – the Royal Commission response

**Fifty-one** people were killed in the terrorist attack on 15 March 2019, many more were injured, and it was perpetrated on people during peaceful religious observance. New Zealanders' sense of safety was affected by violence and terrorism in a way that had not previously been experienced in New Zealand. The Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 was established to investigate the terrorist's activities before 15 March 2019.

Information about the inquiry and the report are attached (see **Annex A**).

### The Government response to date

The vision adopted by the previous Government for the response to the Royal Commission was a **diverse, inclusive, and safe Aotearoa New Zealand**. Guiding principles for the response to the report were set as follows:

- Te Tiriti o Waitangi and its principles will guide the response.
- Survivors of the attack and affected whānau will be at the centre of the response.
- We will strive for safer communities and a New Zealand that's more inclusive, with equal protections for all.
- We will be accountable and forward looking.
- We will be proactive in reaching out to communities.
- We will take practical actions that make a difference to people's lives.

To help give effect to these principles, wide-ranging community engagement and advice from Kāpuia have informed policy and operational responses.

The response to the report and recommendations was phased:

- On 7 December 2020, the Government accepted the Royal Commission report, agreed with the report's findings, agreed in-principle with the report's 44 recommendations and approved initial funding for initiatives which could be implemented rapidly<sup>2</sup>.
- On 8 December 2020, the Prime Minister apologised in Parliament for failings identified in the Royal Commission report and announced the Government's response<sup>3</sup>.
- On 8 March 2021, Cabinet agreed a phased approach for the response, that a ministerial advisory group (under Recommendation 44, and later named Kāpuia) would report to the Lead Coordination Minister, and that a Collective Impact Board (Recommendation 26) would be established.
- A more comprehensive long-term response work programme was confirmed by Cabinet on 29 November 2021, and this has been publicly reported on.

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<sup>2</sup> CAB-20-MIN-0513 Minute and CAB-20-MIN-0516 Minute refer.

<sup>3</sup> [Prime Minister's comments on Royal Commission into Christchurch Terror Attack | Beehive.govt.nz](#), 8 December 2020.



## Response coordination for system-level change

A Royal Commission Response Steering Group (the steering group) was established within government to support the inter-agency coordination and delivery of the Royal Commission response work programme. Chaired by DPMC, the steering group includes representatives from the 17 agencies leading work on the response and meets regularly to share updates on agencies' progress, as well as enabling DPMC to report progress to the Lead Coordination Minister.

As Lead Coordination Minister, you will be supported by advice from DPMC. While the response to the Royal Commission report and recommendations continues (until Cabinet decides the response has concluded), funding for this support concludes on 30 June 2024. DPMC's Chief Executive would welcome an early opportunity to discuss your priorities for the response, as well as any potential resourcing required if applicable.

## Kāpuia

The Lead Coordination Minister has previously regularly attended Kāpuia meetings and the Chair of Kāpuia is always available to discuss Kāpuia's advice with you. Kāpuia provides advice to you on progress and concerns regarding the Government's response to Royal Commission report, and provides feedback directly to government agencies at various stages of the policy process. Kāpuia currently has 28 members who bring a diverse set of experiences to the group (a range of ages, faith, ethnic, cultural backgrounds and geographic areas), with about half of members identifying as Muslim. Members are appointed until 9 June 2024, and funding for Kāpuia concludes 30 June 2024. Kāpuia is currently chaired by Arihia Bennett (the Chief Executive of Ngāi Tahu).

Kāpuia has provided seven formal letters of advice (all published online<sup>4</sup>). Key items of interest for Kāpuia are the ongoing needs of the affected community, the importance of implementing the recommended reforms of the national security system, and reducing racism and discrimination in New Zealand. Kāpuia has separately written to you advising its recommended priorities for the Royal Commission response.

## Strategic context and current challenges

New Zealand faces a range of complex and disruptive security challenges that are impacting individuals and communities more directly than ever before. These challenges are changing rapidly and span terrorism and violent extremism, foreign interference, and disinformation and identity motivated personal attacks through social media meaning people are feeling less safe. The Royal Commission's report canvases a spectrum of recommended societal and system changes - from national security and preventing and countering violent extremism through to increasing community safety, social cohesion and inclusion.

In 2022 and 2023, a series of strategic documents were published. At the social end of that spectrum, these included:

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<sup>4</sup> <https://www.dPMC.govt.nz/our-programmes/special-programmes/kapuia-ministerial-advisory-group/advice-kapuia>

- The Education Review Office (ERO) published its Long-Term Insights Briefing in March 2023 - ***Education For All Our Children: Embracing Diverse Ethnicities***. This highlights racism and discrimination being experienced by ethnic communities and especially children and young people in New Zealand - too often this is not taken seriously by their school. ERO's findings demonstrate the long-term nature of some of the recommendations of the Royal Commission's report on the need to address concerns through education and of building a more cohesive society.
- ***Social Cohesion in Aotearoa New Zealand 2022*** is a high-level plan produced by the Ministry of Social Development on what social cohesion looks like in New Zealand and how we can get there – for government, organisations, communities, and people to understand and increase social cohesion in their own lives and work.

Towards the national security and preventing violent extremism side of the spectrum, these included:

- ***New Zealand's Security Threat Environment 2023*** provides the first comprehensive assessment on the threats of violent extremism, foreign interference and espionage facing contemporary New Zealand, this was released in August 2023.
- ***Let's talk about our national security*** – the 2023 national security Long-Term Insights Briefing, published by DPMC and the Ministry of Foreign Affairs and Trade, on behalf of National Security Board (NSB)<sup>5</sup> Chief Executives. It aims to build greater awareness and understanding among New Zealanders about national security issues and threats of concern to the national security community and the public.
- New Zealand's first ***National Security Strategy - Secure Together***, was released in August 2023 to better protect New Zealand from increasing national security threats. The Strategy provides overarching direction to the national security community, led by DPMC, to support Ministers in navigating a more challenging security environment. The Strategy outlines a **vision** for a secure and resilient New Zealand, describes our country's security outlook, and sets out our **national security interests and outcomes**. The Strategy also describes the **12 core national security issues** that most directly affect our national security interests and that agencies work on every day, which span terrorism and violent extremism, transnational organised crime, foreign interference, cyber security, and more.
- The ***2023 National Security Intelligence Priorities*** are linked to the National Security Strategy. These 14 priorities reflect where agencies' intelligence resources should be prioritised to best support decision-making on national security.

Some stakeholder groups and Kāpuia have called for specific **decisions on national security reforms** – for there to be greater clarity about who is responsible for leading these strategic changes, developing comprehensive implementation plans, and developing monitoring programmes. This is discussed further under Immediate Priorities.

Concerns from the affected community are also ongoing, and include:

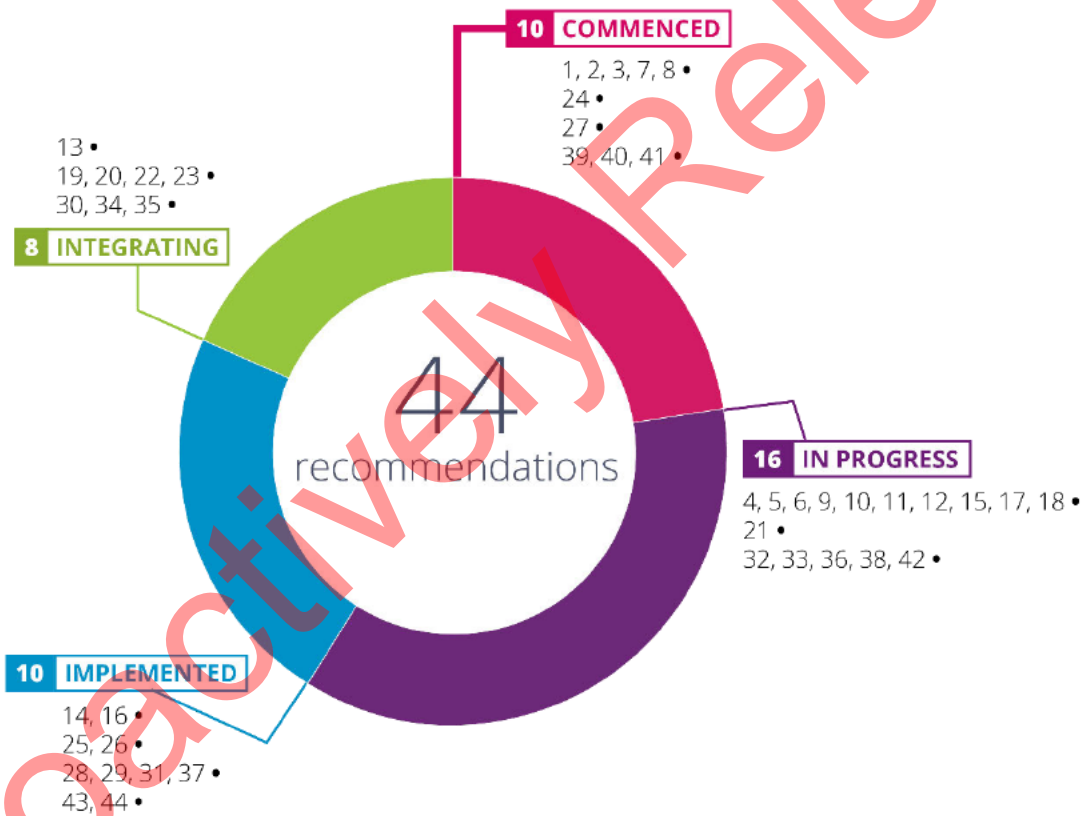
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<sup>5</sup> The National Security Board is composed of the 11 Chief Executives of the national security community and the Executive Director of DPMC's National Security Group. In addition to DPMC, its membership includes the Government Communications Security Bureau, Ministry of Business, Innovation and Employment, Ministry of Defence, Ministry of Foreign Affairs and Trade, New Zealand Customs Service, New Zealand Defence Force, New Zealand Police, New Zealand Security Intelligence Service, Treasury and Ministry of Transport.

- The community continues to grieve and trauma is manifesting in different ways over time. s9(2)(a)
- While the immediate needs of this community were met early, the community is concerned there are continuing and evolving issues facing at least some of them. The circumstances of the impacted families have also changed, especially as children grow and some widows look for work.
- The Coronial Inquiry process currently underway is making the community more aware of the trauma their loved ones faced during the attack (the first hearing in Christchurch commenced 24 October and runs to 15 December this year).

You will receive a separate briefing on overall progress and proposed next steps.

The graph below provides an 'at a glance' indication of progress on the response to the 44 recommendations as of October 2023. Annex A sets out the full text of the recommendations.



**COMMENCED**

Work is underway to stand up a programme of work to respond to a recommendation, including provision of advice to ministers and/or Cabinet. However, ministerial or Cabinet direction has not yet been received.

**IN PROGRESS**

Ministerial or Cabinet direction on the work has been given and implementation work is progressing.

**IMPLEMENTED**

The specific work to implement the recommendation, in line with ministerial or Cabinet direction, is completed. Further work may be required to integrate the initiative into ongoing work programmes.

**INTEGRATING**

Where relevant, the work is being – or has been- integrated into an agency's ongoing work programme.

## Immediate priorities

While there has been good progress on the response to the Royal Commission's report, the graph above shows significant work is still required to fully address all the recommendations.

### Recommended decisions for the first three months

With some resourcing for the response to the Royal Commission report and recommendations concluding 30 June 2024, the Government will need to take some decisions early in the new term:

- how the Government chooses to approach the remainder of the response to the Royal Commission report and its priorities;
- messaging for meetings with the 15 March affected community and other key stakeholders, who will expect advice from the Government on its focus and priorities for the response;
- the future role of (and potentially appointments to) Kāpuia; and
- timing and scope issues related to options for integrating the response into business-as-usual activity for government agencies.

Related to these discussions, will be any additional investment necessary to continue or complete the response. Some of your Ministerial colleagues will probably also be having discussions on initiatives under their portfolios, which may include work on:

- Recommendations 2 and 3 (on national security reform – led by DPMC);
- Recommendation 12 (a public reporting system for concerning behaviours and incidents – business case development led by NZ Police);
- Recommendation 16 (He Whenua Taurikura annual hui on countering terrorism and violent extremism – led by DPMC to the Minister for National Security and Intelligence, funding concludes 2023/24); and
- Recommendation 18 (a review of all counter-terrorism legislation – led by the Ministry of Justice).

### Recommendations 2 and 3 – national security reform

The Royal Commission report recommended establishing a National Intelligence and Security Agency with a legislative mandate to provide strategic national security leadership functions (Recommendation 2). The Royal Commission also recommended investigating alternative mechanisms to the voluntary nature of the Chief Executives' Security and Intelligence Board to enhance strategic coordination across the system (Recommendation 3).

Changes to improve the national security system and enhance leadership mechanisms are underway. This has included rethinking the role and function of the Security and Intelligence Board, now renamed the National Security Board, which provides strategic governance at a Chief Executive level of the efforts of the national security community, by driving and implementing the National Security Strategy. The Board has agreed a new work programme driven by the Strategy, new agency responsibilities for the 12 core national security issues, and it has expanded membership to reflect the broader array of national security challenges facing New Zealand.

The National Security Group in DPMC is also being reconfigured to better support the Board and to better integrate intelligence and policy functions, which will deliver improved support to ministers.

The Chief Executive of DPMC will discuss these changes with the Prime Minister at an early opportunity.

## Early engagements on the Royal Commission response

The previous Lead Coordination Minister regularly met with Kāpuia, whether in-person or online. Your attendance at the next Kāpuia meeting would be an excellent opportunity to meet the group and engage on the Government's priorities. Kāpuia will hold its next meeting in February 2024 (if not sooner). It expects to hold three meetings prior to 30 June 2024 and we will confirm these dates for your diary when they are available.

The third annual **He Whenua Taurikura hui on countering terrorism and violent extremism**, originally planned for December 2023, has been postponed to 2024. This conference is part of the response to the Royal Commission report and was established in response to Recommendation 16. It will have approximately 300 invited attendees. The Prime Minister and Lead Coordination Minister attended the first two hui. Officials will discuss with you whether you are able to attend this third hui.

## Meeting with the affected community and stakeholders

The first phase inquest of the Coronial Inquiry into the deaths that occurred on or after 15 March 2019, runs from 24 October to 15 December 2023. This is raising many issues of concern for families of the deceased, victims and other members of the affected community s9(2)(a) - between the event, the Royal Commission of Inquiry, the court case and sentencing and now the Coronial Inquest).

Some members of the affected community will seek assurances that there will be a continued and dedicated government focus on the Royal Commission response, and especially on their ongoing needs. We propose a visit to Christchurch ahead of the fifth anniversary of the mosque attacks (15 March 2024) and Ramadan (which is likely to commence on or soon after 10 March 2024) and look forward to discussing options for this with you.

You are likely to receive early invitations to meet with key stakeholder groups from a variety of different communities, including national organisations from the Muslim, Jewish and other communities at risk of terrorism and violent extremism. DPMC can provide you with advice and support to engage with these groups.

## Looking ahead – the response to the Royal Commission report

Ahead of engagements with the affected community and key stakeholders, and to inform potential approaches to any Budget 2024 processes, an early indication of the Government's intended commitment to the Royal Commission response work programme would be very helpful. These communities have sought constructive dialogue with government agencies, including around supporting them to feel safer, to help overcome discrimination, and on system improvements to support equitable outcomes. Since 2021, the response work programme and engagements with communities have also highlighted the complexity and scope of the issues raised by the Royal Commission report, and the need to make New Zealand safer and more inclusive.

As noted, a separate paper for you will discuss progress to date and options for the future priorities of the response. Significant progress has been made in a wide range of areas in the three years since the Royal Commission's report was received by Government. However, not all of the recommendations have been addressed formally and others will take time to incorporate into ongoing activities within government agencies and more broadly.

We will prepare options for discussion with you on the Royal Commission's recommendations to enable you to form a judgement on these and levels of continued focused government attention and resources for the response, together with related options on leadership and coordination, continuing a ministerial advice and oversight group, integration of the response, and monitoring and evaluation. You may also wish for us to provide you with advice and options on transitioning the response from a dedicated work programme to an approach that is integrated into business-as-usual activity for government agencies.

### Recommendation 27

The Royal Commission report proposed the Government discusses restorative justice processes with the affected community (Recommendation 27). While such processes are used between individuals in the justice system, broader restorative processes are also used to support communities to heal and move forward after traumatic events. s9(2)(a) [REDACTED], although this was not a recommendation per se of the Royal Commission.

A response to this recommendation has not yet been activated, but officials would appreciate an early opportunity to discuss some of the issues and options with you. A separate paper will propose pathways forward s9(2)(f)(iv) [REDACTED]

### Immediate upcoming papers

To support discussions on the matters raised above, the following papers will be submitted after this BIM:

- The future of the Government response to the Royal Commission report and recommendations, including: a more detailed status update on progress made on the 44 Royal Commission recommendations, options for future Royal Commission response priorities (and potential resourcing implications), and the future of Kāpuia.

- s9(2)(f)(iv) [REDACTED]  
[REDACTED]  
[REDACTED]
- Briefing on the development of a draft Response Outcomes Framework approved by Cabinet in 2024, and related business case development to measure the ongoing impact of the Royal Commission response.

## Funding and reporting is managed by DPMC

DPMC administers all appropriations within Vote Prime Minister and Cabinet. Funding for support for the Royal Commission Lead Coordination Minister sits within the Advice and Support Services Multi-Category Appropriation. All that funding, including for Kāpuia, is time limited.

DPMC is responsible for coordinating the annual accountability process, responses for the Governance and Administration Select Committee hearings, and funding proposals. As part of the Estimates of the Appropriations passed by Parliament, performance measures are attached to funding within your portfolio. This includes an annual Ministerial satisfaction survey which you will be asked to complete, although we appreciate feedback at any time.

## Annex A - The Royal Commission report

The Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 was established to investigate the individual's activities before 15 March 2019 and to look into:

- a) what Public sector agencies knew about the individual, before 15 March 2019;
- b) what Public sector agencies did (if anything) with that knowledge;
- c) whether there was anything else Public sector agencies could have done to prevent the terrorist attack; and
- d) what else Public sector agencies should do to prevent such terrorist attacks in the future.

The Royal Commission had to make findings on:

- a) whether Public sector agencies had information that could have alerted them to the terrorist attack;
- b) how Public sector agencies worked with each other and shared information;
- c) whether Public agencies failed to anticipate the attack because of an inappropriate focus of counter-terrorism resources;
- d) whether Public sector agencies failed to meet required standards or were in some way at fault; and
- e) any other matters necessary to provide a complete report.

The Royal Commission had to make recommendations on:

- a) what improvements should be made to the way Public sector agencies gather, share and analyse information;
- b) how Public sector agency systems or operational practices could be improved to prevent future terrorist attacks; and
- c) any other matters to provide a complete report.

These recommendations could include changes to legislation (except firearms legislation), policy, rules, standards or practices.

The Royal Commission could not inquire into:

- a) the guilt or innocence of any individual who has been, or may be, charged with offences in relation to the terrorist attack;
- b) amendments to firearms legislation;
- c) activities of organisations outside of the Public sector, such as media platforms; and
- d) how Public sector agencies responded to the terrorist attack once it had begun.

The Royal Commission **started on 10 April 2019** and began receiving evidence on 13 May 2019. The inquiry had several overlapping phases from establishment to engagement with communities, research and evidence gathering, holding evidential interviews, analysis and deliberations, and report development and presentation. The final report to the Governor-General was delivered on **26 November 2020**.



## Consolidated findings from the RCOI

Whether Public sector agencies had information that could have alerted them to the terrorist attack? and how Public sector agencies worked with each other and shared information?

- The only information about the individual that was known by New Zealand Public sector agencies before 15 March 2019 that could or should have alerted them to the terrorist attack was the email sent by the individual to the Parliamentary Service. The Parliamentary Service acted appropriately within a period of time that was reasonable in the circumstances in response to the email sent just before the terrorist attack.
- There was no failure in information sharing.

Whether Public agencies failed to anticipate the attack because of an inappropriate focus of counter-terrorism resources?

- The concentration of counter-terrorism resources on the threat of Islamist extremist terrorism before the New Zealand Security Intelligence Service's baselining project began in 2018 was not based on an informed assessment of the threats of terrorism associated with other ideologies; and did not result from a system-wide decision that counter-terrorism resources should continue to be allocated almost exclusively to the threat of Islamist extremist terrorism. It was therefore inappropriate. But the concentration of resources on the threat of Islamist extremist terrorism did not contribute to the individual's planning and preparation for his terrorist attack not being detected.

Whether Public sector agencies failed to meet required standards or were in some way at fault?

- No Public sector agency involved in the counter-terrorism effort failed to meet required standards or was otherwise at fault in respects that were material to the individual's planning and preparation for his terrorist attack not being detected.
- New Zealand Police failed to meet required standards in the administration of the firearms licensing system.

## The Royal Commission Recommendations

There are **themes and issues** that weighed heavily on the Royal Commission as it considered recommendations including the need to confront and engage openly with hard issues. The Royal Commission looked at Public sector activities involving the firearms licensing system, the counter-terrorism effort and social cohesion and embracing diversity. Each of these was characterised by limited political ownership and an absence of public discussion. These themes underpinned the Royal Commission's four areas for change:

- **Strong government leadership and direction are required** to provide effective oversight and accountability of the counter-terrorism effort and position New Zealand (and in particular the Public sector) to respond and adapt to New Zealand's increasingly diverse population and to effect the social shift that over time will help to achieve a safe and inclusive New Zealand.

- **Engaged and accountable government decision-making** will enable Public sector policies, programmes and services to be designed and delivered that meet the requirements of New Zealand's increasingly diverse society. The Public sector mindset must shift to value communities' input into decisions, transparency and engaging in robust debate.
- **Everyone in society has a role in making New Zealand safe and inclusive** but there is no common understanding of what those roles are, how they relate to each other and what they should be seeking to achieve. The Government will have to ensure that New Zealand's counter-terrorism effort is valued by the people it seeks to protect and that it promotes consistent messages about the benefits of diversity and an inclusive society.
- **New Zealand needs fit for purpose laws and policies** for intelligence terrorism, hate crime offences, hate speech and better recording of reports of hate crime.

The Royal Commission stated in Part 19 of the report that they provide benefits that support one another; are designed to achieve system and social change, with many of the recommendations underpinned by the principle of continuous improvement; should be read in the context of the whole report, are a package and are not suitable for piecemeal implementation.

The Royal Commission then made 44 recommendations under the following headings:

- Improving New Zealand's national security system
- Improving New Zealand's counter-terrorism effort.
- Improving New Zealand's firearms licensing system.
- Supporting the ongoing recovery needs of affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack.
- Improving New Zealand's response to our increasingly diverse population resulting in work to enhance social cohesion, education, and inclusion and reduce hate motivated speech and crime.

The Royal Commission recommended the Government:

1	Ensure a minister is given responsibility and accountability to lead and coordinate the counter-terrorism effort.
2	<b>Establish a new national intelligence and security agency</b> that is well-resourced and legislatively mandated to be responsible for strategic intelligence and security leadership functions including: <ul style="list-style-type: none"><li>a) a chief executive who is designated as the intelligence and security adviser to the prime minister and to Cabinet and chairing the Security and Intelligence Board or the potential new governance body (Recommendation 3);</li><li>b) operating as the sector lead and coordinator for strategic intelligence and security issues;</li><li>c) developing a counter-terrorism strategy which includes countering violent extremism (Recommendation 4);</li><li>d) providing strategic policy advice to the responsible minister(s) on intelligence and security issues;</li><li>e) intelligence assessment and horizon scanning supported by deep expertise;</li></ul>

	<ul style="list-style-type: none"><li>f) leading the engagement with communities, civil society, local government and the private sector on strategic intelligence and security issues;</li><li>g) ensuring the counter-terrorism effort conforms to New Zealand's domestic and international human rights obligations;</li><li>h) leveraging the emergency management structures at the local and regional levels;</li><li>i) system performance monitoring and reporting; and</li><li>j) accountability to the minister for the performance of the counter-terrorism effort (Recommendation 1).</li></ul>
3	<p>Investigate <b>alternative mechanisms to the voluntary nature of the Security and Intelligence Board</b> including the establishment of an Interdepartmental Executive Board as provided for by the Public Service Act 2020 to, amongst other things:</p> <ul style="list-style-type: none"><li>a) align and coordinate the work, planning and budgets across relevant Public sector agencies addressing all intelligence and security issues;</li><li>b) report to the Cabinet External Relations and Security Committee, including on current and emerging risks and threats, on a quarterly basis;</li><li>c) in relation to the counter-terrorism effort:<ul style="list-style-type: none"><li>i. recommend to Cabinet the strategy for preventing and countering extremism, violent extremism and terrorism developed by the national intelligence and security agency (Recommendation 4); and</li><li>ii. ensure the activities to implement the strategy for addressing extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism are identified, coordinated and monitored</li></ul></li></ul>
4	<p>Develop and implement a <b>public facing strategy</b> that addresses extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism that:</p> <ul style="list-style-type: none"><li>a) is led by the new national intelligence and security agency (Recommendation 2);</li><li>b) is developed in collaboration with communities, civil society, local government and the private sector;</li><li>c) sets the purpose and the direction of the strategy, with goals, milestones and performance measures;</li><li>d) sets priorities for the counter-terrorism effort across Reduction, Readiness, Response and Recovery;</li><li>e) defines roles and responsibilities for public sector agencies, communities, civil society, local government and the private sector to implement the strategy across Reduction, Readiness, Response and Recovery;</li><li>f) has oversight from the responsible minister (Recommendation 1); and</li><li>g) is reviewed within three years of publication in collaboration with public sector agencies, communities, civil society, local government, the private sector and the Advisory Group on Counter-Terrorism (Recommendation 7).</li></ul>

5	Amend the Public Finance Act 1989 to require the <b>intelligence and security agencies to provide performance information</b> that can be the subject of performance audit by the Auditor-General.
6	<b>Strengthen the role of the Parliamentary Intelligence and Security Committee</b> so that it can provide better and informed cross-parliamentary oversight of the national security system (including the counter-terrorism effort) and priority setting, and members can access sensitive information as necessary for such oversight.
7	Direct the chief executive of the new national intelligence and security agency (Recommendation 2) to <b>establish an Advisory Group on Counter-Terrorism</b> : <ul style="list-style-type: none"><li>a) responsible for providing advice to the National Intelligence and Security Agency and the Security and Intelligence Board or its replacement (Recommendations 2 and 3); and</li><li>b) with functions to be established, in legislation as soon as practicable, but without delaying its establishment.</li></ul>
8	Direct the Chief Executive of the new National Intelligence and Security Agency (Recommendation 2) to include in advice on the National Security and Intelligence Priorities and in the annual threatscape report (Recommendation 17), <b>a summary of the advice provided in the preceding year by Advisory Group on Counter-Terrorism</b> (Recommendation 7) and the actions that have been taken in response to that advice.
9	Direct the new National Intelligence and Security Agency (Recommendation 2), and in the interim the Department of the Prime Minister and Cabinet, to <b>improve intelligence and security information sharing practices</b> , including: <ul style="list-style-type: none"><li>a) driving a change in approach to the need-to-know principle across relevant public sector agencies, with special attention given to local government including the emergency management structures at the local and regional level, to ensure it enables rather than just restricts information sharing; and</li><li>b) overseeing the implementation, within six months, of recommendations in the 2018 Review of the New Zealand Security Classification System:<ul style="list-style-type: none"><li>i. expanding the classification system principles to provide that no information may remain classified indefinitely and that, where there is doubt as to the classification level, information is classified at the lower level;</li><li>ii. revising and strengthening public sector agency guidance and developing training;</li><li>iii. adopting a topic-based approach to systematic declassification of historic records; and</li><li>iv. developing indicators of function and performance of the classification system.</li></ul></li></ul>
10	Amend the Intelligence and Security Act 2017 with respect to direct access agreements, to require the new national intelligence and security agency, and in the interim the Department of the Prime Minister and Cabinet, to regularly report to the responsible minister for the counter-terrorism effort on their establishment and implementation.

11	Direct chief executives of public sector agencies involved in the counter-terrorism effort to consider whether they have an appropriate number of their employees that have security clearance and ensure that those staff have appropriate access to facilities and information management and technology systems to be able to review relevant material as required.
12	Develop and promote an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government.
13	Develop and publish indicators and risk factors that illustrate for the public specific behaviours that may demonstrate a person's potential for engaging in violent extremism and terrorism and update them regularly as the threatscape evolves.
14	Establish a programme to fund independent New Zealand-specific research on the causes of, and measures to prevent, violent extremism and terrorism with the following provisions: <ul style="list-style-type: none"><li>a) the national intelligence and security agency (Recommendation 2) should be provided with a multi-year appropriation for research funding;</li><li>b) research priorities and grant recipients should be selected by a panel comprising officials from the new national intelligence and security agency (Recommendation 2) and representatives from the Advisory Group on Counter-Terrorism (Recommendation 7), with Advisory Group representatives forming the majority of the selection panel; and</li><li>c) grant recipients should be encouraged to publish and present the results of their research at the annual hui on issues related to extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism (Recommendation 16).</li></ul>
15	Create opportunities to improve public understanding of extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism in New Zealand, led initially by the Minister for National Security and Intelligence, and including ongoing public discussions on: <ul style="list-style-type: none"><li>a) the nature of New Zealand's counter-terrorism effort, including current risks and threats and how public sector agencies protect New Zealanders from the threat and risk of terrorism;</li><li>b) who is involved in the counter-terrorism effort and their roles, recognising that communities, civil society, local government and the private sector are all part of the counter-terrorism effort, including, but not limited to, being important sources of information;</li><li>c) the need to strike the balance between the privacy of individuals and the safety of individuals and communities and to understand the social licence for public sector agencies to engage in counter-terrorism and countering violent extremism activities;</li><li>d) supporting the public to understand how to respond when they recognise the concerning behaviours and incidents that may demonstrate a person's potential for engaging in violent extremism and terrorism; and</li></ul>

	<p>e) how social cohesion, social inclusion and diversity contribute to an effective society.</p>
16	<p>Direct the Chief Executive of the new National Intelligence and Security Agency (Recommendation 2) to host an annual hui, to bring together relevant central and local government agencies, communities, civil society, the private sector and researchers (Recommendation 14) to create opportunities to build relationships and share understanding of countering violent extremism and terrorism.</p>
17	<p>Require in legislation:</p> <ul style="list-style-type: none"><li>a) the Minister for National Security and Intelligence to publish during every parliamentary cycle the National Security and Intelligence Priorities and refer them to the Parliamentary Intelligence and Security Committee for consideration;</li><li>b) the responsible minister (Recommendation 1) to publish an annual threatscape report; and</li><li>c) the Parliamentary Intelligence and Security Committee to receive and consider submissions on the National Security and Intelligence Priorities and the annual threatscape report.</li></ul>
18	<p>Review all legislation related to the counter-terrorism effort (including the Terrorism Suppression Act 2002 and the Intelligence and Security Act 2017) to ensure it is current and enables public sector agencies to operate effectively, prioritising consideration of the creation of precursor terrorism offences in the Terrorism Suppression Act, the urgent review of the effect of section 19 of the Intelligence and Security Act on target discovery and acceding to and implementing the Budapest Convention.</p>
19	<p>Direct New Zealand Police (or other relevant entity) to make policies and operational standards and guidance for the firearms licensing system clear and consistent with legislation.</p>
20	<p>Direct New Zealand Police (or other relevant entity) to introduce an electronic system for processing firearms licence applications.</p>
21	<p>Direct New Zealand Police (or other relevant entity) to ensure firearms licensing staff have regular training and undertake periodic reviews of the quality of their work.</p>
22	<p>Direct New Zealand Police (or other relevant entity) to introduce performance indicators that focus on the effective implementation of the firearms licensing system. Key indicators should include:</p> <ul style="list-style-type: none"><li>a) regular performance monitoring of firearms licensing staff to ensure national standards are met; and</li><li>b) public confidence in the firearms licensing system is increased (as measured by New Zealand Police citizens' satisfaction survey reports or similar mechanism).</li></ul>

23	<p>Direct New Zealand Police (or other relevant entity) to require two new processes in the case of applicants who have lived outside of New Zealand for substantial periods of time in the ten years preceding the application:</p> <ul style="list-style-type: none"><li>a) applicants should be required to produce police or criminal history checks from countries in which they have previously resided; and</li><li>b) Firearms Vetting Officers should interview family members or other close connections in other countries using technology if the applicant does not have near relatives or close associates living in New Zealand.</li></ul>
24	<p>Introduce mandatory reporting of firearms injuries to New Zealand Police by health professionals.</p>
25	<p>Direct the Ministry of Social Development to work with relevant public sector agencies including the Accident Compensation Corporation, Immigration New Zealand, the Ministry of Justice, New Zealand Police and non-government organisations to facilitate coordinated access to ongoing recovery support for affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack, including assigning each whānau, survivor or witness a continuing single point of contact who will navigate all required public sector support on their behalf.</p>
26	<p>Investigate establishing a Collective Impact Network and Board or other relevant mechanism that enables public sector agencies, non-government organisations and affected whānau, survivors and witnesses to agree a specific work programme to provide ongoing wrap-around services to affected whānau, survivors and witnesses.</p>
27	<p>Direct the Department of the Prime Minister and Cabinet in collaboration with relevant public sector agencies to discuss with affected whānau, witnesses and survivors of the 15 March 2019 terrorist attack what, if any, restorative justice processes might be desired and how such processes might be designed and resourced.</p>
28	<p>Announce that the Minister for Social Development and Employment and the Ministry of Social Development have responsibility and accountability for coordinating a whole-of-government approach to building social cohesion, including social inclusion.</p>
29	<p>Direct the Ministry of Social Development to discuss and collaborate with communities, civil society, local government and the private sector on development of a social cohesion strategic framework and monitoring and evaluation regime.</p>
30	<p>Investigate the machinery of government options for an agency focused on ethnic communities and multiculturalism and establish a fit for purpose organisational design that will encompass the current functions expected of the Office of Ethnic Communities and enable the new responsible public sector agency to focus on and deliver the following functions:</p> <ul style="list-style-type: none"><li>a) advise the government and public sector agencies about priorities and challenges that affect ethnic communities' wellbeing;</li><li>b) collate and use data to analyse, monitor and evaluate public sector efforts to improve the wellbeing of ethnic communities, what those efforts should be and how they should be prioritised; and</li></ul>

	<p>c) develop an evaluation framework that incorporates performance indicators that examine the impact and effectiveness of government policies and programmes on the wellbeing of ethnic communities.</p>
31	<p>Prioritise the development of appropriate measures and indicators (such as the Living Standards Framework) of social cohesion, including social inclusion.</p>
32	<p>Require public sector agencies to prioritise the collection of data on ethnic and religious demographics to support analysis and advice on the implications of New Zealand's rapidly changing society, inform better policy making and enhance policy evaluation.</p>
33	<p>Direct the chief executives of the public sector agencies involved in the counter - terrorism effort to continue focusing efforts on significantly increasing workforce diversity, including in leadership roles, and in consultation with the Advisory Group on Counter-terrorism (Recommendation 7).</p>
34	<p>Encourage the Public Service Commissioner to publish an annual report that:</p> <ul style="list-style-type: none"><li>a) provides a comprehensive view of progress by the public sector on the Papa Pounamu commitments including the identification of areas where those public sector agencies are performing well, areas where improvements can be made and critical insights across all agencies about where to direct their efforts; and</li><li>b) prioritises reporting on progress made by the public sector agencies involved in the counter-terrorism effort.</li></ul>
35	<p>Encourage the Public Service Commissioner to continue focusing efforts on significantly increasing workforce diversity and attracting diverse talent for public service leadership roles at the first, second and third-tiers.</p>
36	<p>Invest in opportunities for young New Zealanders to learn about their role, rights and responsibilities and on the value of ethnic and religious diversity, inclusivity, conflict resolution, civic literacy and self-regulation.</p>
37	<p>Create opportunities for regular public conversations led by the responsible minister – the Minister for Social Development and Employment - for all New Zealanders to share knowledge and improve their understanding of:</p> <ul style="list-style-type: none"><li>a) social cohesion including social inclusion, and the collective effort required to achieve these; and</li><li>b) the value that cultural, ethnic and religious diversity can contribute to a well-functioning society.</li></ul>
38	<p>Require all public sector community engagement to be in accordance with New Zealand's Open Government Partnership commitments and in particular:</p> <ul style="list-style-type: none"><li>a) require agencies to be clear about the degree of influence that community engagement has on associated decision-making by indicating to communities where the engagement sits on the International Association for Public Participation IAP2 Public Participation Spectrum; and</li></ul>



	<p>b) encourage agencies to undertake more "involve" and "collaborate" levels of engagement in accordance with the International Association for Public Participation IAP2 Public Participation Spectrum.</p>
39	<p>Amend legislation to create hate-motivated offences in: the Summary Offences Act 1981 that correspond with the existing offences of offensive behaviour or language, assault, wilful damage and intimidation; and the Crimes Act 1961 that correspond with the existing offences of assaults, arson and intentional damage.</p>
40	<p>Repeal section 131 of the Human Rights Act 1993 and insert a provision in the Crimes Act 1961 for an offence of inciting racial or religious disharmony, based on an intent to stir up, maintain or normalise hatred, through threatening, abusive or insulting communication with protected characteristics that include religious affiliation.</p>
41	<p>Amend the definition of "objectionable" in section 3 of the Films, Videos, and Publications Classification Act 1993 to include racial superiority, racial hatred and racial discrimination.</p>
42	<p>Direct New Zealand Police to revise the ways in which they record complaints of criminal conduct to capture systematically hate-motivations for offending and train frontline staff in:</p> <ul style="list-style-type: none"><li>a) identifying bias indicators so that they can identify potential hate crimes when they perceive that an offence is hate-motivated;</li><li>b) exploring perceptions of victims and witnesses so that they are in a position to record where an offence is perceived to be hate-motivated; and</li><li>c) recording such hate-motivations in a way which facilitates the later use of section 9(1)(h) of the Sentencing Act 2002.</li></ul>
43	<p>Ensure a minister is given responsibility and accountability to lead and coordinate the response to and implementation of all our recommendations and announce the appointment.</p>
44	<p>Establish an Implementation Oversight Advisory Group that:</p> <ul style="list-style-type: none"><li>a) includes representatives of communities, civil society, local government, the private sector, affected whānau, survivors and witnesses and our Muslim Community Reference Group;</li><li>b) provides advice to the responsible minister on the design of the government's implementation plan and its roll-out; and</li><li>c) publishes its advice to enhance transparency.</li></ul>

## Annex B – Glossary

Terms commonly used in your portfolio include:

DPMC	The Department of the Prime Minister and Cabinet
Kāpuia	The Ministerial Advisory Group on the Government’s Response to the Royal Commission of Inquiry into the terrorist attack on Christchurch mosques, and established to give effect to Royal Commission Recommendation 44
Royal Commission	The Royal Commission of Inquiry into the terrorist attack on Christchurch mosques on 15 March 2019
Response	The Government response to the report of Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019
The 15 March affected community	Term used to describe the affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack.
The attack	The terrorist attack on Christchurch masjidain on 15 March 2019