



Kāpuia

Ministerial Advisory Group on the Government Response to the
Royal Commission of Inquiry on the terrorist attack on Christchurch mosques

23 March 2023

Hon Andrew Little

Lead Coordination Minister for the Government Response to the report of the Royal Commission of Inquiry on the Christchurch mosque attacks

E Te Minita, Tēnā Koe,

National security reforms

The Royal Commission of Inquiry (RCOI) report considered reforms across the national security system (including the counter-terrorism effort). Four years on from the terrorist attacks on Christchurch Mosques and more than two years since the RCOI report was received by the Government, Kāpuia is frustrated at the lack of progress on critical national security reforms - which we see as essential to preventing future terrorist attacks. The roopu continues to hear from their communities that people do not feel safe and included in Aotearoa New Zealand.

We note the Prime Minister said in his statement to Parliament in February this year: “I want to provide a reassurance that when we said to the victims of March 15 that we would stand with them, and that we would take the recommendations of the Royal Commission seriously, we will not back away from that commitment”. Yet Kāpuia now finds itself in the position of urging the Government to urgently consider and agree proposals for reforms of the national security system. These changes ensure the national security system has the capability and capacity to create adequate national security and people protections and to be more transparent and accountable to the public. Even urgent decisions on national security reforms will take time to ‘swing’ that system onto a new and trusted trajectory – so decisions should not be further delayed.

The roopu has not had the opportunity to review nor understand the report of the reviewers of the Intelligence and Security Act. So the drivers for our following comments are the RCOI report and its recommendations, especially recommendations 1-3 and Part 8 of the report, which together identified that significant changes are necessary for Aotearoa New Zealand to trust and have confidence in our national security system. Kāpuia believes the solutions the Government adopts should address the problems the RCOI identified. These include political and agency leadership, clear strategic direction and mandated decision-making, sector capabilities and capacity, independent oversight, performance measurement and accountability, and a robust and ongoing public dialogue on national security and countering terrorism.

We appreciated a free and frank kōrero with officials from the Department of the Prime Minister and Cabinet (DPMC) at our March hui, where a proposal for national security reform and options were shared and discussed with the roopu. Following that kōrero, there remains a significant view across Kāpuia that RCOI recommendations 2 and 3 should be implemented as the report recommends.

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A key take-away for the roopu was that there is currently no planned investment for these reforms (through decisions already made for Budget 2023), so a new stand-alone national security agency will not be an immediate option. We also heard it is likely the Government will be recommended to proceed with 'Plan B' – and reform the National Security Group inside DPMC instead.

We have considered DPMC's proposal for a reformed National Security Group within DPMC against the RCOI report. No matter if a stand-alone new agency or a reformed National Security Group in DPMC is adopted, we consider that **the mauri of the RCOI report must be adhered to**. This means key changes included within RCOI recommendations 2 and 3 are critical foundations for building trust and confidence in the national security system and in government.

For these reforms to be successful, Kāpuia considers the following aspects of the proposal must be included:

- Clear individual and collective ministerial responsibilities across the 12 core areas of the national security strategy (Kāpuia considers the strategy a significant step forward, but sector reforms are necessary to deliver that strategy)
- Collective chief executive responsibilities, governance and advice across the national security sector (including counter-terrorism) and the Security Intelligence Board or its successor should be collectively responsible and accountable to ministers
- A National Security Advisor role should operate as a chief executive to also chair and have an equal voice at the 'table' of national security chief executives (at a minimum, Kāpuia considers this should be a 'functional chief executive')
- Whether as a separate agency or if within DPMC, there must be a clear and authoritative identity and legislative mandate for the national security lead – and even within DPMC, this could be called the National Security Agency.

The roopu considers that the proposal DPMC outlined needs to be further developed to also include:

- The National Security Advisor should have an expert 'think tank' and a structured 'community voice' regularly providing input, advice and challenging traditional thinking
- Well-understood and effective performance monitoring, oversight and reporting *across the national security sector* – from both inside and outside of government – have to be included in the reforms
- Investment is required to build the capability and capacity of the national security lead agency – the RCOI identified there are critical gaps (such as horizon scanning, future thinking, community partnerships, strategic and integrated policy advice etc) which are critical components of the reformed system.

We have previously acknowledged and appreciated that to 30 June 2022 the Government has committed more than \$391 million into the RCOI response (while this excludes the firearms buy-back scheme, much of this funding goes to the reform of firearms administration). However, we note none of this funding is for national security system reform and the initial funding allocated to DPMC for RCOI coordination and Kāpuia ends on 30 June 2024.

Kāpuia considers the Government should not ignore the necessary investment for national security reforms and the necessary capability and capacity reforms. Decisions on reforms without the necessary investment to support it (including maintaining and growing funding currently available for implementing the RCOI report) will most likely fail.

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Kāpuia would appreciate an opportunity to discuss these concerns with you and the Prime Minister at our 3 May hui. We would appreciate your support to invite the Prime Minister to kōrero with Kāpuia, this would be an ideal opportunity for the new Minister to clarify where his Government sees the work programme fitting in his reprioritisation agenda.

We encourage you to share this letter with the Prime Minister and the other ministers responsible for the Government's response to the RCOI report. We are also writing separately on matters related to hate speech, incitement and hate crime. In accordance with our terms of reference, we look forward to publishing these letters to increase transparency of our work and we would appreciate a timely reply from you to ensure this.

As always, we value the opportunities to support and encourage the Government's response to the RCOI report and to building a safer and more inclusive Aotearoa New Zealand for everyone.

Ngā mihi



Arihia Bennett
Chair | Kāpuia

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Funding requirements for national security reforms

At a high level, Kāpuia understand from the proposals outlined by DPMC at the 3 March hui, that:

- For the reforms to be successful, the Government needs to invest in the reforms.
- The RCOI initial implementation funding expires 30 June 2024.
- If the reforms are to rely on the current baseline appropriation for the National Security Group in DPMC, that would not even include the 3 year additional funding provided for coordination of the RCOI roll out.
- Kāpuia also understands –
 - the establishment costs identified for a departmental agency were \$6 - \$7M (roughly the cost of just 6 houses in Wellington)
 - the establishment costs for a stand-alone agency are in the range of \$10-12M
 - for both options the current RCOI 3-year funding would need to be continued and rolled into baseline funding, and after establishment there would need to be an additional ongoing investment in the national security system to build new functional and partnership capabilities.