



# Royal Commission of Inquiry Recommendations

## Recommendations to improve New Zealand's counter-terrorism effort

### Recommendation 1

We recommend that the Government:

**Ensure** a minister is given responsibility and accountability to lead and coordinate the counter-terrorism effort.

### Recommendation 2

We recommend that the Government:

**Establish** a new national intelligence and security agency that is well-resourced and legislatively mandated to be responsible for strategic intelligence and security leadership functions including:

1. 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);
2. operating as the sector lead and co-ordinator for strategic intelligence and security issues;
3. developing a counter-terrorism strategy which includes countering violent extremism (Recommendation 4);
4. providing strategic policy advice to the responsible minister(s) on intelligence and security issues;
5. intelligence assessment and horizon scanning supported by deep expertise;
6. leading the engagement with communities, civil society, local government and the private sector on strategic intelligence and security issues;
7. ensuring the counter-terrorism effort conforms to New Zealand's domestic and international human rights obligations;
8. leveraging the emergency management structures at the local and regional levels;
9. system performance monitoring and reporting; and
10. accountability to the minister for the performance of the counter-terrorism effort (Recommendation 1).

### Recommendation 3

We recommend that the Government:

**Investigate** alternative mechanisms to the voluntary nature of the Security and Intelligence Board including the establishment of an Interdepartmental Executive Board as provided for by the Public Service Act 2020 to, amongst other things:

1. align and coordinate the work, planning and budgets across relevant Public sector agencies addressing all intelligence and security issues;
2. report to the Cabinet External Relations and Security Committee, including on current and emerging risks and threats, on a quarterly basis.
3. in relation to the counter-terrorism effort:
  1. recommend to Cabinet the strategy for addressing extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism developed by the national intelligence and security agency (Recommendation 4); and
  2. 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.

#### **Recommendation 4**

We recommend that the Government:

**Develop and implement** a public facing strategy that addresses extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism that:

1. is led by the new national intelligence and security agency (Recommendation 2);
2. is developed in collaboration with communities, civil society, local government and the private sector;
3. sets the purpose and the direction of the strategy, with goals, milestones and performance measures;
4. sets priorities for the counter-terrorism effort across Reduction, Readiness, Response and Recovery;
5. 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;
6. has oversight from the responsible minister (Recommendation 1); and
7. 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).

#### **Recommendation 5**

We recommend that the Government:

**Amend** the Public Finance Act 1989 to require the intelligence and security agencies to provide performance information that can be the subject of performance audit by the Auditor-General.

#### **Recommendation 6**

We recommend that the Government:

**Strengthen** the role of the Parliamentary Intelligence and Security Committee 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.

### **Recommendation 7**

We recommend that the Government:

**Direct** the chief executive of the new national intelligence and security agency (Recommendation 2) to establish an Advisory Group on counter-terrorism:

- 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
- with functions to be established, in legislation as soon as practicable, but without delaying its establishment.

### **Recommendation 8**

We recommend that the Government:

**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), a summary of the advice provided in the preceding year by Advisory Group on counter-terrorism (Recommendation 7) and the actions that have been taken in response to that advice.

### **Recommendation 9**

We recommend that the Government:

**Direct** the new national intelligence and security agency (Recommendation 2), and in the interim the Department of the Prime Minister and Cabinet, to improve intelligence and security information sharing practices, including:

1. 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
2. overseeing the implementation, within six months, of recommendations in the 2018 *Review of the New Zealand Security Classification System*:
  1. 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;
  2. revising and strengthening Public sector agency guidance and developing training;
  3. adopting a topic-based approach to systematic declassification of historic records; and
  4. developing indicators of function and performance of the classification system.

### **Recommendation 10**

We recommend that the Government:

**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.

#### **Recommendation 11**

We recommend that the Government:

**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 clearances 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.

#### **Recommendation 12**

We recommend that the Government:

**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.

#### **Recommendation 13**

We recommend that the Government:

**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.

#### **Recommendation 14**

We recommend that the Government:

**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:

1. the national intelligence and security agency (Recommendation 2) should be provided with a multi-year appropriation for research funding;
2. 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
3. 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).

#### **Recommendation 15**

We recommend that the Government:

**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:

1. 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;

2. 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;
3. 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;
4. 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
5. how social cohesion, social inclusion and diversity contribute to an effective society.

#### **Recommendation 16**

We recommend that the Government:

**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.

#### **Recommendation 17**

We recommend that the Government:

**Require** in legislation:

1. 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;
2. the responsible minister to publish an annual threatscape report; and
3. the Parliamentary Intelligence and Security Committee to receive and consider submissions on the National Security and Intelligence Priorities and the annual threatscape report.

#### **Recommendation 18**

We recommend that the Government:

**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.

## **Recommendations to improve New Zealand's firearms licensing system**

#### **Recommendation 19**

We recommend that the Government:

**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.

#### **Recommendation 20**

We recommend that the Government:

**Direct** New Zealand Police (or other relevant entity) to introduce an electronic system for processing firearms licence applications.

#### **Recommendation 21**

We recommend that the Government:

**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.

#### **Recommendation 22**

We recommend that the Government:

**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:

1. regular performance monitoring of firearms licensing staff to ensure national standards are met; and
2. public confidence in the firearms licensing system is increased (as measured by New Zealand Police citizens' satisfaction survey reports or similar mechanism).

#### **Recommendation 23**

We recommend that the Government:

**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:

1. applicants should be required to produce police or criminal history checks from countries in which they have previously resided; and
2. 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.

#### **Recommendation 24**

We recommend that the Government:

**Introduce** mandatory reporting of firearms injuries to New Zealand Police by health professionals.

### **Recommendations to support the ongoing recovery needs of affected whānau, survivors and witnesses**

#### **Recommendation 25**

We recommend that the Government:

**Direct** the Ministry of Social Development to work with relevant Public sector agencies including New Zealand Police, the Accident Compensation Corporation, the Ministry of Justice, Immigration New Zealand 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.

#### **Recommendation 26**

We recommend that the Government:

**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.

#### **Recommendation 27**

We recommend that the Government:

**Direct** the Department of the Prime Minister and Cabinet in collaboration with relevant Public sector agencies to discuss with affected whānau, survivors and witnesses 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.

### **Recommendations to improve social cohesion and New Zealand's response to our increasingly diverse population**

#### **Recommendation 28**

We recommend that the Government:

**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.

#### **Recommendation 29**

We recommend that the Government:

**Direct** the Ministry of Social Development to discuss and collaborate with communities, civil society, local government and the private sector on the development of a social cohesion strategic framework and a monitoring and evaluation regime.

#### **Recommendation 30**

We recommend that the Government:

**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 perform the following functions:

1. advise the government and Public sector agencies about priorities and challenges that affect ethnic communities' wellbeing;
2. 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

3. 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.

### **Recommendation 31**

We recommend that the Government:

**Prioritise** the development of appropriate measures and indicators (such as the Living Standards Framework) of social cohesion, including social inclusion.

### **Recommendation 32**

We recommend that the Government:

**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.

### **Recommendation 33**

We recommend that the Government:

**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).

### **Recommendation 34**

We recommend that the Government:

**Encourage** the Public Service Commissioner to publish an annual report that:

1. 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
2. prioritises reporting on progress made by the Public sector agencies involved in the counter-terrorism effort.

### **Recommendation 35**

We recommend that the Government:

**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.

### **Recommendation 36**

We recommend that the Government:

**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-regulate.

### **Recommendation 37**

We recommend that the Government:

**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:

1. social cohesion, *including* social inclusion, and the collective effort required to achieve these; and
2. the value that cultural, ethnic and religious diversity can contribute to a well-functioning society.

### **Recommendation 38**

We recommend that the Government:

**Require** all Public sector community engagement to be in accordance with New Zealand's Open Government Partnership commitments and in particular:

1. 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
2. encourage agencies to undertake more "involve" and "collaborate" levels of engagement in accordance with the International Association for Public Participation IAP2 *Public Participation Spectrum*.

### **Recommendation 39**

We recommend that the Government:

**Amend legislation** to create hate-motivated offences in:

1. the Summary Offences Act 1981 that correspond with the existing offences of offensive behaviour or language, assault, wilful damage and intimidation; and
2. the Crimes Act 1961 that correspond with the existing offences of assaults, arson and intentional damage.

### **Recommendation 40**

We recommend that the Government:

**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 communications with protected characteristics that include religious affiliation.

### **Recommendation 41**

We recommend that the Government:

**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.

### **Recommendation 42**

We recommend that the Government:

**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:

1. identifying bias indicators so that they can identify potential hate crimes when they perceive that an offence is hate-motivated;
2. 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

3. recording such hate-motivations in a way which facilitates the later use of section 9(1)(h) of the Sentencing Act 2002.

## **Recommendations for implementation**

### **Recommendation 43**

We recommend that the Government:

**Ensure** a minister is given responsibility and accountability to lead and coordinate the response to and implementation of our recommendations and announce the appointment.

### **Recommendation 44**

We recommend that the Government:

**Establish** an Implementation Oversight Advisory Group that:

1. includes representatives of communities, civil society, local government, the private sector, affected whānau, survivors and witnesses and our Muslim Community Reference Group;
2. provides advice to the responsible ministers (Recommendations 1 and 43) on the design of the government's implementation plan and its roll-out; and
3. publishes its advice to enhance transparency.