



Letter of Advice 2023/05

28 November 2023

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques Hon Judith Collins

Cc: Prime Minister Rt Hon Christopher Luxon

Tēnā koe Minister Collins

We wish to extend our congratulations to the new coalition Government and, directly to you, on your appointment as the new Lead Coordination Minister for the Government's response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques. We appreciate this signal that the Government is continuing to recognise the importance of the response to this Royal Commission report.

Since mid-2021, Kāpuia has provided advice and oversight to the ministers and agencies leading the Government's response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 report and recommendations. We look forward to working with the new Government on this important work. We also believe it would be helpful if some key decisions form part of the Government's early priorities.

Kāpuia considers a safe and inclusive New Zealand, the ultimate outcome from the work on the response to this Royal Commission report, is a foundation for prosperity here and for New Zealand's reputation overseas. As you know, the previous Government accepted the report and recommendations in principle, and initiated a response to the report and its recommendations in December 2020. The report identified four key themes for change, which have also guided our work so far –

- strong government leadership and direction are required;
- government decision-making needs to be engaged and accountable;
- everyone has a role in making New Zealand safe and inclusive; and
- New Zealand needs fit for purpose laws and policies.

*Our most important initial advice to you is that the Government response to this Royal Commission report and recommendations has **not been completed**...*

At our August 2023 meeting, Kāpuia considered progress on this Royal Commission response so far. The response has been under action for just over two and a half years. We consider, supported by the previous Government's public reporting, response work programmes are definitely not complete. There are a number of aspects of the report and recommendations where decisions have not yet been made, and many others where decisions and actions have not yet been integrated into mainstream government or community work programmes.

Looking at international partner responses to similar events, too, shows it takes up to a decade to follow through on recommendations and some government support. This is especially true for mental health and trauma support, as these are expected (and based on international experience) to have a long tail. We believe a dedicated focus on the response to this Royal Commission report is necessary for at least a further three years. This would make it a little over five and a half years of particular attention to the Government's response and to building changed expectations of and behaviours from agencies. This period would still be shorter than some other countries have committed to after similar events, but (if adequately resourced) should enable many strands of activity to be integrated to business-as-usual.

We look forward to an early opportunity to discuss the Government's response programme with you, and how we can continue to support the ongoing response. The following are also some aspects of the Government response we wish to raise with you.

*...the response has **made some good progress** at both ends of the spectrum that this Royal Commission identified - from national security to social cohesion and inclusion...*

At a strategic level, work related to this Royal Commission response has included the 2023 publication of the National Security Strategy and updated National Security Intelligence Priorities, the 2023 New Zealand Threat Assessment and the 2022 Social Cohesion framework. Kāpuia has supported and worked with agencies on these initiatives, but we wish to emphasise that focused implementation activity is still required. This will include the development of clear reporting and accountability lines over the twelve core issues of the strategy, while adequate resourcing will be necessary for implementing the strategy's priorities and plan of action and to engage on these with communities and business. Likewise, further endeavour is required to widely roll out the social cohesion framework.

Additionally, there have been a number of specific initiatives which have progressed well. An example is the New Zealand Security Intelligence Service's 2022 publication of 'Know the Signs' - a resource for raising public awareness of concerning behaviours and activities (so the public can more accurately advise their concerns). This has already resulted in an uptake of useful leads for intelligence investigation.

*...key areas **requiring Government action**...*

Kāpuia strongly recommends the Government build decisions on some key outstanding matters into its early work programme, including decisions the previous Government deferred:

- A well-resourced and legislatively mandated agency responsible for **strategic intelligence and security leadership** (Recommendation 2). While Kāpuia generally supports the establishment of a separate agency for this work, we consider the most important decisions needed are for clear mandating and adequate resourcing of these functions, so ministers will receive effective strategic advice (informed by horizon scanning and community engagement). We also consider that the appointment of a **National Security Advisor** reporting directly to the Prime Minister, Minister for National Security and Intelligence and a Cabinet Committee focused on national security matters (that is able to build a constituency of relevant knowledge) are important next steps. With these principal elements in place, Kāpuia considers ministers would also be better supported to engage in important public conversations about national security and how to make New Zealand feel safer. We look forward to discussing next steps on this with you.
- Kāpuia considers clear accountability to ministers and the public, and leadership and assurance (across performance and capability) is required at the chief executive level. Strong, coordinated and accountable chief executive leadership and governance of the

implementation of the National Security Strategy (including by the **National Security Board** – formerly the Security Intelligence Board) is needed. Within government, agency-led reform of the National Security Board has begun and is refocusing on oversight of the National Security Strategy. However, this Royal Commission recommended that rather than continuing as a voluntary collective, an interdepartmental executive board (IEB) or similar (Recommendation 3) should be considered. This would enable the National Security Board to more effectively address and monitor inter-agency work programmes and resource alignment. Early ministerial decisions on this, one way or the other, would be especially helpful.

- Two strands of work directly influenced by the 15 March attacks were paused earlier this year, these are publishing a strategic framework for preventing and countering violent extremism to prepare for a future review of the countering violent extremism strategy (Recommendation 4) and implementing a single reporting tool for concerning behaviours (Recommendation 12). We see huge benefit for communities in these being progressed.
- Following the independent review of the **Intelligence and Security Act** (a partial response to Recommendation 18), no decisions have yet been announced on actions arising from the review. This Act is an important part of the authorising and oversight environment for intelligence collection and assessment in New Zealand and as such it is a critical input to our national security architecture. For transparency and accountability, and supporting social licence, it will be helpful for New Zealanders that the Government's approach to responding to the review recommendations and next steps are announced.

We consider clarity on the Government's planned action for these matters would be really helpful for stakeholders in the near future. We would also like to highlight some other matters to discuss with you in slightly slower time:

- It is important to understand whether the changes implemented through the Government response to this Royal Commission are effective for communities. With this in mind, we recommend a continued focus both on agency performance (for example, New Zealand Police and the implementation of the firearms regime changes) and on finalising a Response Outcomes Framework for this Royal Commission (which is currently in development).
- Separately, also relating to performance, Kāpuia endorses this Royal Commission's recommendations that a performance monitoring framework and enhanced oversight of the national security sector be put in place (including Recommendations 2(i) and 5). This is important for increasing transparency, accountability and social licence with communities.

... countering discrimination...

The Royal Commission report identified New Zealand is now dealing with significant levels of discrimination - especially our tangata whenua, Pasifika, ethnically diverse and faith communities. We see this every day in our own communities, and it worries us. We would like to work with your Government to support initiatives to counter discrimination, especially to support our tamariki to build a more inclusive New Zealand. We see the education system as being a critical partner in these initiatives.

We understand from the coalition agreement that the Government intends to stop the Law Commission's work on reviewing hate speech legislation. We would welcome an opportunity to understand how the Government will seek to counter hate speech and hate crimes in New Zealand, as these remain a concern for many communities.

...supporting the ongoing response

Much of the specific and time-bound funding the previous Government allocated for coordination, oversight and initial delivery of the Government's response to this Royal Commission concludes on 30 June 2024. We understand times are very tight and the Government is committed to finding funding for a number of new initiatives. But Kāpuia considers it is also important, for a safe, prosperous and inclusive New Zealand, that an active response to this Royal Commission continues and we understand this could require additional budget allocations for some agencies.

*...our **affected community** still need support...*

An ongoing area of concern for us remains the well-being of the affected community – the families of the shuhada, the survivors and the witnesses. The first phase inquest of the Coronial Inquiry into the immediate response following the attacks is currently underway in Christchurch (it will conclude 15 December this year, but the report date is as yet unknown). We know this inquest process has resurfaced unresolved issues for many people, and has underscored the predicted long-term mental health needs in the affected community.


Members of the affected community will seek assurance that your Government will continue to support them as they recover from the 15 March terrorist attacks. There will doubtless be direct approaches on this to you from the affected community and supporting organisations. We draw to your attention that the previous Government undertook to keep the affected community at the heart of its RCOI response.

*...supporting **community participation***

We also seek your support for ongoing funding to enable communities to engage in national security and social cohesion initiatives – both because participation is important in its own right and because New Zealanders can help identify emerging security issues and promote better security outcomes for us all.

Kāpuia remains committed to supporting the work towards a safer and more inclusive and prosperous New Zealand. We are concerned current events in New Zealand and overseas only continue to highlight the ongoing need for this work. We will also, separately, write about the role a ministerial advisory group can play as the response to this Royal Commission continues to roll out. We look forward to discussing this Government's response to the Royal Commission report and your priorities with you.

Ngā mihi



Arihia Bennett
Chair Kāpuia