

~~Budget Sensitive~~

Office of the Prime Minister

Cabinet

Government response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain

Proposal

- 1 This paper seeks Cabinet agreement to the findings of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain (the Royal Commission; the Report), agreement in-principle to the recommendations of the Report, and provides Ministers with an update on planning for the release of the Report on 8 December 2020.

Relation to government priorities

- 2 As part of our focus on wellbeing and creating a fairer New Zealand, the Government is committed to strengthening social cohesion. This is about supporting our diversity and creating a New Zealand where all people feel safe, have equal access to opportunities and do not experience discrimination. The Government's response to the final Report of the Royal Commission is one of our most important opportunities to deliver on this goal.

Executive Summary

- 3 On 1 December 2020, the group of responsible Ministers met to discuss the findings and recommendations of the Royal Commission's Report into the terrorist attack on Christchurch masjidain, as well as the Government's proposed response to the Report. This paper seeks to confirm the direction indicated by the group of Ministers and the subsequent decisions taken on a number of new initiatives by the Cabinet Business Committee (CBC) on 2 December.
- 4 A series of overarching principles have been developed to set out our vision for how we intend to respond to the Report. This reflects our commitment to respond to the findings and recommendations to the Report, with a strong focus on accountability and community outreach.
- 5 Reflecting that accountability, the Government will accept all of the findings of the Royal Commission and accept in principle all of the recommendations in the Report. I propose this is publicly stated in engagements with the Muslim community and in media statements and announcements.
- 6 Taken in its totality, the Report suggests the need for a fundamental re-examination of our approach to counter-terrorism if we are to truly address the

causes of the systemic failures that were identified. This means the most effective response to the Report will not come from considering each individual recommendation in turn, but by taking a much broader, holistic approach, based on community partnership.

- 7 Several initiatives that have been developed over a period of time were considered by CBC on 2 December and are covered by separate papers being considered at this meeting. Subject to Cabinet approval, these initiatives could be announced immediately.
- 8 A longer-term programme of work, meanwhile, will be scoped over the next two months for Cabinet consideration in February 2021, ahead of the second anniversary of the attack.

Background

- 9 The events of 15 March 2019 were unprecedented in New Zealand; 51 people lost their lives, many more were injured, and communities were scarred. The terrorist attack was perpetrated against people participating in a peaceful religious service. People around the country had their sense of safety impacted through exposure to violence and extremism never before experienced in New Zealand. The terrorist attack was an attack on New Zealand, but more directly an attack on our Islamic community.
- 10 On 27 August 2020, the individual charged with offences in relation to the 15 March 2019 attack was sentenced in the High Court to life imprisonment without parole on 51 charges of murder, 40 charges of attempted murder and a charge of committing a terrorist act.
- 11 The Royal Commission was established on 8 April 2019 and started considering evidence from 13 May 2019. Sir William Young and former Ambassador Jacqui Caine were appointed as Chair and Commissioner of the Royal Commission respectively.
- 12 The purpose of the Royal Commission was to establish what relevant State Sector agencies knew about the activities of the individual charged with offences in relation to the 15 March terrorist attack in Christchurch, what actions (if any) relevant State Sector agencies took in light of that knowledge, whether there were any additional measures that relevant State Sector agencies could have taken to prevent the terrorist attack and what additional measures should be taken by relevant State Sector agencies to prevent such terrorist attacks in future.
- 13 The Royal Commission's final Report was provided to Her Excellency Dame Patsy Reddy, Governor-General of New Zealand, at 4pm on 26 November 2020. This completed the work of the Royal Commission. The Minister of Internal Affairs was then provided a copy of the Report as the responsible Minister for this Royal Commission.
- 14 On 30 November 2020 Cabinet discussed the content of the Royal Commission's Report, including the plan for release to widows, families

and bullet-injured over the weekend of 5 and 6 December and risks to community safety related to the release of the Report [CAB-20-MIN-0496 refers].

- 15 On 1 December 2020, Rt Hon Jacinda Ardern, Hon Grant Robertson, Hon Megan Woods, Hon Carmel Sepuloni, Hon Andrew Little, Hon Nanaia Mahuta, Hon Poto Williams, Hon Kris Faafoi, Hon Jan Tinetti, Hon Meka Whaitiri and Hon Priyanca Radhakrishnan (the responsible Ministers) met to discuss the findings and recommendations of the Report, principles to guide the Government's response to the Report and early initiatives to announce as part of the initial response, and the proposed events in Christchurch on 5-6 December, in advance of publication. This paper seeks to confirm the direction indicated by that group and the decisions taken by the Cabinet Business Committee (CBC) on 2 December.

Government should accept all of the findings of the Royal Commission

- 16 The Royal Commission found that:
- 16.1 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 just after 1.32pm on 15 March 2019;
 - 16.2 The Parliamentary Service acted appropriately within a period of time that was reasonable in the circumstances in response to the email the individual sent just before the terrorist attack;
 - 16.3 There was no other information provided or otherwise available to any relevant public sector agency that could or should have alerted them to the terrorist attack;
 - 16.4 There was no failure in information sharing between relevant public sector agencies;
 - 16.5 The inappropriate 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. For that reason, the public sector agencies involved in the counter-terrorism effort did not fail to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources;
 - 16.6 No single 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.
 - 16.7 New Zealand Police (NZ Police) failed to meet required standards in the administration of the firearms licensing system in that:

- 16.8 The Arms Manual, the Master Vetting Guide and the Firearms Licence Vetting Guide did not provide coherent and complete guidance as to the processing of applications where the applicant could not provide a near-relative referee able to be interviewed in person;
- 16.9 NZ Police did not put in place arrangements to ensure that firearms licensing staff received systematic training and regular reviews of their practice; and
- 16.10 In dealing with the individual's firearms licence application, NZ Police did not adequately address whether the 'gaming friend' and their parent knew the individual well enough to serve as referees.
- 17 These findings were arrived at after many months of investigation and consideration by the Royal Commission.
- 18 I recommend that Cabinet accept all of these findings, and publicly state this in engagements with Muslim communities and in media statements and announcements.
- 19 I also note that several agencies conducted their own reviews in parallel to the Royal Commission that have allowed them to begin to address some of these findings, in particular those in relation to the inappropriate concentration of resources.

Overarching guiding principles for the Government's response

- 20 Agreeing a set of principles to guide the Government's response provides an opportunity for us to set out our vision for how we intend to respond to the Report. This reflects our commitment to responding to the Report recommendations, with a particular focus on accountability and community outreach to guide this ongoing work.
- 21 The principles proposed below provide a broader context within which the responses to recommendations sit, and communicate what the Government seeks to achieve for all New Zealand communities.
- 22 I recommend that Cabinet agree to the following principles:
- 22.1 Our vision is for a diverse, inclusive and safe New Zealand;
- 22.2 Te Tiriti o Waitangi and its principles will guide our response;
- 22.3 Victims and whānau of the attack will be at the centre of our response;
- 22.4 We will strive for safer communities and a New Zealand that is more inclusive, with equal protections for all;
- 22.5 We will be accountable and forward looking;
- 22.6 We will be proactive in reaching out to communities;

22.7 We will take practical actions that make a difference to people's lives.

- 23 Subject to Cabinet agreement, these principles will form part of Government announcements when the Report is released on 8 December 2020.

Government should accept in principle all of the recommendations

- 24 The Report makes 44 recommendations, with the supporting rationale and context for these woven throughout the comprehensive Report. Initial advice on approaches to each of the recommendations, including proposed Ministerial and agency responsibility, is at Appendix A.
- 25 Appendix A takes each of the recommendations at face value and suggests that the Government's initial response should be to agree to all the recommendations in principle – with some actioned earlier than others.
- 26 I recommend that Cabinet accept in principle all of the recommendations, and publicly state this in engagements with the Muslim community and in media statements and announcements.

Significant detail is contained within the body of the Report

- 27 The body of the Report contains evidence of failures across the national security and social cohesion systems. For example, the Royal Commission notes that there was 'a systemic failure to recognise that there was a threat of extreme right-wing domestic terrorism that was not understood'.
- 28 The Report suggests the need for a detailed re-examination of our approach if we are to truly address the causes of the systemic failures identified. This means that the most effective response to the Report will not come from looking at each individual recommendation in turn, but by taking a much broader, holistic approach that is centred on community involvement.

There is a need for a broader review of the overarching strategic policy settings

- 29 To give effect to the recommendations and specific content within the Report on improving the counter-terrorism effort, I suggest the implementation process is informed by a broader review of the overarching strategic policy settings for national security.
- 30 This would build on the internal reviews undertaken by agencies involved in the national security system following the Christchurch mosque attacks. These reviews acknowledge the need for improvements of systems and processes, and in some cases a rebalancing of effort.
- 31 It would also include ensuring the national security policy settings align with the Government's broader focus on wellbeing and creating a fairer New Zealand. Any improved approach to national security must be developed in response to the broad range of risks and concerns facing New Zealand's diverse communities, not just the threat of terrorism and violent extremism. This process would be carried out in conjunction with iwi, communities, civil society and academia to give effect to the intent of the Royal Commission.

- 32 This process goes further than the recommendations from the Royal Commission, and may necessitate a longer implementation process. It will, however, lead to the system-level change the Report contends is needed in order to fully address the failings within the national security and social cohesion areas.

Proposed appointment of a Minister for coordination of the Royal Commission recommendations

- 33 In response to Recommendation 43 of the Royal Commission report, I propose appointing Minister Little as the lead coordination Minister for the implementation of the Report's recommendations. I recommend that the lead coordination Minister shortly look to establish an Implementation Oversight Advisory Committee (recommendation 44) to ensure timely, effective and accountable implementation of the Government's response to the Report.

There are a number of initiatives that can be announced immediately

- 34 Cabinet is asked to confirm the direction provided by the group of responsible Ministers on 1 December, that the following initiatives should form part of the Government's initial response to the Report on 8 December when it is released:
- 34.1 establishing specialist navigators and a Collective Impact Board to support the families of 51 Shuhada and others affected by the attack;
 - 34.2 developing and implementing an Ethnic Communities' Graduate Programme to provide meaningful work experience and pathways into the public service;
 - 34.3 establishing the New Zealand Police programme Te Raranga, the Weave, as an organisational response to hate crime and hate incidents;
 - 34.4 strengthening the capacity of the Human Rights Commission to respond to hate speech, racism and discrimination;
 - 34.5 extending the Safer Communities Fund for security measures for communities at risk from hate incidents and terror attacks;
 - 34.6 establishing a National Centre of Excellence to focus on understanding diversity, promoting social cohesion, and preventing and countering violent extremism;
 - 34.7 implementing a trial to support young children in early learning services to develop capacities for self-regulation, resilience, and social skills, and continuing the community partnership between the Ministry of Education and ethnic communities in Christchurch;
 - 34.8 Counter-Terrorism Legislation amendments, as agreed at CBC on 2 December [CBC-20-MIN-0092 refers];
 - 34.9 Accession to the Budapest Convention on Cybercrime, to be considered by CBC on 16 December;

- 34.10 The Multi-Agency Coordination and Intervention Programme on disengagement, as detailed from paragraph 38; and
- 34.11 Establishment of the Ministry for Ethnic Communities, effective 1 July 2021 as a departmental agency, as agreed at CBC on 2 December 2020 [CBC-20-Min-0093 refers];
- 35 Detail on the majority of these initiatives is provided in a separate paper for this meeting, titled Continuing action to improve social inclusion. Formal agreement to these initiatives is sought under that paper.
- 36 If confirmed, this package of initiatives can form part of Government announcements when the Report is released on 8 December 2020.
- 37 In addition to the above, there are other initiatives that have been implemented over the last 18 months, but that have not received significant public attention. Consideration may wish to be given to promoting the Police-led Crowded Places Strategy, including 'Escape, Hide Tell', and to providing regular public updates on the terrorism threat environment and Threat Level as agreed by Cabinet in September 2019 [CAB-19-MIN-0467 refers].

Multi-Agency Coordination and Intervention Programme

- 38 As is outlined in the Report, there is a huge range of risk factors for fostering extremist ideologies and behaviour. In particular radicalisation and harmful behaviour often arise in an individualised way. That's why I want to propose a programme that will reduce the likelihood of this by working collectively to address risk factors, increase protective factors and promote pro-social activities, and in doing so, support the person's disengagement from violent ideology.
- 39 To do this, I propose the Multi-Agency Coordination and Intervention Programme (MACIP). This is an early-intervention initiative, to be led by New Zealand Police that will enable coordinated delivery of services and interventions at a very local level across the country, including specialised interventions. The purpose of the programme is to disengage individuals displaying concerning behaviour and direct their behaviour away from violent extremism and violent acts of hate.
- 40 The programme will operate across New Zealand to coordinate services and interventions that deliver wrap-around support for individuals who are showing early signs of radicalisation or harmful behaviour.
- 41 Support will be proportionate to an individual's risks and tailored to their circumstances and needs, including, where relevant, those of their whānau/family. This programme relates to discussions throughout the Report on the need for early intervention and prioritisation of prevention.
- 42 The Centre for Defence and Security Studies at Massey University undertook an evaluation of a previous similar initiative and found that the programme was successful at both mitigating the risk of extremism and terrorism, and in

engaging community groups in positive relationships with government agencies. The youth programme has strong support from local communities and the NGO sector.

- 43 Funding of \$8.44 million over four years is required to fully establish this programme. This comprises \$2.10 million in capital costs in year one and two, and operational costs of \$6.34 million over four years.
- 44 I expect to see approximately 25 to 30 people per annum in the programme, and anticipate that, over time, referrals may increase as awareness of the programme expands.

And there is a longer-term programme of work

- 45 To give full effect to the intent of the Royal Commission's recommendations, I suggest first undertaking more detailed analysis on the larger pieces of work that may be required. This would include:
- 45.1 A review of the overarching policy settings for national security, led by DPMC. An improved and more strategic approach to national security must be developed in response to the broad range of risks and concerns facing New Zealand's diverse communities, not just the threat of terrorism and violent extremism, and this should align with the Government's broader focus on wellbeing and creating a fairer New Zealand.
 - 45.2 A strategic and holistic approach to addressing the regulatory stewardship implications of legislation related to the counter-terrorism and national security effort. The Ministry of Justice and DPMC will provide advice to relevant Ministers on timing, sequencing and areas of interest for a regulatory stewardship programme.
 - 45.3 Detailed consideration of the machinery of government changes that might be required to implement the full range of recommendations.
- 46 Officials consider that initial advice on this longer-term programme of work, along with a second tranche of possible announcements, can be provided for Cabinet consideration in February 2021, ahead of the second anniversary of the attack.
- 47 This advice will include detail on review and implementation timeframes – noting that in many cases, implementation may require legislative change, extensive public consultation and potentially significant funding, so may need to be undertaken over several years.

Firearms

- 48 The Report details significant improvements which are needed in the firearms space. On 6 April 2020, Cabinet agreed to a \$60 million four-year tagged operating contingency, with draw-down subject to Cabinet approval of a business case providing options for meeting the new legislative requirements arising from the Arms Legislation Act 2020 [CAB-20-MIN-0155.26 Revised].

- 49 The Minister of Police will report back to Cabinet by February 2021 on options for a new regulatory entity to administer the Arms Act 1983, or as an alternative, a new firearms operating model within Police. The new operating model would address the firearms recommendations in the Report. Either option requires considerable new investment reflecting the decades of under-investment and low levels of cost recovery identified in the Royal Commission's Report. Police is working through funding options for this.

Risks

- 50 Consistent with the preliminary advice to Cabinet on 30 November, after an initial high-level analysis of the Report officials have not identified any significant risks related to the public release of the Royal Commission's Report. I am comfortable that the Report does not contain:

50.1 sensitive information¹;

50.2 partner-originated classified information, where the partner has not previously provided permission to publicly share their information; or

50.3 classified information that has not been previously identified and discussed with the Royal Commission and confirmed as able to be released.

- 51 Legal advice on risks will be part of the wider policy work and legislative change arising from the Royal Commission's recommendations.

Financial Implications

- 52 The full cost of the MACIP initiative outlined in this paper is \$8.44 million. Other initiatives which form part of the package for announcement are detailed in the related paper on social cohesion funding.

- 53 This package marks the start of the process of responding to the Royal Commission – analysis of the Report over the coming months will determine what additional initiatives are needed. Funding for further initiatives in response to the Royal Commission will be considered as part of an update to Ministers on policy proposals in February 2021.

Legislative Implications

- 54 Following agreement from CBC on 2 December [CBC-20-MIN-0092 refers], Cabinet is being asked to confirm several proposed amendments to the Terrorism Suppression Act 2002 (TSA) and the Control Orders Act 2019 under a separate item at this meeting (these proposals are also part of Announcement 6, noted at paragraph 33.8). Subject to confirmation, the TSA and the Control Orders Act 2019 will need to be amended to implement the proposed changes.

¹ As defined in s. 202 of the Intelligence and Security Act 2017 and prohibited from release by s. 10(4) of the Royal Commission of Inquiry's terms of reference.

- 55 Taking a broader view of the full range of legislation relevant to the counter-terrorism effort, officials will provide advice to relevant Ministers on timing, sequencing and areas of interest for a regulatory stewardship programme in February 2021. This would pick up commentary in the Report and would be done as a cross-government exercise. Relevant pieces of legislation, in addition to the TSA, could include the Search and Surveillance Act 2012, the Crimes Act 1961, the Harmful Digital Communications Act 2015, the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, the Customs and Excise Act 2018 and the Defence Act 1990.
- 56 The Royal Commission Report also makes four recommendations that relate to matters currently contained within the Intelligence and Security Act 2017 (Recommendations 6, 10, 17, and 18). The body of the Report also identifies a range of further matters for consideration associated with the Act. A statutory periodic review of the intelligence and security agencies and the Act is required to take place from September 2022. DPMC will work with relevant agencies in early 2021 to identify and triage a full list of matters that may require legislative change, including any that have not been identified by the Royal Commission. This will help assess whether the periodic review should be brought forward from 2022 and/or whether there is need for separate urgent legislative change to address specific concerns in a more timely way.
- 57 The Royal Commission’s recommendations relating to legislative changes for hate speech and hate crime (Recommendations 39, 40 and 41) have potential implications for the Human Rights Act 1993, Crimes Act 1961, Summary Offences Act 1981 and the Films, Videos, and Publications Classification Act 1993. Officials from the Ministry of Justice and the Department of Internal Affairs will provide advice to Ministers in February 2021 on potential legislative options for progressing amendments as a package.
- 58 The Cabinet Business Committee (CBC) agreed to the establishment of a new Departmental Agency named the Ministry for Ethnic Communities, effective from 1 July 2021 [[CBC-20-MIN-0092 refers]. As part of that decision, CBC invited the Minister for the Public Service to issue drafting instructions to the Parliamentary Counsel Office to amend the Public Service Act 2020. The Royal Commission recommended the new agency also have additional functions that were not covered by the CBC paper (collecting data to analyse, monitor and evaluate public sector efforts on improving ethnic community well-being, and developing an evaluation framework). How, and the extent to which, these new functions will be incorporated into the new Ministry, and any legislative implications of this, will be detailed in a future Cabinet paper.

Impact Analysis

Regulatory Impact Statement

- 59 Two Regulatory Impact Statements (RIS) have been prepared for the proposed counter-terrorism legislation changes and are referred to in the relevant Cabinet paper.

- 60 The other initiatives proposed in this paper do not require Regulatory Impact Statements.

Population Implications

- 61 The attack on 15 March 2019 was against all New Zealanders, but most directly and most acutely impacted our Muslim community. It is therefore appropriate that the victims, whānau, and wider Muslim communities are top of mind when considering the Report and the policy initiatives contained in this paper.
- 62 The initiatives contained within this paper look to address the racism and discrimination faced by minority religious and ethnic communities in many aspects of their day to day lives. The proposals in this paper will have a positive impact for minority religious and ethnic communities.
- 63 Proposals which reduce the likelihood of radicalisation and improve social cohesion will have a positive impact on Māori, Pacific peoples, women, disabled people, rainbow communities, gender diverse people.

Human Rights

- 64 The proposed amendments to the TSA have implications for fundamental freedoms under the New Zealand Bill of Rights Act 1990. These are detailed in the Cabinet paper proposing those amendments, along with the relevant safeguards. The Minister of Justice considers that limits on certain freedoms are justified when taking into account the safeguards, and balanced with the harms that terrorism can cause.

Consultation

- 65 This paper was developed by the Department of the Prime Minister and Cabinet with contributions from New Zealand Police.
- 66 Crown Law, Department of Corrections, Department of Internal Affairs (including the Office of Ethnic Communities), Government Communications Security Bureau, Ministry of Business, Innovation and Employment, Ministry of Defence, Ministry of Education, Ministry of Foreign Affairs and Trade, Ministry of Justice, Ministry of Social Development, New Zealand Customs Service, New Zealand Defence Force, New Zealand Security Intelligence Service, Public Service Commission, and The Treasury, were consulted on this paper and their views reflected.

Report provision

- 67 The Royal Commission's Report was delivered to the victims groups, including affected whānau and survivors in Christchurch on 5 December. On 6 December, the group of responsible Ministers met with these groups to discuss the content of the Report and answer any questions.

- 68 On 5 December, Ministers briefed witnesses to the attack on the findings of the Report. This group will be provided with copies of the Report on the morning of 8 December.
- 69 On 8 December, copies of the Report will be provided to Parliamentary Party leaders, and copies to the Parliamentary Press Gallery and Christchurch journalists between 10am and midday.
- 70 The Report will be tabled in the House of Representatives and made public at 2pm on 8 December 2020. A one hour debate is scheduled when the Report is tabled.

Communications and engagement

- 71 Communications on the release of the Report and associated initiatives will need to be managed carefully. Care needs to be taken to ensure that the victims, including whānau and witnesses, understand the full context of the Report, where findings have been made against the government, and what is being done to fix failings.
- 72 An engagement plan with international governments will be rolled out once the Report is tabled, focused on briefings by senior officials in Wellington to the diplomatic corps and outreach via embassies and posts offshore.

Proactive Release

- 73 This paper will be proactively released on 8 December 2020. Redactions may be made in line with the provisions of the Official Information Act.

Recommendations:

The Prime Minister recommends that the Committee:

- 1 **note** that, on 30 November 2020, Cabinet noted that the Royal Commission of Inquiry into the Terrorist Attack on the Christchurch Mosques on 15 March 2019 reported back on 26 November 2020, and noted that a second paper would be submitted to Cabinet on 7 December 2020 with advice on response initiatives [CAB-20-MIN-00496 refers];
- 2 **agree** to accept all of the findings in the Royal Commission Report;
- 3 **agree** to the overarching principles for the Government's response to the Report;
- 3.1 Our vision is for a diverse, inclusive and safe New Zealand;
- 3.2 Te Tiriti o Waitangi and its principles will guide our response;
- 3.3 Victims and whānau of the attack will be at the centre of our response;
- 3.4 We will strive for safer communities and a New Zealand that is more inclusive, with equal protections for all;

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- 3.5 We will be accountable and forward looking;
 - 3.6 We will be proactive in reaching out to communities;
 - 3.7 We will take practical actions that make a difference to people's lives.
- 4 **agree in principle** to all 44 recommendations in the Royal Commission Report;
 - 5 **agree** that Minister Little be appointed as the lead coordination Minister for the implementation of the recommendations in the Royal Commission Report;
 - 6 **note**, subject to agreement under accompanying papers, the initiatives for immediate announcement and implementation are detailed at paragraph 34 and listed below:
 - 6.1 establishing specialist navigators and a Collective Impact Board to support the families of 51 Shuhada and others affected by the attack;
 - 6.2 developing and implementing an Ethnic Communities' Graduate Programme to provide meaningful work experience and pathways into the public service;
 - 6.3 establishing the New Zealand Police programme Te Raranga, the Weave, as an organisational response to hate crime and hate incidents;
 - 6.4 strengthening the capacity of the Human Rights Commission to respond to hate speech, racism and discrimination;
 - 6.5 extending the Safer Communities Fund for security measures for communities at risk from hate incidents and terror attacks;
 - 6.6 establishing a National Centre of Excellence to focus on understanding diversity, promoting social cohesion, and preventing and countering violent extremism;
 - 6.7 implementing a trial to support young children in early learning services to develop capacities for self-regulation, resilience, and social skills, and continuing the community partnership between the Ministry of Education and ethnic communities in Christchurch;
 - 6.8 Counter-Terrorism Legislation amendments; and
 - 6.9 accession to the Budapest Convention on Cybercrime
 - 6.10 Establishment of a departmental agency named the Ministry for Ethnic Communities, effective 1 July 2021, as agreed at CBC on 2 December 2020 [CBC-20-Min-0093 refers];
 - 7 **agree** to the Multi-Agency Coordination and Intervention Programme on disengagement to provide early-intervention support to individuals at risk of radicalisation and violent acts of hate;

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- 8 **approve** the following changes to appropriations and capital injections to give effect to the policy decision in recommendation 7 above, with a corresponding impact on the operating balance and net core Crown Debt:

	\$m - increase/(decrease)				
	2020/21	2021/22	2022/23	2023/24	2024/25 & Outyears
Vote Police Minister of Police					
Multi-Category Expenses and Capital Expenditure:					
Policing Services (MCA)					
<i>Departmental Output Expense:</i>					
Crime Prevention (funded by revenue Crown)	-	1.450	1.650	1.610	1.630
Capital Injection:					
New Zealand Police – Capital Injection	-	1.500	0.600	-	-
Total Operating	-	1.450	1.650	1.610	1.630
Total Capital	-	1.500	0.600	-	-

- 9 **agree** that the proposed changes to appropriations for 2020/21 above be included in the 2020/21 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 10 **agree** that the operating expenses incurred under recommendation 8 above be charged against the between-Budget contingency established as part of Budget 2020, and that the capital expenditure incurred under that recommendation be charged as a pre-commitment against the Multi-Year Capital Allowance; and
- 11 **direct** officials to report back in February 2021 on the implementation of the funded initiatives, as well as initial advice on a longer-term programme of work that will aim to meet the overall intent of the Royal Commission’s recommendations.

Authorised for lodgement

Rt Hon Jacinda Ardern

Prime Minister

Appendix A: Summary of Royal Commission’s Recommendations

#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
1	<i>National Security</i> – Appointment of a Minister with responsibility and accountability to lead and coordinate the CT effort	Prime Minister Ardern Prime Minister's Office/DPMC (Cabinet Office, NSG, PAG)	Agree in principle.	Further consideration of the mechanism, scope and supporting department is required.	Affected communities and the public will likely place more emphasis on recommendation 43 (lead minister for the response) than this recommendation. There are options around the mechanism of ministerial appointment: a separate portfolio; sub-delegation from NSI portfolio; Associate Minister under the NSI portfolio. This may, however, be disproportionate to how other significant security risks are currently addressed and risks swinging the balance too far towards CT. Clarity around which departments will provide advice and support the Minister (and which will be the lead agency) will be required. This is currently a mix of DPMC, NZSIS and NZ Police. Consideration of how this role would interact with the NSI portfolio and with other structural recommendations is required.
2	<i>National Security</i> - Establish a new national intelligence and security agency (NISA) that is well-resourced and legislatively mandated to be responsible for strategic intelligence and security leadership functions.	Prime Minister Ardern DPMC (PSC)	Agree in principle - further consideration required.	Moving to a machinery of government change before developing broader national security strategic policy settings risks getting form ahead of function. Careful consideration, including through an extensive public engagement programme, of options to best achieve the broad outcomes intended by the Commission should inform implementation of this decision.	This recommendation focuses on only some elements of national security leadership, governance and policy. A wider review of all national security settings, drawing on the principles suggested by the Royal Commission (greater transparency, public participation, use of expert advisory groups) will allow any decisions on changes to current machinery of government to take into account the full range of national security issues New Zealand must be prepared to confront, not just the CT-focused ones identified in the Report. A first step of developing strategic priorities and objectives for national security overall will allow for considered decisions on machinery of government, resourcing and capabilities, and division of effort to be made. This work relates to many of the Royal Commission’s recommendations and will take time to consider. The high-level response will consider the approach further and a work programme for addressing this recommendation and those linked to it, will be included in the implementation road map. In the interim, the sector under DPMC’s leadership can make progress towards implementing the intent of the Royal Commission’s recommendations.

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
3	<i>National Security</i> – Investigate alternative mechanisms to the voluntary nature of the Security and Intelligence Board, including the establishment of an Interdepartmental Executive Board.	Prime Minister Ardern DPMC (PSC)	Agree in principle – further consideration required.	Improvements to the way the Security and Intelligence Board operates are already under consideration, these will be considered as part of the broader review of national security strategic policy settings noted under recommendation 2.	Establishment of an Interdepartmental Executive Board is relatively straight forward, however the Board’s ability to deliver on the range of functions proposed in the recommendation relies on consideration and implementation of other recommendations. Consideration needs to be given to the larger national security picture and ensuring alignment with arrangements for other threats including natural hazards (which are the responsibility of the Hazard Risk Board) and the COVID-19 pandemic. Noting that determining the longer term composition and function of the Board may need to change in response to other work, an immediate focus could be placed on improving the voluntary nature of the Board and regular reporting to ministers.
4	<i>National Security</i> – Develop and implement a public facing Counter-Terrorism (CT) /Countering Violent Extremism (CVE) strategy.	Prime Minister Ardern DPMC (with CTCC agencies)	Agree.	Further development of the existing CT/CVE strategy to incorporate the elements proposed by the commission can be progressed immediately, in collaboration with community and experts (see recommendation 7).	This can be progressed without the establishment of the NISA or appointment of a responsible Minister for CT, by the Counter-Terrorism Coordination Committee and reporting to the Minister for National Security and Intelligence. I expect communities and academics to be most interested in the Prevention aspects of any strategy. The development of a strategic approach to preventing and countering violent extremism is a subset of the overall strategy.
5	<i>Performance</i> – amend the Public Finance Act 1989 to require the intelligence and security agencies to provide performance information that can be the subject of a performance audit by the Auditor-General.	Minister Robertson Treasury (with NZSIS/GCSB)	Agree in principle.	Further work is needed on the best way to implement the intent of this recommendation, as it may be achievable without the need for legislative change.	
6	<i>National Security</i> – Strengthen the role of the Intelligence and Security Committee.	Prime Minister Ardern ISC, DPMC	Agree in principle.	Once established for the 53 rd Parliament (approx. Feb 2021), ISC members could discuss ways in which the committee enhances its oversight function within existing parameters, with fuller consideration as part of the periodic review of the ISA. DPMC can support the committee to have these discussions.	Fuller consideration of the roles and functions of the ISC (including access to sensitive information) should be included as part of the Periodic Review of the intelligence and security agencies and the ISA in 2022 (which could also be brought forward in response to the Royal Commission’s Report). Any enhanced role for the ISC should be broader than just the CT effort and priority setting.
7	<i>National Security</i> – establish an Advisory Group on CT.	Prime Minister Ardern DPMC (with SIB and CTCC agencies)	Agree.	This can be established relatively quickly without the creation of a NISA or immediate legislative change. Fuller consideration of its longer term role and function to be part of the broader strategic policy settings review within recommendation 2.	The head of the Centre of Excellence (as proposed under recommendation 14) could chair and convene the Advisory Group.

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
8	<i>National Security</i> – include a summary of advice from the Advisory Group and actions taken in response, when providing advice on the National Security and Intelligence Priorities and annual threatscape report.	Prime Minister Ardern DPMC	Agree.	Once established, the Advisory Group’s advice will be included in the development of CT advice, including the NSIPs and annual threatscape report.	A review of the NSIPs will be undertaken in 2021, which will include seeking expert advice outside government. The Advisory Group would inform the terrorism and violent extremism aspects of the NSIPs.
9	<i>National Security</i> – improve intelligence and security information-sharing practices.	Minister Little DPMC	Agree in principle – further consideration needed.	The intent of this recommendation to improve access to intelligence and information is supported and requires a much fuller work programme than the specific items noted in the recommendation.	Information sharing issues are much broader than those associated with CT and need to be addressed at a whole-of-government level. The CTCC has proposed an information access and sharing workstream to address the wide range of aspects to this work. Further advice on the best mechanisms (including appropriate leads and governance arrangements) for doing this will be developed as part of the high-level response. Some of the specifics in this recommendation can be added to the review of the Classification System which is already underway by the Government Protective Security and Government Information Security functional leads. There are timeframe and cost implications (it is unfunded) which need to be considered further, including whether this would be a priority for new funding. This recommendation should be considered in conjunction with recommendation 11 below.
10	<i>National Security</i> – direct access agreements.	Minister Little DPMC NZSIS/GCSB	Agree in principle.	In the immediate term, DPMC could work with the NZIC and relevant agencies to understand and overcome current barriers to concluding direct access agreements, within existing legislative settings, and will report to relevant ministers on this work.	A full review of the direct access agreements provisions in the Intelligence and Security Act could be included in the periodic review in 2022 (which could be brought forward if desirable) or in a prioritised amendment of the ISA in response to the Commission’s Report. Beyond the Royal Commission’s recommendations, further consideration to the number, type and purposes of specified direct access agreements is required.

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11	<i>Information Access</i> - security clearances and appropriate access to information management systems and facilities.	Minister Little NZSIS, GCSB, DPMC, MBIE	Agree.	<p>A large amount of work has been completed in response to the security clearance and secure building and technology components of this recommendation since the March 15 attacks, although all of this work was already planned and underway prior to the March 15.</p> <p>Over the last 18 months, NZSIS has made significant efficiencies through continuous improvement work on the security clearance vetting pipeline.</p> <p>DPMC is already undertaking a SIB commissioned system-wide review of secure facilities (SCIFs) in conjunction with the Property Functional Lead and working through the Security Governance Group (NZSIS-GCSB-DPMC). This is expected to be reported back to the Security Intelligence Board in April 2021.</p> <p>GCSB has a well advanced project focused on significantly improving customers' access to classified intelligence reporting and is working to improve customer experience of accreditation and certification of SCIFs.</p> <p>GCSB is also leading all-of-government projects to improve the systems, infrastructure and networks that access to classified information depends on. These will support agencies' access to classified information systems as well as collaboration.</p>	<p>DPMC already has work underway that substantially meets this recommendation.</p> <p>It is important this recommendation is considered in parallel with recommendation 9 (improving intelligence and security information sharing practices) as this will also have in impact on the number of cleared personnel over time and therefore will impact the number, size and dispersion of additional secure facilities.</p> <p>Progressing some of GCSB's work to improve the government's classified information systems, infrastructure and networks is contingent on additional funding.</p>
12	<i>Law enforcement</i> – 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.	Minister Williams NZ Police, DIA, NZSIS, CTCC Agencies	Agree.	<p>There is community uncertainty about where to report as well as trust and confidence issues in making reports on hate-motivated incidents and national security threats. Some agencies currently work together on a case-by-case basis, and this has the inherent risk of missing critical pieces of information.</p> <p>The public should, and will, continue to submit information to a range of agencies, including directly to Police via the 105 portal and through in-person hate-motivated incident reporting. Trust and confidence of communities in government agencies will need to continue to improve if this initiative is to be successful given the public safety objective is to receive as much threat information as possible.</p>	<p>Further consultation and decisions are needed on the best mechanism to receive and manage information from the public.</p> <p>There are funding implications for this work, and legislation will likely be required. Police is progressing an accessible reporting system proposal, together with other agencies, that will assist with the All-of-Government response. The proposal will establish a more comprehensive and integrated public portal.</p>

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13	<i>Terrorism Indicators</i> – 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.	Minister Little NZSIS, NZ Police, CTCC Agencies	Agree.	NZSIS has completed a classified terrorism indicators framework for the New Zealand context. Work on making this publicly available is in progress. Sequencing with other recommendations (including recommendations 12, 14 and 15) is required to ensure it is shared with agencies and is part of a broader public education campaign.	Any public education campaign will require strong people and technology support to make it a success.
14	<i>National Security</i> – establish a programme to fund independent NZ-specific research.	Prime Minister Ardern DPMC	Agree in principle – potential for a different mechanism.	Propose to instead establish a national Centre of Excellence for Preventing and Countering Violent Extremism that will address this recommendation and additional functions.	The Centre of Excellence would be established wholly or partially outside government, in partnership with academia, civil society groups, communities and other stakeholders. It would study and understand extremism, violent extremism and terrorism, raise public understanding and engagement, and support prevention efforts. The Centre of Excellence will be able to provide broader benefits and inputs than those proposed by this recommendation, including in support of recommendations 15 and 16 below.
15	<i>National Security</i> – create opportunities to improve public understanding on violent extremism and terrorism in NZ, with ongoing public discussions.	Prime Minister Ardern DPMC and Minister for NSI (MSD, MOJ)	Agree.	DPMC will work with the Minister and other agencies to create opportunities for greater public engagement and discussion on all issues noted in the recommendation.	The proposed Centre of Excellence (response to recommendation 14) and Advisory Group on CT (recommendation 7) will contribute to these efforts. Options for also using the Minister Responsible for the NZSIS and the Director-General of Security to engage publicly more often on these issues could also be considered.
16	<i>National Security</i> – establish an annual hui on CVE and CT.	Prime Minister Ardern DPMC	Agree.	DPMC will convene an annual hui as part of ongoing community engagement in response to the report and recommendations overall. Once this work is complete, the hui would endure in accordance with the Commission’s recommendation.	The proposed Centre of Excellence (recommendation 14) would support this hui.

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
17	<i>National Security</i> – require in legislation publication of the NSIPs and referral to ISC for consideration; publication of an annual threatscape report; and the ISC to receive and consider submissions on the NSIPs and threatscape report.	Prime Minister Ardern DPMC, NZSIS	Agree in principle.	The review of the NSIPs in 2021 can include consideration by the ISC, with further consideration of the role of public submission in their development to be undertaken. It is already intended that a broad national security threatscape report, with significant CT aspects, will be provided to the public session of the ISC, beginning in 2021. This would also be available online.	Implementing the intent of this recommendation may not need legislative change. Progress can be made within existing work programmes without legislative change, with final consideration of legislative change included in the periodic review of the intelligence and security agencies and ISA (which could be brought forward from 2022). The NSIPs and annual threatscape report are much broader than just terrorism and violent extremism. The role of public involvement in the development of the NSIPs and threatscape needs further consideration. Public input to overall national security priorities and objectives (rather than intelligence priorities) and national risks may be more appropriate and relevant. In the interim, the Advisory Group and Centre of Excellence could be used to inform the counter terrorism aspects of the NSIPs review and threatscape report.
18	<i>Legislation</i> – Review all legislation related to the counter-terrorism effort 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.	Minister Faafoi MoJ, DPMC, NZ Police, NZSIS/GCSB	Agree in principle.	Following a two-year targeted review, Cabinet is about to consider proposals to amend counter-terrorism legislation. New Zealand has also agreed in principle to accede to the Budapest Convention and this has been communicated to the Council of Europe. There are a number of pieces of legislation that are relevant to the counter-terrorism effort. I therefore propose taking a staged and planned approach to addressing the regulatory stewardship implications of this recommendation.	A statutory review of the ISA is also currently scheduled for 2022, but could potentially be brought forward as part of the regulatory stewardship work programme (though noting that bringing the review forward would itself require legislative change). The requirement for any prioritised amendment of the ISA in response to the Commission's Report will also be considered.
19	<i>Firearms</i> – 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 the legislation.	Minister Williams NZ Police	Agree.	Police has a programme of work to update firearms operational policies, standards and guidance to be clear and consistent with the legislation.	Further updates will be required as legislative amendments from the Arms Legislation Act 2020 come into force over the next few years.
20	<i>Firearms</i> – Direct New Zealand Police (or other relevant entity) to introduce an electronic system for processing firearms licence applications.	Minister Williams NZ Police	Agree.	Police has an interim electronic firearms licensing system in place.	Development of a fully integrated electronic system is dependent on future investment in the firearms registry.
21	<i>Firearms</i> – 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.	Minister Williams NZ Police	Agree.	Police has implemented new training for arms staff focussed on the licensing and vetting process.	Police plans to expand this training to other parts of firearms licensing. Police has implemented a quality assurance process for some licensing decisions and agrees further work is needed on a longer-term quality assurance framework.

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
22	<p><i>Firearms</i> – 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"> a. Regular performance monitoring of firearms licensing staff to ensure national standards are met; and b. Public confidence in the firearms licensing system is increased (as measured by New Zealand Police citizens' satisfaction survey reports or similar mechanism). 	<p>Minister Williams NZ Police</p>	<p>Agree.</p>	<p>Police has initiated work on developing performance measures for firearms licensing. Police has invested in building relationships with parts of the community.</p>	<p>Police agrees that further work is required to assess the effectiveness of the regulatory system, including measures for public trust and confidence.</p>
23	<p><i>Firearms</i> – 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"> a. Applicants should be required to produce police or criminal history checks from countries in which they have previously resided; and 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. 	<p>Minister Williams NZ Police</p>	<p>Agree in principle.</p>	<p>Police agrees that applicants who have lived outside of New Zealand for substantial periods in the previous ten years require different approaches to vetting to assess their fit and proper status.</p>	<p>Police recognises that further work is required to strengthen the vetting/referee process for these applicants. Police needs to investigate how to implement the recommended actions to ensure the vetting process is deliverable and robust.</p>
24	<p><i>Firearms</i> – Introduce mandatory reporting of firearms injuries to New Zealand Police by health professionals.</p>	<p>Minister Williams NZ Police, MoH</p>	<p>Agree in principle.</p>	<p>Police agrees in principle that enabling more proactive reporting by health practitioners could improve public safety outcomes.</p>	<p>Police notes that this would require legislative change to require mandatory reporting and should involve a review of all reporting by health practitioners in relation to concerns about firearms. This work will require close consultation with the Ministry of Health.</p>
25	<p><i>Recovery Support</i> – Direct the Ministry of Social Development to work with relevant Public sector agencies 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.</p>	<p>Minister Sepuloni MSD, NZ Police, ACC, MoJ, Immigration NZ, PSC</p>	<p>Agree.</p>	<p>MSD already provides this service now through its specialist case management service, set up after the 15 March attacks. This service has not withdrawn, however demand for the service has decreased. I expect demand to fluctuate according to people's recovery journeys.</p>	<p>Further work to consider the most effective model to facilitate coordinated access to ongoing recovery support, and the funding implications of a new model. All agencies listed in the recommendation need to be involved in this work. Recommendation 26 (a collective impact or board model) should be implemented first as this can be the mechanism through which we understand and design what might be needed.</p>

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26	<i>Recovery Support</i> – 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.	Minister Sepuloni MSD, NZ Police, ACC, MoJ, Immigration NZ, PSC	Agree.	MSD agrees with this recommendation and will work closely with Te Kawa Mataaho Public Service Commission to learn from the work they are doing with the Ministry of Justice to develop a model partnership approach for working with victims and families. I can see important benefits of this type of mechanism in terms of ensuring affected whānau, survivors and witnesses are getting access to the services they need. It will provide an escalation path back into agencies where issues arise. Further advice will be provided in due course.	The Public Service Commission is doing further work that will inform the approach taken to this recommendation (as above). MSD will leverage off this work and will also need to do further work on the funding implications of setting up and running a Collective Impact Network/Board.
27	<i>Social and community</i> – discuss with whānau, survivors and witnesses what, if any, restorative justice process might be desired, and how they would be designed and resourced.	Minister Radhakrishnan DPMC	Agree – with further consideration of the most appropriate lead agency with the expertise necessary.	This will require a lead agency with relevant expertise and experience to work through sensitively. In the interim, Ministers and officials undertaking engagement with the community in response to the Report should listen for views from the whānau, survivor and witness group that relate to a restorative justice process.	Support from the proposed Oversight Advisory Group (recommendation 44).
28	<i>Social Cohesion</i> – 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.	Minister Radhakrishnan MSD, Social Inclusion Oversight Group	Agree in principle.	Current Ministerial responsibilities differ from what is recommended – Minister Radhakrishnan, has been assigned responsibility for the Government’s Social Inclusion work programme (not Minister Sepuloni as specified in the recommendation). MSD is currently the lead agency. The recommended shift in terminology is consistent with Cabinet’s intent and direction for the Government’s current Social Inclusion work programme.	
29	<i>Social Cohesion</i> – 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 the monitoring and evaluation regime.	Minister Radhakrishnan MSD, Social Inclusion Oversight Group	Agree.	This recommendation is consistent with Cabinet’s intent and direction for the Government’s current Social Inclusion work programme	This recommendation could also be considered in conjunction with recommendation 32 (collection of data on ethnic and religious demographics).
30	<i>Social Cohesion</i> – Investigate the machinery of government options for an agency focused on ethnic communities and multiculturalism.	Minister Hipkins (Public Service) / Minister Radhakrishnan (DIEC) PSC, DIEC	Agree.	DIA is in train to establish a Ministry for Ethnic Communities (as a departmental agency within DIA). This will signal the importance of ethnic communities through building the status and influence of the current office.	Consultation with ethnic communities will need to take place. DIA will need to investigate the implications of the two new functions proposed by the RCOI. Te Kawa Mataaho Public Service Commission will lead on the recruitment of a Chief Executive for the new Ministry.

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
31	<i>Social Cohesion</i> – Prioritise the development of appropriate measures and indicators (such as the Living Standards Framework) of social cohesion, including social inclusion.	Minister Radhakrishnan MSD, Social Inclusion Oversight Group	Agree in principle.	The recommendation is consistent with Cabinet's intent and direction for the Government's current Social Inclusion work programme.	
32	<i>Social Cohesion</i> – Prioritise the collection of data on ethnic and religious demographics to support analysis and advice on the implications of NZ's rapidly changing society, inform better policy making and enhance policy evaluation.	Minister Clark Stats NZ, DIA (OEC)	Agree in principle. Further work required.	Stats NZ collects religion and ethnicity data through the Census and this information is linked to other government data in the Integrated Data Infrastructure (IDI). Typically, other agencies also collect ethnicity information where any personal information is collected, however there is a lack of standardisation and interoperability across agencies. Alongside this Te Kawa Mataaho routinely collects workforce data (including both ethnicity and religious affiliation data), specifically on public servants from core public service agencies. Further work is required to understand the scope of this recommendation. Following this, subject to the scope identified, Stats NZ propose to carry out an exercise to understand who collects ethnicity and religious affiliation data, as well as the standards used, the frequency, quality, and the data systems' current ability to report meaningfully on these variables. This will inform how the intent of this recommendation could best be met. <i>Please note that the work required in completing this exercise is significant and would require some reprioritisation within Stats NZ to achieve it.</i>	Work is underway to repeal and replace the Statistics Act 1975, with a new Data and Statistics Act. This new Act would enable the Government Statistician to authorise another agency to collect data on their behalf for statistical purposes (e.g. the new Ministry of Ethnic Communities, at recommendation 30). As with recommendation 30, the implications of how, and to what extent, this recommendation can be incorporated into the functions of the new Ministry will be further investigated. This includes determining the relative responsibilities between the new Ministry and Stats NZ in implementing this decision. However, there is a significant cost associated with adding or changing variables collected, in both operational and statistical activities, and therefore investment in agencies and their data systems would be required to enable this proposal to be put into effect. The social license for increased collection of religious affiliation data also needs to be determined – there could be possible flow on impacts if this was poorly received. This could potentially be achieved through the collaboration with communities recommended at recommendation 29.
33	<i>Workforce Diversity</i> – Direct Chief Executives of agencies involved in counter-terrorism to significantly increase diversity in workforce and in senior leadership.	Minister Hipkins PSC	Agree.	Te Kawa Mataaho Public Service Commission strongly supports increased diversity in our workforce and in our senior leadership and has been leading a programme of work, supported and delivered by the Public Service chief executives, to achieve this in all Public Service agencies.	Further work will be undertaken to ensure appropriate supports are in place that will enable these CEs and the Public Service more broadly to be successful in increasing its diversity and in fostering inclusive workplaces
34	<i>Performance</i> – Encourage the Public Service Commissioner to publish annual reporting on the progress made by agencies against the Papa Pounamu commitments, particularly to show progress made by public service agencies involved in counter-terrorism.	Minister Hipkins PSC	Agree.	Te Kawa Mataaho Public Services Commission strongly supports the Public Services commitment to the Papa Pounamu programme of work and to ensuring progress and accountability is available to the public.	Further work will be undertaken to determine the best way to consolidate and improve existing reporting on Public Service progress against the Papa Pounamu programme of work and the resulting insights.

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
35	<i>Workforce Diversity</i> – 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.	Minister Hipkins PSC	Agree.	The Public Service Commissioner strongly supports increased diversity in senior leadership and will continue to do more, at pace.	There is a strong programme of work outlined in the Public Service Commission's Diversity and Inclusion programme that supports the Royal Commission's recommendation. There is an opportunity to strengthen the response by going further, faster – to accelerate the implementation of planned initiatives, and to support the development of new initiatives to supporting significantly increasing workforce diversity and inclusion.
36	<i>Diversity and Social Cohesion</i> – 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.	Minister Hipkins MoE, MSD	Agree.	<p>The Ministry of Education is focused on supporting early learning services, schools and kura, and tertiary education providers to create safe, inclusive learning environments. An inclusive culture values and recognises the contributions of all students, their families, whānau and communities.</p> <p>Immediately following March 15, the Ministry of Education provided a range of support and funding directly to early learning services, schools and communities.</p> <p>Following a period of significant engagement with communities beginning in 2018, the Ministry of Education has published a number of significant medium-term strategies and tools that provide clear direction and guidance on about giving effect to Te Tiriti o Waitangi, inclusion, equity and eliminating racism throughout the education system. This includes, for example, sections 6. 9 and 127 in the Education and Training Act 2020, the National Education Learning Priorities and Tertiary Education Strategy, Ka Hikitia Māori Education Strategy, the Action Plan for Pacific Education and the previously developed Learning Support Action Plan.</p> <p>The Ministry of Education has significant work underway to give practical effect and support in key areas specified by the report and recommendation 36. This includes a strong focus on curriculum delivery, resource development, supporting teaching and learning, improving learning environments, and partnering with communities.</p>	I have identified key opportunities for further investment that could strengthen our response but would require additional funding.

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37	<p><i>Social Cohesion</i> – 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> <p>a) Social cohesion including social inclusion and the collective effort required to achieve these; and</p> <p>b) The value that ethnic and religious diversity can contribute to a well-functioning society.</p>	<p>Minister Radhakrishnan</p> <p>MSD, Social Inclusion Oversight Group</p>	<p>Agree in principle.</p>	<p>Current Ministerial responsibilities differ from what is recommended – Minister Radhakrishnan, has been assigned responsibility for the Government’s Social Inclusion work programme (not Minister Sepuloni as specified in the recommendation).</p> <p>The recommendation is consistent with Cabinet’s intent for the Government’s current Social Inclusion work programme.</p> <p>The Government’s work programme on Social Inclusion, led by MSD, can take a leadership role in working with other government agencies, the Human Rights Commission and other key experts and sectors to support the increase of meaningful public conversations. Progress on this recommendation will also support the implementation of the Commissions 15(e) recommendation.</p> <p>The lead Minister will seek further advice on options to approach this recommendation and associated timeframes.</p>	
38	<p><i>NZ Public Service</i> – require all public service community engagement to be in accordance with the Open Government Partnership commitments and better utilise the ‘Involve and Collaborate’ pillars of the IAP2 Public Participation Spectrum.</p>	<p>Minister Hipkins</p> <p>DPMC (TBC)</p>	<p>Agree.</p>	<p>The underlying intent of this recommendation is to improve the quality of engagement that the public sector undertakes with the public, and a shift to types of engagement where communities have more influence on the outcomes (for example Collaborate involves joint government and community decision making).</p> <p>This could be modelled in the development of the Government’s response, and expanded into other areas over time.</p> <p>There are examples across government where ‘Involve and Collaborate’ pillars are being used.</p>	<p>PSC leads engagement in the Open Government Partnership. DPMC (The Policy Project) has developed resources to support inclusion of public engagement in policy development.</p> <p>The Policy Project guidance is comprehensive, but it would be useful to create some more tailored tools to ensure a consistent approach on the development of the government’s response.</p> <p>Ministers will need to determine the level of engagement they want to commit to with communities for different aspects of the government response, particularly around decision making.</p>

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39	<p><i>Hate Crime</i> – Amend legislation to create hate-motivated offences in:</p> <ul style="list-style-type: none"> • 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>Minister Faafoi MoJ</p>	<p>Agree in principle.</p>	<p>Previous advice has been to maintain the current approach of considering hostility towards a group as part of sentencing. However, further consideration could be given as part of a staged and planned approach to broader regulatory stewardship of counter-terrorism legislation.</p>	<p>Further consideration on this recommendation is needed before the Government is in a position to respond to it. Aspects of the recommendation officials may further consider include:</p> <ul style="list-style-type: none"> • The interaction between the recommendation to create new hate-motivated offences and the aggravating factors currently contained in the Sentencing Act 2002. • Whether assault, arson and intentional damage in the Crimes Act 1961; and offensive behaviour or language, assault, wilful damage and intimidation are the appropriate offences to have identified for corresponding hate crime offences. • Whether the criminal law already sufficiently provides for hate crime.
40	<p><i>Hate Speech</i> – 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.</p>	<p>Minister Faafoi MoJ</p>	<p>Agree.</p>	<p>Work has been underway for some time, however I propose updating our advice to incorporate the intent of the changes proposed by the Royal Commission. I would also want to extend protections to other groups who are also subject to speech inciting hatred (such as disabled people, gender diverse groups), as well as ensuring all groups are protected from discrimination under the Human Rights Act.</p>	
41	<p><i>Classifications</i> – Amend the definition of “Objectionable” in section 3 of Films, Videos, and Publications Classification Act 1993 to include racial superiority, racial hatred and racial discrimination.</p>	<p>Minister Tinetti DIA, MoJ</p>	<p>Agree in principle.</p>	<p>The addition of racial superiority, racial hatred and racial discrimination is consistent with the definition of objectionable material as “likely to be injurious to the public good”. However, the recommendation will require further work to target the promotion of racial superiority, racial hatred and racial discrimination (i.e. including intent). Banning racist content with strict liability could have unintended consequences including affecting our ability to discuss and address racism publicly, or criminalisation of possession of historical publications.</p>	<p>Protecting freedom of expression is a key consideration when making changes to this Act. It will be important to ensure that the definition sets an appropriate threshold and does not capture material with no intent to promote racist behaviours.</p>

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#	Theme / Recommendation	Lead Minister / Key agencies	Response	Rationale for response	Considerations
42	<p><i>Hate Crime</i> – 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> <p>a. Identifying bias indicators so that they can identify potential hate crimes when they perceive that an offence is hate-motivated;</p> <p>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.</p>	<p>Minister Williams</p> <p>NZ Police, DIA</p>	<p>Agree.</p>	<p>The public should have surety that hate-motivated crimes can be reported to Police and that Police has the systems to:</p> <ul style="list-style-type: none"> • respond to victims, • investigate crime, • connect victims to services, • communicate with the public on bias indicators, • make referrals into the national security system. 	<p>Consideration should be given to permanent funding for a hate crime programme delivered by a dedicated team. There may be links also to recommendation 39 that will require consideration.</p>
43	<p><i>Response implementation</i> – appointment of a Minister to lead and coordinate the response to and implementation of the Report’s recommendations.</p>	<p>Prime Minister Ardern</p> <p>Prime Minister’s Office/DPMC (Cabinet Office, NSG, PAG)</p>	<p>Agree.</p>	<p>This is highly desired by the community and would be a welcome first announcement.</p>	<p>PMO to consider appropriate minister and mechanism for support via relevant agencies, including DPMC as the overall lead for the response.</p>
44	<p><i>Response implementation</i> – establish an Implementation Oversight Advisory Group</p>	<p>Prime Minister Ardern</p> <p>DPMC</p>	<p>Agree.</p>	<p>This would be welcomed by community with early implementation.</p>	<p>This would be the first order of business for the lead minister (recommendation 43) to progress. Options for membership and establishing the group can be provided.</p>