



# Kāpuia

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

Kāpuia Advice: 2022/03

27 June 2022

Hon Andrew Little

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

E Te Minita, Tēnā Koe,

To mark the one-year anniversary since Kāpuia was established, our roopu met in Christchurch for our fourth hui of 2022, at Ngā Hau e Whā National Marae on 21 and 22 June. Following online meetings only since August last year, due to COVID-19, Hui 4 | 2022 provided an opportunity for us to gather in Christchurch and collectively pay respects to the 51 Shuhada, as well as the survivors, the witnesses and their whanāu. We also valued this time to whakawhanaungatanga and to discuss and assess progress we have observed to date on the Government's RCOI response work programme.

Before sharing our findings from our progress assessment, I would like to bring your attention to key overarching themes that Kāpuia have raised with officials at recent hui. Kāpuia would like to emphasise the importance of:

- Making obvious and integrated into the development of all advice on the RCOI response, that Te Tiriti is a key foundation for all this mahi.
- That concrete steps are needed and need to be seen and widely discussed across government agencies and in all communities (not only with diverse communities) across Aotearoa New Zealand to reduce discrimination and racism. This includes integrating faith as well as diversity into policy approaches as highlighted in the RCOI Report. Countering racism, hate speech and hate crimes legislation have to be addressed now. They must be considered together and they are too important to leave decisions until 2024 when the National Action Plan Against Racism is due for completion (concerns about this timeframe are discussed later).
- Kāpuia understands more than \$372.5M has been invested by the Government in the RCOI Response so far (through Budget 21 and 22, other new initiative funding and reprioritisation of baselines), but only \$6.8M has been made available for communities (through the Social Cohesion Fund and the Safer Communities Fund, but not including the wider \$16.8M Ethnic Communities Development Fund). We understand that this does not include funding prior to the RCOI report, such as the arms buy-back scheme. However, more resource needs to be available for communities to participate and contribute to social cohesion and national security.
- Some community groups have been engaged in policy discussions, but wider public discussion has not been undertaken or not done well on either social cohesion or national security and preventing and countering terrorism – this was a key recommendation of the RCOI Report. More robust community consultation, greater transparency, more information for the public, and more overt interagency coordination are required.

In line with our [terms of reference](#), Kāpuia’s focus at Hui 4 was to review and provide advice on particular strengths, opportunities, weaknesses and gaps on: “ongoing progress of the roll out of the implementation plan and the initiatives to be delivered by it”. Eighteen months since the Government received the RCOI Report and six months since Cabinet agreed the RCOI work programme, we considered progress made across the 44 recommendations.

To assess progress, we have drawn on a range of expectations set out in the RCOI Report, as well as the recommendations themselves and considered the recommendations by four themes –



and by subthemes. To address the need for linkages to be more explicit, we considered progress with a Red Amber Green approach (and which direction they may be trending).

- **Red** – where the direction of travel is not so well-aligned with the intent of the RCOI Report and/or Timeframes are unknown / uncertain or tracking slower than desirable and/or funding not yet sought or approved.
- **Amber** - where work generally seems mostly aligned to the intent of the RCOI Report and/or timeframes may need active monitoring / increased clarity and/or funding yet to be confirmed.
- **Green** – where work generally seems well-aligned to the intent of the RCOI Report and/or seems to be tracking on a reasonable and understandable timeframe and/or funding is in place.

We have attached our baseline conclusions for your information.

Overall, Kāpuia is pleased to see that there has been some progress on the RCOI response and, as noted above, the Government has invested more than \$372M into this important mahi so far.

However, we also want to draw to Ministers’ attention that key foundations of the response have not yet been funded – the new structure for delivering national security, adequacy of support for the affected community in Christchurch or funds for communities to engage, participate and lead locally in progressing social cohesion and national security. More investment will be required to make Aotearoa New Zealand safer and more inclusive.

We also want to highlight that while work is underway on a number of recommendations, with the exception of Recommendation 43 (the appointment of a Lead Coordination Minister for the RCOI Response) and Recommendation 44 (the establishment of Kāpuia) we do not consider any of the recommendations are yet 'complete' and effective monitoring frameworks still need to be developed and implemented.

We would first like to acknowledge areas of the response that are progressing generally in alignment with the RCOI intent (the roopu generally considered these are seen as moving amber towards green, but not yet green) but progress on machinery of government decisions and hate speech and incitement are necessary precursors to our increased confidence in progress. These include:

- The development of the **Preventing and Countering Violent Extremism Framework** (although not strictly a recommendation of the RCOI but critical to the response) is a positive step in the right direction towards a strategy (Recommendation 4), but we encourage ongoing wide public consultation on this recommendation.
- The establishment of **He Whenua Taurikura, New Zealand's National Centre of Research Excellence for Preventing and Countering Violent Extremism** is a positive step (Recommendation 14), but clarity is needed on the relationship between He Whenua Taurikura and a future National Intelligence and Security Agency.
- The first **annual hui on counter-terrorism** (Recommendation 16) has occurred and one is planned for later this year but again the link with a future National Intelligence and Security Agency is unclear, and the absence of the annual threatscape and horizon-scanning function needs to be addressed.
- The upcoming **publication of indicators of violent extremism** (Recommendation 13) is progress, but ongoing monitoring of the effectiveness of the indicators to help people identify if someone is mobilising towards violent extremism and support for communities to understand them will be crucial.
- New Zealand Police's **Te Raranga** (Recommendation 42) and separate **He Aranga Ake** programme (which relates to Recommendation 4(d)) are positive programmes but there are strong interdependencies with other work, especially on hate speech and hate crime (which we later explain as Red), and there are not yet any monitoring or evaluation frameworks in place. Kāpuia would like to reiterate the importance of allocating funding to communities supporting these programmes at the grass-roots level.
- On **firearms regulation and administration** (Recommendations 19-24), while we see progress on firearms licencing and administration generally, more work is required on addressing those who are unregistered holders of firearms and a decision on recommendation 24 regarding mandatory reporting of firearms injuries. Kāpuia considers this should strongly reflect the importance of public safety.

Areas generally rated as amber where we can see some progress, but consider attention is needed to ensure they track in the right direction and in a timely way include:

- The work DPMC is currently leading to develop what would be Aotearoa New Zealand's first **National Security Strategy**, in the absence of a future National Security and Intelligence Agency (NISA), has key interdependencies with the machinery of government work (Recommendations 1-3, which we explain as red below). This is a key foundation for other policy and structural changes, but decisions on this are not yet known. Kāpuia believes the current system has to change to give effect to a modern strategy and the RCOI report.

- There have been some opportunities created to **improve public understanding** of extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism in New Zealand (Recommendation 15) through targeted consultations, but wider conversations need to be lead across the motu and it will be important to see bi-partisan support for these conversations.
- We can see there is a large programme of work underway to **review all legislation related to the counter-terrorism effort** including the Terrorism Suppression Act 2002 and the Intelligence and Security Act 2017 (Recommendation 18) -
  - Kāpuia has appreciated the openness of the ISA Reviewers to engage while the review is ongoing. We want to highlight the importance of this review, as it impacts a range of other RCOI recommendations - 1, 2, 6, 10, 17 (and including to recommendations that the RCOI made to enhance the role of the Intelligence and Security Committee of Parliament, see below). We look forward to continuing to engage with the review as it progresses.
  - More generally across the review of legislation, Kāpuia would like to reiterate the importance of clear legislation and for it to be applied fairly, and also the importance of preventive approaches and upholding human rights relating to review of legislation related to counter-terrorism and national security.
  - As noted above, addressing definitions around hate speech and hate crime underpin many other aspects of the recommended legislative changes.
- Kāpuia can see that the DIA Content Regulatory Review is tracking in the right direction to **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; however decisions are still required on the proposed direction. For this work to be successful, Kāpuia would like to see a stronger inter-agency approach to support smooth implementation when the review is complete.
- The review of Classification System to overcome the barriers to **effective information sharing** and support agencies to manage their security risks (Recommendation 9) is a positive step forward. However, to increase both Kāpuia’s confidence and public confidence that the policy is having an impact, a review of progress should be shared in 6-12 months’ time.
- The Ministry of Education has made good progress on work towards curriculum changes to give **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 (Recommendation 36). Kāpuia looks forward to seeing pilot programmes rolled out more widely as education is a key component to give effect to the RCOI vision.
- On the **social cohesion work programme** (Recommendations 28, 19, 31 and 37), after an uncertain start Kāpuia was pleased to see the directional swing the Ministry of Social Development put into expanding its community engagement and its approach to the framework and indicators. We understand Cabinet decisions on this are due soon but we must emphasise that wider public engagement needs to be undertaken including with the harder to reach communities and local councils, and further support is necessary for communities to engage. Given the importance of the MSD- led social cohesion work programme to the overall success of work towards the RCOI vision, Kāpuia would like to see more funding allocated to this part of the work programme.

- Kāpuia was pleased that Government agencies responded to our first letter of advice last year expressing concern about consultation processes and timeframes, and that the Policy Community Engagement Tool has been rolled out to agencies working on the RCOI response. We look forward to it also being rolled out to all agencies, as it is important the entire public sector understands **IAP2**.

Finally, there are areas that we have assessed as red that we would like to bring your attention to where we are concerned by a lack of clarity, a lack of funding or a lack of observable progress. These include:

- Kāpuia is very concerned by the lack of observable progress on work on **incitement and hate speech and reporting tools** (Recommendations 12 and 36-42). Definitional work around hate speech is critical to ensuring other new legislation is effective and fit for purpose, and our communities feel safer. Kāpuia cannot emphasise enough the importance of seeing observable progress in this area as progress would go some way to helping communities feel more included.
- Although it is not a specific recommendation, inherent throughout the RCOI report is the repeated concerns about **discrimination and racism** in Aotearoa New Zealand. We have heard from the Ministry of Justice that the Government has already commenced work to develop a National Action Plan Against Racism. However, Kāpuia has two fundamental concerns with the process planned at present and does not consider that the current process is as well aligned to the RCOI report as it needs to be. These concerns are the absence of faith as a key factor to be included in the action plan, and importantly that the development of the action plan will not be completed until 2024. This means New Zealand will not be addressing these key concerns soon enough, nor with the decisions on this action plan be linked with those on hate speech and incitement. These programmes of work must happen together.
- While Kāpuia has been advised by DPMC of the initial focus on the development of a national security strategy, key machinery of government decisions still have not been made nor publicly discussed (Recommendations 1-3). In particular, Kāpuia is concerned that a new **National Security and Intelligence Agency** has not been established. Further, nor is there a clear public pathway to progress this nor funding sought for it. The roopu also finds progress around changing structures and roles including for the Security and Intelligence Board to be unclear. Progressing this part of the work programme will be crucial to fully give effect to a number of recommendations in the RCOI report.
- While the Government moved early to establish the **Kaiwhakaoranga Specialist Case Management** service for the affected whanau, survivors and witnesses to the attack (Recommendation 25) and the **Collective Impact Board** to bring together community and government agencies representatives (Recommendation 26), there is still significant concern in these communities about the need for more equitable and sustainable support (including across immigration, housing and employment matters). Kāpuia understands there is desire for more discussion with the community into the use of faith-based trauma support and Islamic arbitration of family law disputes. An area where there has not yet been any progress in the expectation from the RCOI that there would be discussions with the affected community about **restorative justice processes** (Recommendation 27). There is also an ongoing desire from affected communities for a discussion on compensation. Although some of these matters have commenced and the ongoing coronial inquiry has impacted the community, Kāpuia recommends these matters receive additional attention.

- Kāpuia is also concerned that there needs to be observable progress towards Recommendations 8 and 17.
  - Kāpuia is not aware that a **horizon-scanning** function has been established yet.
  - An **annual threatscape report** to help inform communities of current trends has not been published.
  - There was a lack of consultation on the **current National Security and Intelligence Priorities**, and we would like to observe a notable change in the next iteration.
  - While the roopu understands changes to the **Parliamentary Intelligence and Security Committee** are being considered as part of the ISA review, it would be encouraging to see the Committee taking public submissions on relevant topics.
- The establishment of the Ministry for Ethnic Communities (Recommendation 30) has been a positive step to enable the implementation of the RCOI report, and together with the funding allocated in Budget 2022 to support the Ministry's policy and data capability. However, the roopu is concerned by an overall lack of progress on **data and analytics**. Comprehensive data on ethnic communities is crucial to enabling fairer outcomes for everyone in Aotearoa New Zealand and the roopu looks forward to seeing progress on recommendations 30 (parts b and c) and 32 over the coming year. However, we do acknowledge that collecting this data well does take time and relates to responsibilities of Statistics New Zealand and the Public Service Commission.
- We have discussed with the Public Service Commission and the Ministry for Ethnic Communities progress that is being made on **increasing diversity across the public sector workforce** (Recommendations 30, 33-35). We can see there is progress in recruitment, but we remain concerned there need to be clearer pathways of action for retention and supporting increased diversity into Tier 1-3 roles.
- Kāpuia would like to understand what work is underway to be more inclusive in the security clearance progress to reduce barriers for those who come from diverse countries and backgrounds. There is currently a lack of observable progress on Recommendation 11, which directs chief executives of public sector agencies involved in the counter-terrorism effort to consider whether they have an **appropriate number of their employees that have security clearance**. This would go some way to growing diversity in the security sector.

Kāpuia is committed to supporting the Government's vision of a safer and more inclusive Aotearoa New Zealand. We appreciate that significant efforts have commenced on the RCOI response work programme. However, we cannot emphasise enough that there is still a significant journey ahead. Across government, communities and with the public generally there is still much that needs to change for Aotearoa to be that place where everyone feels included and for there to be increased confidence that attacks such as 15 March 2019 have a greater chance of being prevented.

We value the continued opportunity to contribute to this important mahi.

Ki te Kotahi te kākaho ka whati, ki te kāpuia e kore e whati.

Ngā mihi



Arihia Bennett MNZM  
Chair | Kāpuia

# A diverse, safe and inclusive Aotearoa New Zealand

