



Letter of Advice 2023/01

7 February 2023

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,

As we embark on our 2023 work programme, Kāpuia would like to draw your attention to some key themes that came from our 2022 discussions with ministers and agencies responsible for implementing the Royal Commission of Inquiry (RCOI) recommendations, and to highlight the importance of progressing national security reforms and adequately funding the ongoing response to the RCOI report.

We appreciated the opportunities in 2022 to meet with you and four other portfolio ministers, 13 government agencies, the Intelligence and Security Act reviewers and the Chair of the Collective Impact Board – and to feed community viewpoints into the development of policies and initiatives. In June 2022, we also provided Kāpuia's assessment of the Government's progress in the first 18 months towards implementing the RCOI response work programme. In addition to our published letters of advice to you, we have provided other feedback directly to ministers and agencies who met with us on their RCOI response initiatives during 2022. In the interests of transparency, key points are summarised below for you.

...government and communities working together

Kāpuia has emphasised that building a collaborative approach needs to be a priority for all agencies who play a part in national security and across government generally (and especially as agencies working in silos was a problem highlighted in the RCOI report). Throughout 2022 we consistently encouraged **agencies working on related issues** to work more closely together, so the impact of policies and other changes for communities can be better integrated and more streamlined. We have been encouraged to see increased collaboration where agencies are responsible for related RCOI recommendations (for instance - the Police designing a single reporting tool, the Ministry of Justice work on hate speech and related definitions, and the Department of Internal Affairs work on content regulation and the definitions of objectionable material). We continue to encourage this.

On **consultation and engagement** generally, Kāpuia notes improvements in the way government agencies working on the RCOI response are engaging with communities. However, we think there is still a way to go to make this more effective for communities and for the Government in order to elicit the best information and to reach hard-to-reach communities and the public more generally. Kāpuia believes that engagement should include all communities throughout Aotearoa, including the business community, academia, local government, civil society and those who are not usually consulted, to ensure divergent views are heard and debated. Kāpuia continues to encourage the Government to develop enduring relationships with communities and to use the community consultation guidance developed for the RCOI response. As noted in our June letter of advice, communities should also be resourced to participate and contribute to social cohesion and national security.

We have expressed some concerns to ministers and agencies about **both the pace and the lack of consultation on some changes** (in particular recent announcements on designations and control orders, and on hate speech and hate crime). We are concerned rushed legislation may result in ineffective law and have unintended consequences (for example they may make some groups more of a target for hate speech than they were before the limited change now proposed) and may undermine community trust and confidence in government.

...national security

The previous Prime Minister's **speech on national security** at the 2022 He Whenua Taurikura Hui and the recent consultations on the **national security strategy**, the **response outcomes framework** and the **National Security Long Term Insights Briefing** were all welcomed in 2022. Kāpuia would like to see more effort to increase transparency around national security priorities, policies and practices. This includes security and intelligence agencies using plain language and making information easily accessible to the public, which is especially important following the passage of the Plain Language Act 2022. Increased transparency should assist in building trust and confidence with communities and helping them feel as though security and intelligence agencies are on the same team as the public and working together to make New Zealand safer and more inclusive for everyone. Kāpuia is also hopeful that the forthcoming recommendations from the **review of the Intelligence and Security Act** will further act as a catalyst for agencies to engage with communities meaningfully on national security and what it means for New Zealand and New Zealanders.

It is now two years since the Government accepted the RCOI report in principle but, other than the appointment of the co-directors for the He Whenua Taurikura centre of excellence, no significant proposals for machinery of government or other **changes to improve the performance of the national security system** (including the countering terrorism effort) have come to Kāpuia or otherwise been seen outside government agencies. The RCOI wrote comprehensively on the need for change in these areas in its report and recommended significant changes. Although there was some public consultation on objectives for system changes in 2022, Kāpuia has been disappointed at the overall lack of progress in this area. We hope to see progress in 2023.

...preventing and countering violent extremism

Kāpuia has been encouraged to see consultation on the preventing and countering violent extremism framework, and the development of the NZSIS's indicators of violent extremism released as part of the response to Recommendation 13 of the RCOI report.

...social cohesion and community safety

Kāpuia was pleased to see the new **social cohesion framework and resources** and **Te Korowai Whetū Social Cohesion community fund** rolled out in 2022. However, Kāpuia considers funding will be required for more than two years and looks forward to seeing the planned evaluation of the social cohesion framework so the impact it is having, for and in communities, can be understood.

Underpinning many of the RCOI recommendations and Kāpuia's kōrero with agencies in 2022 was the urgent need to **address racism** in Aotearoa New Zealand. This arose across a range of proposed initiatives. With this in mind, Kāpuia was disappointed at the 2024 timeframe the Government has planned for the development of a national action plan against racism. While acknowledging the importance of getting it right and consulting effectively with communities, Kāpuia has emphasised that racism in Aotearoa needs to be combated now. This concern has also underpinned Kāpuia's discussion with the Minister of Justice on the Government's decisions on hate speech and hate crime. Neither Kāpuia nor faith organisations were consulted on the legislative changes to the Human Rights Act, nor on the Government's decision to refer related matters to the Law Commission for further consideration. This approach will not address the immediate issues many individuals and communities are currently facing.

New Zealand Police has focused real attention on responding to the RCOI report, evident in the progress on firearms legislative and regulatory changes and its internal and external efforts to tackle hate speech and related harm in communities – albeit this is a work in progress. Kāpuia is pleased to see that Police has begun planning for a **single reporting tool** for concerning behaviours or incidents under recommendation 12 of the RCOI report. We reiterate it is important to build trust and confidence with communities to encourage the reporting of concerning behaviours, which will also involve Police ensuring all reports are followed up with those who initially reported them.

...education

Kāpuia was encouraged to learn about the refresh of the Aotearoa New Zealand school **curriculum** for schools and kura, with the intent to change current cultural narratives and work towards encouraging inclusivity in the classroom. Reflecting and incorporating **different cultures** into the new curriculum is necessary to help children feel confident in their own identities, and to grow inclusion and understanding between different cultures and of different **religions** from an early age. Kāpuia continues to emphasise the importance of progressing social cohesion and education work to promote respect for religious diversity.

While we have appreciated an increased focus from the Ministry of Education on cultural competency, especially at a school and district level, Kāpuia remains concerned about the cultural capability and sensitivity of school staff due to ongoing incidences of bullying that had been reported throughout 2022. We also welcome the increased focus on **critical thinking skills** to help learners identify mis- and disinformation, as well as professional development for teachers to improve self-awareness by reflecting on their own worldview and biases. However, we have also raised with the Minister and Ministry of Education, that education of both these natures cannot stop at the school gates in Aotearoa New Zealand, there is also a need for these skills and this education **more widely in all communities**.

Kāpuia is also firmly of the view that for the new curriculum to be successful it needs to be carefully implemented, schools need to be adequately resourced and communities need to be involving in shaping local learning content. Kāpuia also looks forward to the Ministry of Education exploring options to roll out community learning hubs throughout the country.

...affected whānau, witnesses and survivors

As in our June 2022 letter of advice, Kāpuia has heard ongoing government support for affected whānau, witnesses and survivors of the March 15 attacks is needed. We have heard that the needs of the affected community are changing over time and some victims are only now realising their long-term support needs. Therefore, there is likely to be a need for the Kaiwhakaoranga Service for some time yet and continued support in areas such as ACC and processing visa applications. We also note that we have heard ongoing calls from the affected community for restorative justice for affected whānau, witnesses and survivors of the March 15 attacks as discussed in the RCOI report. Appreciating that activities such as the coronial inquiry will continue to impact on the affected community throughout 2023, Kāpuia considers it would be helpful if the Government outlined a timeframe for addressing these matters in 2023.

...in the public sector

We have repeatedly spoken of the importance of increasing diversity at all levels of the public sector and in the national security workforce, especially at the leadership level as identified in the RCOI report. This will help to enrich public sector decision making and the policymaking process, as well as improving public trust and confidence in government agencies, particularly those in the security and intelligence sector.

...effectiveness of changes?

From our experience and working in communities, Kāpuia would like to see more from the Government on how it is planning to monitor and evaluate the **effectiveness of the RCOI response** work programme as a whole and at an individual initiative level. Robust system evaluation indicators and measures are important to ensure the community can be confident the changes stemming from the RCOI are working effectively, and that positive changes are happening in all communities. This is especially relevant to changes we expect to see across the national security system.

Kāpuia remains committed to supporting the Government's vision of a safer and more inclusive Aotearoa New Zealand. We have appreciated the engagement with Kāpuia from you, as the Lead Coordination Minister, and other portfolio ministers and their agencies during 2022. We would also appreciate it if you copied this letter to the Prime Minister and other ministers responsible for the Government's response to the RCOI report.

We look forward to continuing this important kaupapa in 2023.

Ngā mihi



Arihia Bennett
Chair Kāpuia