



Te Kōmihana Uiui a te Karauna mō te
parekura i Ngā Whare Kōrana o Ōtautahi
i te 15 o Poutū-te-rangi 2019

Royal Commission of Inquiry into the
Attack on Christchurch Mosques
on 15 March 2019

Fourth Quarterly Report: January – March 2020

Purpose

1. The purpose of this report is to provide a high-level summary of activities of the Royal Commission of Inquiry into the Attack on Christchurch Mosques over its fourth quarter of activities from January to March 2020. The Royal Commission is required to examine:
 - What relevant State sector agencies knew prior to 15 March 2019, about the activities of the individual charged with offences in relation to the 15 March 2019 attacks on the Al-Noor Mosque and the Linwood Islamic Centre in Christchurch;
 - What actions (if any) relevant State sector agencies took considering that knowledge;
 - Whether there were any additional measures that relevant State sector agencies could have taken to prevent the attack; and
 - What additional measures should be taken by relevant State sector agencies to prevent such attacks in the future.

Royal Commission Workstreams

2. The Royal Commission completed interviews and evidence gathering needed to draft a final report during this quarter.
3. There were seven major workstreams during the fourth quarter of the Royal Commission's operations:
 - engagement with affected whānau, survivors and witnesses of the attack and communities;
 - engagement with State sector agencies and subject experts based in New Zealand;
 - taking evidence under oath;
 - planning for, and implementation of, the due diligence processes;
 - drafting the Royal Commission's report;
 - planning for the wind down of the Royal Commission; and
 - communications.

Engagement with affected whānau and communities

4. The Royal Commission continued private meetings with the affected whānau of the 51 shuhada, survivors and witnesses and their whānau throughout this quarter. Meetings with the masjidain committees also occurred this quarter.

5. A number of Muslim Community Reference group members implemented their engagement plans this quarter and facilitated communities' meetings in their region. Commissioners or secretariat staff attended those meetings when invited. Notes from each communities' meeting were provided to the Royal Commission by the Reference group member to take into account.
6. Further hui were held with the Islamic Women's Council of New Zealand and the Federation of Islamic Associations of New Zealand this quarter.
7. Additional meetings with representatives of civil society groups, including ethnic and religious community groups continued this quarter. Due to the information and evidence gathered from these meetings additional targeted information was sought from State sector agencies along specific lines of inquiry this quarter.
8. The Royal Commission held two further hui with the Muslim Community Reference Group during this quarter bringing the total hui held to seven. The final hui planned for April 2020 could not be held because of the COVID-19 pandemic and was cancelled in mid-March prior to Alert Level 4 being implemented.

Engagement with State sector agencies and subject experts in New Zealand

9. The Royal Commission continued meeting with:
 - employees of State sector agencies whose work is relevant to its Terms of Reference;
 - former agency employees or agency leaders with interests in the work of the Royal Commission; and
 - New Zealand-based experts on subjects relevant to the Royal Commission's work.

Taking evidence under oath

10. During this quarter the Royal Commission continued collecting information and evidence including under oath.
11. The Royal Commission also continued meeting current or former staff or contractors of State sector agencies who had responded to an invitation from the Royal Commission to discuss information they believed may be relevant to the inquiry.

Preparing the Royal Commission report

12. A major workstream this quarter has been synthesising the streams of evidence and information received by the Royal Commission. This synthesis will support the delivery of an authoritative report that comprehensively addresses the Royal Commission's Terms of Reference and makes findings and recommendations.

13. Further evidence comprising over 1,200 pages was received just before the Alert Level 4 Lockdown was implemented and secretariat staff had just begun to analyse it before the quarter ended.

Planning for and implementation of due diligence processes

14. Significant planning for the Royal Commission's due diligence processes is completed this quarter relating to: natural justice under the Inquiries Act 2013, seeking consent for the use of quotes, fact checking and a review of classified material.
15. The natural justice process involves the Royal Commission giving those against whom negative findings may be made the opportunity to respond. The Royal Commission must consider any feedback that it receives during this process, but the contents of the final report are for the Royal Commission to determine.
16. In an update in this quarter, Royal Commission Chair Sir William Young, said, *"We can assure all New Zealanders that we will run a fair process while also being sensitive to those most affected by the events of March 15, 2019."*
17. Implementation of the full set of due diligence processes commence and by the end of the quarter:
 - Forty-one letters and material had been sent to relevant State sector agencies for review; and
 - One hundred and fifty-nine letters and material had been sent to a mixture of individuals, community groups and organisations for review.
18. Feedback received by the end of the quarter includes:
 - Seven of the forty-one responses required from State sector agencies received; and
 - Ninety of the one hundred and fifty-nine responses required from individuals and community groups and organisations received.
19. While the natural justice, fact-checking, quotation consent and review of classified material due diligence processes are well advanced there is still some time to run on these processes. The Royal Commission is dependent on State sector agencies, individuals, community groups and organisations responding within the timeframes set. Current planning suggests the work plan is running about 6-8 weeks behind schedule.
20. Parts of the draft report written on a secure network are unable to be accessed remotely so this part of the due diligence process have been halted due to the COVID-19 Alert Level 4 lockdown. It is unlikely the due diligence process for those parts of the report will recommence while the COVID-19 Alert Level is above Alert Level 2. As well, many of the State sector agencies whose activities are addressed by the draft report are presently occupied with the COVID-19 response and therefore not well-placed to respond within the requested timeframes.

Planning for the wind down of the Royal Commission

21. Initial work commenced this quarter on identifying the activities and processes that will need to be undertaken prior to the Royal Commission finalising its report.

Communications

22. The Royal Commission published three public updates in this quarter, responded to a number of media enquiries from New Zealand and overseas outlets, published material in multiple languages and responded to correspondence received.

Financial summary

23. The pattern of spending in the operating expenses area is over budget for the period. This is mainly due to realising overhead costs for the Department of Internal Affairs in March instead of April 2020. Secretariat full-time equivalent numbers continued to reduce from 28.3 FTEs in January 2020 to 24.8 in February and then 23.6 by the end of the quarter.
24. Two financial assistance and two legal assistance applications were approved this quarter.
25. No capital expenditure this quarter.

Table 1: Financial precis of life to date Royal Commission expenditure (January to March 2020)

Output	LTD ¹ Actual	LTD Budget	LTD Variance	Total Approved Budget
Operating Expenses	7.618	7.005	-0.613	8.723
Legal and Financial Assistance	0.378	0.650	0.273	0.650
Commissioner fees	0.955	1.115	0.160	1.278
Capital expenditure	0.240	0.600	0.360	0.600

¹ LTD = Life to date

Other matters – COVID-19 impact and the accused’s guilty plea

COVID-19 impact

26. The Royal Commission responded quickly to the threat of COVID-19 with a “people first” approach, while seeking to minimise the impact on workstreams so that critical work is progressed and delivered.
27. The Royal Commission’s operations have factored in:
 - all-of-government guidelines relating to COVID-19;
 - the advice and policy guidance received from the Department of Internal Affairs (the Department) relating to COVID-19;
 - the needs and priorities of the Royal Commission’s work;
 - the health, safety and wellbeing of Commissioners, secretariat staff, key persons and groups the Royal Commission works closely with (such as the Royal Commission’s Muslim Community Reference Group, State sector agencies, community organisations and others); and
 - ongoing communications.
28. Policies and protocols were stood up to ensure the Royal Commission’s activities were coordinated, essential resources were prioritised, and functions and services appropriately maintained. The Royal Commission received positive feedback from both secretariat staff and the Department for its overall response to date. The Royal Commission has been guided by:
 - its commitment to the health, safety and wellbeing of Commissioners, secretariat staff and key people and organisations it works with; and
 - maintaining momentum with its priorities and deliverables but recognising the need for flexibility to re-plan or re-prioritise and deliver differently with the lens of COVID-19 applied.
29. Despite the COVID-19 circumstances, the due diligence process is not yet complete and as discussed above is running approximately 6-8 weeks behind schedule. This situation is exacerbated by the Royal Commission (and consequently relevant State sector agencies and relevant individuals) being unable to access those parts of the Royal Commission’s draft report which are held on a secure network while working remotely during Alert Level Four.

30. The Royal Commission determined it would need to seek an extension to its report back date and on 31 March 2020 wrote to the Minister of Internal Affairs to request an extension of the reporting timeframe. The Royal Commission sought an extension that provided for a minimum of 12 weeks from when Alert Level Two came into effect across three regions where staff and Commissioners reside (Auckland, Wellington and Christchurch) or 31 July 2020 with some flexibility. Accordingly, the Royal Commission requested an extension that can be adapted in a manner recognising the COVID-19 situation, while propelling the Royal Commission to finalise its report. Some further funding will also be required with the Royal Commission determining that the Executive Director will need to work with the Department to particularise the amount required.

The accused's guilty plea

31. On 26 March 2020 the man accused of the attack on the Christchurch masjidain pleaded guilty to all charges of murder, attempted murder and the commission of a terrorist act brought against him and was convicted on all charges. There was some suggestion in the media and by some community members that this event means the Royal Commission can now move to public hearings.
32. The Royal Commission does not intend, at this late stage of its work, when all evidentiary hearings have been undertaken and all evidence has been received, and having due regard to COVID-19, to revisit the question of public hearings (which will likely require a further six months work). On balance, the drawbacks associated with the likely delay of the report would exceed the benefits gained by undertaking public hearings.

Next quarter – expected activity

33. During the next quarter the Royal Commission expects to:
- Complete its due diligence processes.
 - Revise its draft report in light of the comments received as part of the due diligence process and commence production of the final of the Royal Commission's report.
 - Begin activities to wind down the Royal Commission.