
Ko tō tātou kāinga tēnei

*Summary of the report of the
Royal Commission of Inquiry into the
terrorist attack on Christchurch masjidain
on 15 March 2019*



ROYAL COMMISSION OF INQUIRY
INTO THE TERRORIST ATTACK
ON CHRISTCHURCH MOSQUES
ON 15 MARCH 2019

TE KŌMIHANA UIUI A TE WHAKAĀKE
KAIWHAKATIMA I NGĀ WHARE
KŌRANA O ŌTAUTAHI I TE
15 O POUTŪ-TE-RANGI 2019

26 November 2020

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Royal Commission of Inquiry into
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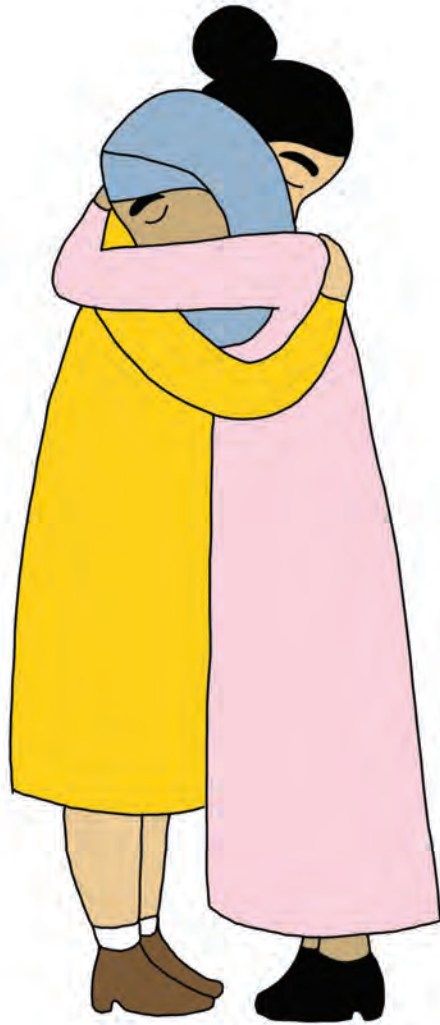
Published 26 November 2020

*978-0-473-55386-9 (soft cover)
978-0-473-55387-6 (PDF)*

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*This is your home
and you should have
been safe here*

*This illustration and text was kindly gifted by artist Ruby Jones.
The Royal Commission deeply appreciates Ruby's talent and generosity.*

Acknowledgements

The Royal Commission wishes to acknowledge the 51 shuhada. They have been at the heart of our inquiry.

We hope that the stories of the 51 shuhada are kept alive and that their stories inspire us and future generations.

The Royal Commission also wishes to acknowledge the many survivors and witnesses.

We hope the whānau of the 51 shuhada, and survivors and witnesses of the terrorist attack and their whānau live a peaceful life.

Kia whakatōmuri te haere whakamua

I walk backwards into the future with my eyes fixed firmly on the past.

This whakataukī or proverb speaks to Māori perspectives of time, where the past, the present and the future are viewed as intertwined. This conceptualisation of time does not leave the past behind, rather the past is carried into the future.

This is our home

Ko hotau 'api eni

这是我们的家

Dies ist unser Zuhause

هنا وطننا

Bu bizim evimiz

यह हमारा घर है

Ko tō tātou kāinga tenei

這是我們的家

এটার আমাদের ঘর

Nous sommes chez nous ici

این خانه ما است

Kani waa guriga naga

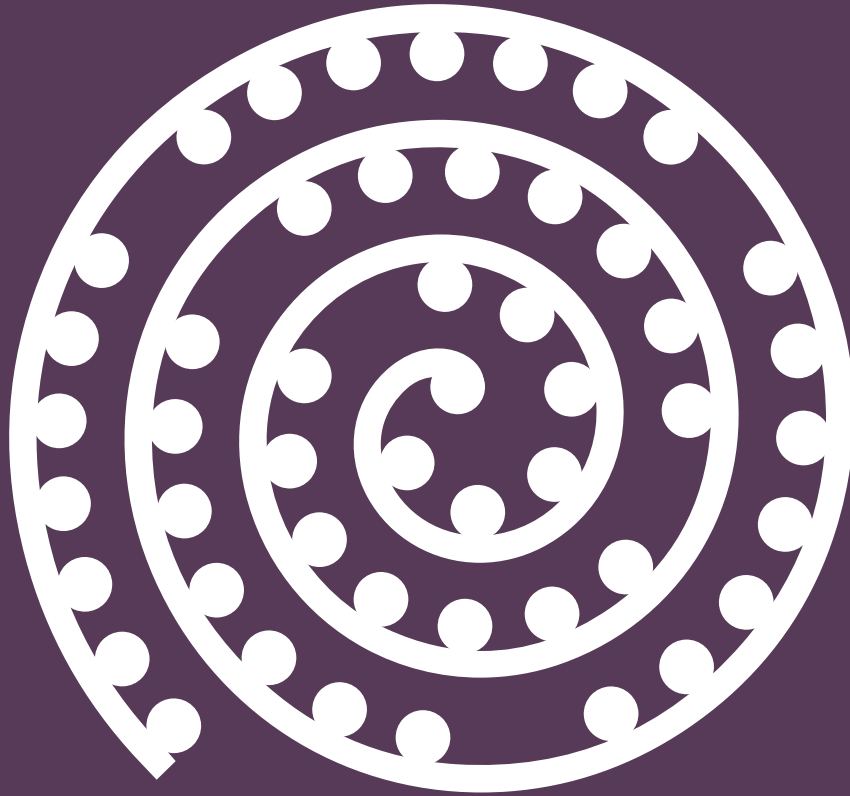
O le mātou 'āiga tenei

یہ ہمارا گھر ہے

دا زمونہ کوردی

Ini Tempal Jingga Kita





Our symbol is inspired by an enduring and perpetual Aotearoa New Zealand icon, the koru.

The unfurling fern frond is representative of peace, tranquillity, growth, positive change and awakening. This dimension of peace is also inherent in the meaning of the living faith of Islam. We draw parallels between this taonga and the journey that New Zealanders have ahead of them to become a safer and more inclusive society.

The koru design with seven groups of seven unfurling fronds also acknowledges that 15 March 2019 was, according to the Islamic lunar calendar, 7 Rajab 1440, that is, the 7th day of the 7th Islamic month.

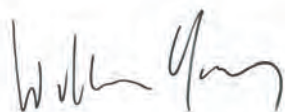
Foreword



Assalaam alaikum and tēnā koutou.

- 1 We start by acknowledging whānau of the 51 shuhada, and the survivors and witnesses of the 15 March 2019 terrorist attack and their whānau whose lives have been forever changed. Those attacked at the masjidain were New Zealanders who had gathered together in peaceful prayer. The terrorist murdered 51 people and attempted to murder a further 40 people. His brutal actions were deplorable and incomprehensible.
- 2 The terrorist attack was driven by an extreme right-wing Islamophobic ideology. Its purpose was to promote chaos and disharmony in New Zealand. This purpose failed. In the days, weeks and months that followed, New Zealanders united around those affected and spoke out against racism, extremism and extremist violence. There was a period of national reflection about our shared values, our collective lives and what it means to live in New Zealand.
- 3 The country needed to know what had happened, and why, and what should be done to reduce the risk of future attacks. This Royal Commission of Inquiry was established. It has been our privilege and honour to serve as Members.
- 4 At the heart of our inquiry were those who lost their lives, whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. We wanted to listen and engage in a culturally appropriate way.
- 5 We were humbled by those who generously welcomed us into their homes. People shared their grief and trauma as well as their love for New Zealand and their wish for better connections between all New Zealand communities. People whose lives had been turned upside down were nonetheless able to look to the future and be hopeful for New Zealand.

- 6 We scrutinised the life of the individual who planned and carried out the terrorist attack. We asked hard questions of Public sector agencies, particularly those tasked with protecting New Zealanders from such attacks.
- 7 We met with a wide range of New Zealand and international experts about topics ranging from gathering intelligence to social cohesion. Many hundreds of people met with us, wrote to us, provided evidence and were interviewed. More than 1,100 people made submissions.
- 8 We are grateful to everyone who engaged with us so openly and honestly. We felt a genuine and heartfelt intention to assist this inquiry for the future benefit of all New Zealanders. This is especially true of the members of the Muslim Community Reference Group whose insights contributed greatly to our report. Likewise, we are grateful to JustCommunity and Navigate Your Way Trust, organisations that assisted us to engage with whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau.
- 9 We thank the international experts and leaders of intelligence and security agencies in Australia, Norway, the United Kingdom and the United States of America who gave their time and valuable expertise so willingly. We reserve special thanks to Lord Hogan-Howe QPM and John McKinnon CNZM QSO who provided independent expertise and insights that were critical to our inquiry and this report.
- 10 Finally, we express our gratitude to the secretariat of, and counsels assisting, the Royal Commission who brought their diverse views, skills and experience to bear on our work, ensuring a robust approach.
- 11 We have made recommendations in this report that are both wide-ranging and detailed. They are the building blocks for a safer and more cohesive New Zealand.



Hon Sir William Young KNZM
Chair

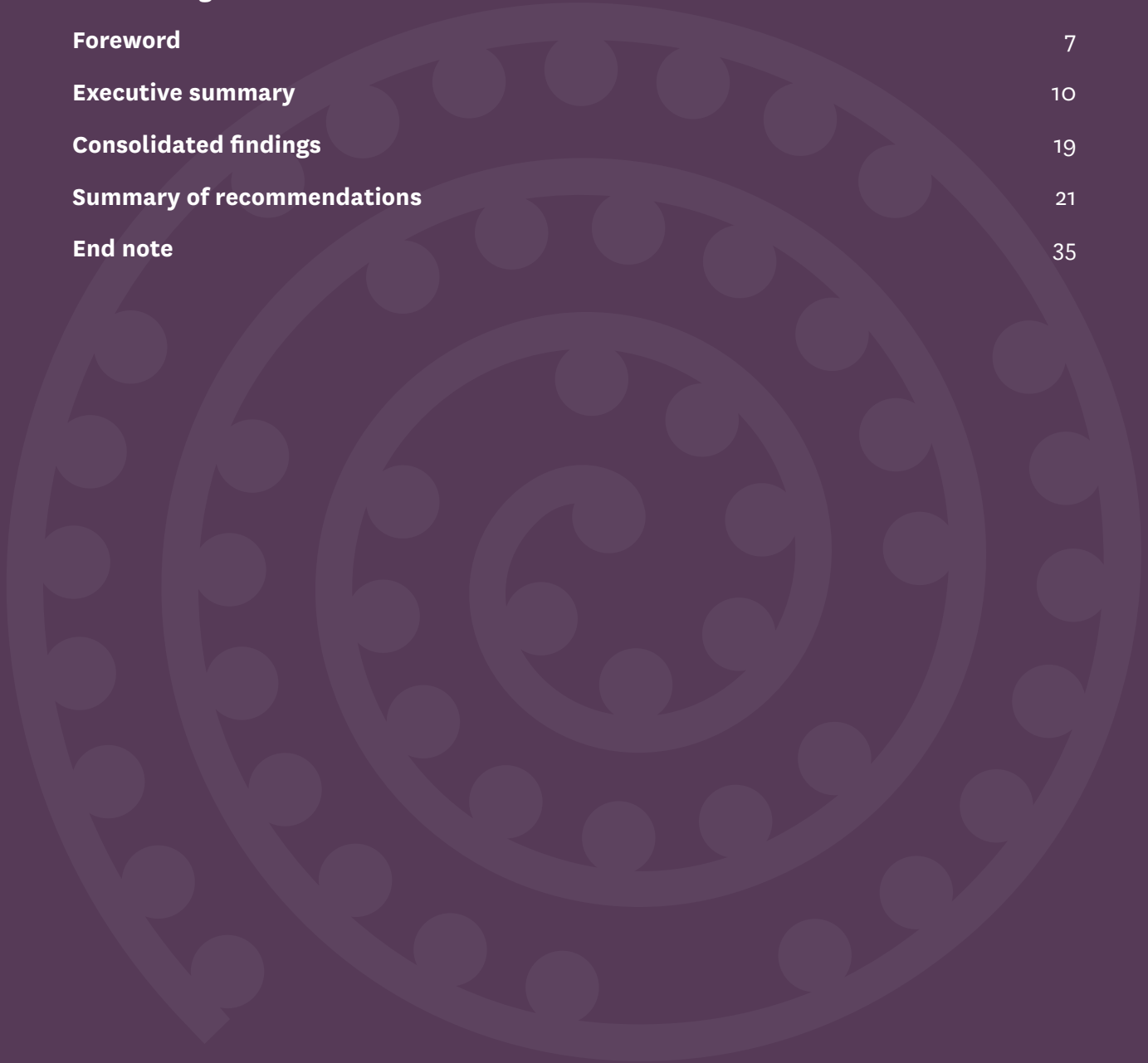


Jacqui Caine
Member



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Executive summary

- 1 Ten days after the devastating attack of 15 March 2019, the Government announced that a Royal Commission of Inquiry, generally reserved for matters of the gravest public importance, would be established to investigate and report on what had happened.
- 2 The terrorist attack was carried out by Brenton Harrison Tarrant, who has since been convicted of terrorism, the murder of 51 people and attempted murder of 40 people. He is now serving a sentence of life imprisonment without parole. We generally refer to him in our report as “the individual”. His name will not appear again.
- 3 The Terms of Reference set by the Government directed us to investigate three broad areas – the actions of the individual, the actions of relevant Public sector agencies and any changes that could prevent such terrorist attacks in the future. This required a detailed, forensic examination of evidence. It also led us to expansive thinking about the systems and institutions set up to protect and connect New Zealanders.
- 4 Our Terms of Reference required us to make findings on:

- 4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and
- (b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies; and
- (c) whether relevant [Public] sector agencies failed to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats; and
- (d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part; and
- (e) any other matters relevant to the purpose of the inquiry, to the extent necessary to provide a complete report.

- 5 We saw the first four questions as directed primarily to whether Public sector agencies were at fault in respects relevant to the terrorist attack.
- 6 We were also required to make recommendations for the future.
- 7 At the heart of our inquiry were whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. Connecting with Muslim communities was an expectation in our Terms of Reference, but it was also the right thing to do. We gained valuable insights in this way.

- 8 From whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau we heard about the ongoing impacts of the terrorist attack, including challenges in obtaining government support. Through broader engagement with Muslim communities we learned about frustrations with the Public sector that go back many years. Muslim communities talked candidly about racism, discrimination and experiences of being suspected of being, or treated as, terrorists as well as their fear of being the targets of hate speech, hate crime and terrorism.
- 9 Communities we spoke with wanted to see greater social cohesion and told us about their wish for closer community connections to help all people feel safe and welcome. Social cohesion has direct benefits including people leading happy, rewarding and participatory lives, with increased productivity. Importantly, it also means that people are less likely to become radicalised towards extremist and violent behaviours, including terrorism.
- 10 There was strong public concern that the individual was granted a firearms licence. A large proportion of submissions we received came from firearms owners with suggestions to strengthen the firearms licensing process, introduce measures to better track large purchases of firearms and ammunition and obligations to report concerning behaviour. Many felt that banning military style semi-automatic firearms unnecessarily penalised responsible firearms owners, preferring improvements to the licensing system instead.
- 11 *Part 4: The terrorist* is the result of our extensive inquiries into the life of the individual, his background and particularly his planning and preparation for the terrorist attack. We understand some people may prefer not to read about him, but we had a duty to report on what influenced his extreme views, why he chose New Zealand for a terrorist attack and how he avoided coming to the attention of Public sector agencies.
- 12 The individual is a white Australian male who was 28 years old in March 2019. He displayed racist behaviour from a young age. His life experiences appear to have fuelled resentment and he became radicalised, forming extreme right-wing views about people he considered a threat. Eventually, he mobilised to violence.
- 13 The individual arrived in New Zealand on 17 August 2017. As an Australian, he was entitled to live in New Zealand. Within a few days of arrival, he moved to Dunedin and from this time, his life was largely devoted to planning and preparing for the terrorist attack. We looked at his use of online platforms before and during the terrorist attack. We also examined how the individual obtained a firearms licence and how he was then legally able to acquire firearms and ammunition. We tracked how he trained for the terrorist attack by developing firearms expertise and working out at a gym and taking steroids to bulk up.

- 14 The individual had no close friends and largely avoided social situations and, in that sense, he was socially isolated. He was financially independent and widely travelled. In his preparation and planning for his terrorist attack, he was methodical and single-minded. The individual could present well and conduct himself in a way that did not attract suspicion. He was not identified as someone who posed a threat. We expand on the reasons for this in the report.
- 15 As we explain in detail in *Part 4: The terrorist*, we are satisfied that the individual acted alone.
- 16 We look closely at firearms in *Part 5: The firearms licence*.
- 17 Despite the individual having almost no history in New Zealand, his application for a firearms licence was approved within about three months of his arrival in the country. He had named his sister as a referee but, because she lived in Australia, firearms licensing staff asked for a replacement referee. In the end two New Zealand-based referees (an adult and their parent) described as “friends” of the individual, vouched for him as a “fit and proper” person. The adult (whom we refer to as “gaming friend”) had played online games with the individual over ten years but had been physically in his company for only approximately 21 days in that entire decade. Gaming friend’s parent had spent only approximately seven days in the individual’s presence over four years. In both cases, time spent with the individual was sporadic.
- 18 We conclude that during the firearms licence application process, insufficient attention was given to whether gaming friend and their parent knew the individual well enough to be appropriate referees. We discuss what might have happened if the application had not been approved at that time or perhaps had been handled differently.
- 19 We find that New Zealand Police’s administration of the firearms licensing system did not meet required standards. The reasons for this include a lack of guidance and training for licensing staff and incomplete guidance for dealing with applications where nominated referees cannot be interviewed in person.
- 20 For contextual relevance, as amendments to firearms legislation are not within our scope, we discuss the regulation of semi-automatic firearms. It was lax, open to easy exploitation and was gamed by the individual. The risk that highly lethal weapons might be used in a terrorist attack in New Zealand had been recognised on a number of occasions. One warning followed a terrorist attack conducted in Oslo and on Utøya Island in Norway in 2011, in which a semi-automatic rifle was used.
- 21 We examine in detail what was known by Public sector agencies about the individual before the terrorist attack in *Part 6: What Public sector agencies knew about the terrorist*. We put detailed questions to 217 agencies in the wider Public sector and found that ten agencies held information that we are satisfied relates to the individual.

- 22 The only information that directly referred to the terrorist attack was an email the individual sent to the Parliamentary Service (as well as politicians, media outlets and individual journalists) just eight minutes before the terrorist attack began. The critical information about the attack (in terms of the location) was within a 74 page manifesto attached to and linked within the email. It took some minutes for the Parliamentary Service to open the email, read and make sense of the manifesto and then pass the details on to New Zealand Police. By then the terrorist attack had just started. We explore this in detail in *Part 6: What Public sector agencies knew about the terrorist* and we are satisfied that the Parliamentary Service followed correct procedures and acted promptly.
- 23 Other information known about the individual was largely unremarkable. With the benefit of hindsight, we can see that some did relate to the individual's planning and preparation. That, however, was not apparent at the time as this information was fragmentary. No single aspect of it could have alerted Public sector agencies to an impending terrorist attack. Public sector agencies involved in the counter-terrorism effort are not set up to collect and aggregate information like medical and firearms licensing records. We discuss this in *Part 6: What Public sector agencies knew about the terrorist*.
- 24 In *Part 7: Detecting a potential terrorist*, we discuss the challenges of detecting and disrupting terrorists. Terrorist attacks by lone actors are difficult for intelligence and security and law enforcement agencies to detect and stop. Despite this, many intended lone actor terrorist attacks have in fact been disrupted. In this Part we use the individual as a case study to test and explain some of the issues at play before we move on to look more closely at countering terrorism.
- 25 The counter-terrorism effort (which forms a subset of the broader national security system) is reviewed in *Part 8: Assessing the counter-terrorism effort*. The Public sector agencies involved in the counter-terrorism effort include the National Security Group of the Department of the Prime Minister and Cabinet, the Government Communications Security Bureau, Immigration New Zealand, New Zealand Customs Service, New Zealand Police and the New Zealand Security Intelligence Service.
- 26 The most pointed of the questions we have been asked to address about the counter-terrorism effort is whether relevant Public sector agencies failed to anticipate or plan for the terrorist attack because of an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats. This question is not susceptible to an easy answer, but we work through the issues methodically.

- 27 There is a context that must be recognised. The intelligence and security agencies have comparatively little social licence. For this and other reasons that we explore, the Public sector agencies involved in the counter-terrorism effort had limited capability and capacity – far less than many believe. The idea that intelligence and security agencies engage in mass surveillance of New Zealanders is a myth. Looking back to 2014, the intelligence and security agencies were in a fragile state. A rebuilding exercise did not get underway until mid-2016 and was still unfinished when the terrorist attack took place in 2019.
- 28 Our assessment has focused primarily on the period between 2016 and 15 March 2019. During that time the primary, but not exclusive, focus of the counter-terrorism resources was on what was seen as the presenting threat of Islamist extremist terrorism. It is important to note that counter-terrorism agencies did follow up leads relating to possible right-wing extremist terrorism. So, the concentration on the threat of Islamist extremist terrorism was not to the exclusion of addressing other leads when they arose.
- 29 In 2016, the New Zealand Security Intelligence Service identified that establishing a baseline picture (an understanding) of other emerging terrorism threats was a goal, but one it would pursue only when they had the capacity to do so. This work eventually began in May 2018, with one of the projects focused on developing an understanding of right-wing extremism in New Zealand. At that time, the New Zealand Security Intelligence Service had only a limited understanding of right-wing extremism in New Zealand and work on this was not complete when the terrorist attack occurred.
- 30 The intelligence function of New Zealand Police had degraded and from 2015 was not carrying out strategic terrorism threat assessments.
- 31 We conclude there was an inappropriate concentration of counter-terrorism resources on the threat of Islamist extremist terrorism, but the reasons for this require some teasing out.
- 32 Our concern with the focus of counter-terrorism resources on Islamist extremist terrorism is one of process. There are two aspects to this. First, there had been no substantial assessments of other potential threats of terrorism. So, the concentration of counter-terrorism resources was not based on a comparative risk analysis. Second, there had been no informed system-wide decision to proceed on this basis. By this we mean a decision made by all relevant Public sector agencies with the knowledge that there were other potential threats of terrorism that were not well understood. This also requires brief explanation.

- 33 The New Zealand Security Intelligence Service had decided to concentrate its scarce counter-terrorism resources on the presenting threat of Islamist extremist terrorism. This was in part because it had a lack of capacity until mid-2018 both to deal with that threat and, at the same time, to baseline other threats. Other Public sector agencies involved in the counter-terrorism effort did not engage in informed discussion about this approach and its implications, including the unmitigated risks. So there was not an informed and system wide decision to proceed on this basis which we see as inappropriate.
- 34 All of that said, we find that the concentration of resources on the threat of Islamist extremist terrorism is not why the individual's planning and preparation for his terrorist attack was not detected. Given the operational security that the individual maintained, the legislative authorising environment in which the counter-terrorism effort operates and the limited capability and capacity of the counter-terrorism agencies, there was no plausible way he could have been detected except by chance. Despite the concerns we have just discussed and other systemic issues we have reviewed in *Part 8: Assessing the counter-terrorism effort*, the fact the individual was not detected was not in itself an intelligence failure.
- 35 We have looked more broadly at the counter-terrorism effort. We have already mentioned limited social licence, capability and capacity. By the middle of the last decade, the subjects of counter-terrorism, intelligence and security had become politically and publicly toxic. There was little political ownership. Public sector leadership was fragmented through a decentralised national security system with the Public sector agencies involved in the counter-terrorism effort acting in ways that were only loosely coordinated.
- 36 As discussed, rebuilding the capacity and capability of the intelligence and security agencies began in mid-2016. Although progress has been made, significantly more is required. As well, systemic change is needed, including the creation of a national intelligence and security agency. This will deliver a more systematic approach to counter-terrorism and countering violent extremism efforts. The chief executive of the new agency will be the national adviser on intelligence and security, with the agency having the advantage of focusing solely on intelligence and security issues. It will provide comprehensive strategic policy advice, develop a counter-terrorism strategy and administer relevant national security legislation. The agency will assume responsibility for the development of intelligence assessments, underpinned by horizon scanning, and be responsible for the design of the performance management framework and monitor progress against it.
- 37 We acknowledge that while our focus has been on the counter-terrorism effort our key recommendations are for system-wide change, which relates to all threats and intelligence issues. It is impractical to carve out counter-terrorism responsibilities.
- 38 This and other detailed recommendations are set out in *Part 10: Recommendations*.

- 39 Full implementation of our recommendations will result in a better organised counter-terrorism effort with enhanced capacity and capability and a less restrictive legislative framework. We expect to see far more political and public engagement and discussion and stronger oversight. This will result in greater public trust and thus social licence. We wish to see discussion about counter-terrorism normalised. Our recommendations provide mechanisms for this to occur.
- 40 The absence of such discussion to date has had consequences.
- 41 Since 2015, successive governments have been reluctant to proceed with a public-facing counter-terrorism strategy. One reason for this was to avoid stigmatising Muslim communities further. But, had such a strategy been shared with the public and also incorporated a “see something, say something” policy, it is possible that aspects of the individual’s planning and preparation may have been reported to counter-terrorism agencies. With the benefit of hindsight, such reporting would have provided the best chance of disrupting the terrorist attack. A public-facing counter-terrorism strategy would also be likely to have included policies to make crowded places safer and to protect possible targets from attack. Implementation of such policies may well have reduced the loss of life on 15 March 2019. As well, if the known risk that a terrorist could take advantage of New Zealand’s lax regulation of semi-automatic firearms had been addressed earlier, it is likely that there would have been no terrorist attack on 15 March 2019.
- 42 The final set of issues we consider are how social cohesion, inclusion and diversity have been approached in New Zealand in *Part 9: Social cohesion and embracing diversity*.
- 43 Social cohesion, inclusion and diversity were not on our original work plan. But, as our inquiry progressed and our engagement with communities deepened, it became clear that these issues also warranted consideration. Social cohesion has many direct benefits to individuals and communities. In contrast, societies that are polarised around political, social, cultural, environmental, economic, ethnic or religious differences will more likely see radicalising ideologies develop and flourish. Efforts to build social cohesion, inclusion and diversity can contribute to preventing or countering extremism. In addition, having a society that is cohesive, inclusive and embraces diversity is a good in itself.
- 44 We considered how Public sector agencies, local government, the private sector, civil society and communities can and should support a more cohesive society. Public sector efforts have been fragmented and frustrating for the community groups who have engaged with them. A public conversation about social cohesion has been notably absent. Once again, we conclude systemic change is needed and we set out our thinking in *Part 10: Recommendations*.

- 45 This report contains 44 recommendations which cover five key areas relating to the counter-terrorism effort, the firearms licensing system, the ongoing needs of those most affected by the terrorist attack, New Zealand's response to our increasingly diverse population and implementing our recommendations. These are explained in detail in *Part 10: Recommendations*.
- 46 There are some recurring themes and issues that weighed heavily as we considered our recommendations. The most important of these is the need to confront and engage openly with hard issues. In the course of our inquiry we have looked at Public sector activities involving the firearms licensing system, the counter-terrorism effort and social cohesion and embracing diversity. Each of these has been characterised by limited political ownership and an absence of public discussion.
- 47 The looseness of controls on semi-automatic firearms had been appreciated for decades and the risk that a terrorist could take advantage of this was identified as long ago as 2011. But there was no significant tightening of the regime largely because of strong opposition from the firearms community.
- 48 Media controversy and generally low levels of public trust and confidence in the intelligence and security agencies and aspects of the work of the law enforcement agencies have meant that politicians have avoided the challenge of public engagement about countering-terrorism.
- 49 Building social cohesion, inclusion and embracing diversity are goals that we can all aspire to. In a COVID-19 response and recovery environment where there is increased stress, growing mental health and addiction issues and an economic downturn, potential inequalities and vulnerabilities are magnified. As the country looks ahead there is an opportunity to build and enhance our social infrastructure and community resilience in the same way that physical infrastructure is being invested in. There is a strong case for further cross-government actions to improve social cohesion and how we embrace diversity.
- 50 We accept political engagement on these issues will not be easy. But facing up to the hard issues and having open public conversations are critical. We have already discussed the consequences of not promoting a public-facing counter-terrorism strategy and not tightening loose controls on firearms before the terrorist attack. We hope our report will encourage members of the public, officials and politicians to engage in frank debate so that everyone understands their roles and responsibilities in keeping New Zealand safe, secure and cohesive. There is impetus for debate about the kind of country New Zealand aspires to be.
- 51 Finally, New Zealand will never be immune from violent extremism and terrorism. Even with the best systems in the world, a determined would-be terrorist could carry out an attack in New Zealand in the future. But there is much that government can do, starting with a greater commitment to transparency and openness with New Zealanders. We all have a part to play in building common agreement about the values we share and want to uphold as a society and for our future generations.

Consolidated findings

1 Our Terms of Reference required us to make findings as to:

- 4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and
- (b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies; and
- (c) whether relevant [Public] sector agencies failed to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats; and
- (d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part; and
- (e) any other matters relevant to the purpose of the inquiry, to the extent necessary to provide a complete report.

What Public sector agencies knew about the terrorist

2 *Part 6: What Public sector agencies knew about the terrorist* sets out the evidence and rationale for our findings.

3 “The terrorist attack” means the terrorist attack carried out by the individual in accordance with his planning and preparation over the previous years.

4 **We find that:**

- a) 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.
- b) 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.
- c) 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.
- d) There was no failure in information sharing between the relevant Public sector agencies.

Assessing the counter-terrorism effort

- 5 *Part 8: Assessing the counter-terrorism effort* sets out the evidence and rationale for our findings.
- 6 We conclude that the concentration of counter-terrorism resources on the threat of Islamist extremist terrorism before the New Zealand Security Intelligence Service's baselining project began in May 2018 was inappropriate because it:
- a) was not based on an informed assessment of the threats of terrorism associated with other ideologies; and
 - b) did not result from a system-wide decision that, despite the absence of such an assessment, counter-terrorism resources should continue to be allocated almost exclusively to the threat of Islamist extremist terrorism.
- 7 **We find that:**
- a) 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. And 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.
 - b) No 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.

The firearms licence

- 8 *Part 5: The firearms licence* sets out the evidence and rationale for our findings.
- 9 **We find that:**
- a) New Zealand Police failed to meet required standards in the administration of the firearms licensing system in that:
 - i) 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;
 - ii) New Zealand Police did not put in place arrangements to ensure that firearms licensing staff received systematic training and regular reviews of their practice; and
 - iii) in dealing with the individual's firearms licence application, New Zealand Police did not adequately address whether gaming friend and their parent knew the individual well enough to serve as referees.

Summary of recommendations

- 1 Our Terms of Reference directed us to make any recommendations we considered appropriate on the following:
 - 5(1)(a) whether there is any improvement to information gathering, sharing, and analysis practices by relevant [Public] sector agencies that could have prevented the terrorist attack, or could prevent such terrorist attacks in the future, including, but not limited to, the timeliness, adequacy, effectiveness, and co-ordination of information disclosure, sharing, or matching between relevant [Public] sector agencies; and
 - (b) what changes, if any, should be implemented to improve relevant [Public] sector agency systems, or operational practices, to ensure the prevention of such terrorist attacks in the future; and
 - (c) any other matters relevant to the above, to the extent necessary to provide a complete report.
- 2 Our recommendations are set out in *Part 10: Recommendations* and address the following areas:
 - a) Improving New Zealand’s counter-terrorism effort.
 - b) Improving New Zealand’s firearms licensing system.
 - c) Supporting the ongoing recovery needs of affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack.
 - d) Improving New Zealand’s response to our increasingly diverse population.
 - e) Implementation of the recommendations.
- 3 The recommendations are organised by four themes.
- 4 **Strong government leadership and direction are required** to provide effective oversight and accountability of the counter-terrorism effort. This will ensure that roles and responsibilities are well understood across Reduction, Readiness, Response and Recovery at the national, regional and local levels and resources are appropriately focused.
- 5 Strong government leadership and direction are also required to position New Zealand (and in particular the Public sector) to respond and adapt to New Zealand’s increasingly diverse population and to effect the social shift that over time will help to achieve a safe and inclusive New Zealand.

- 6 **Engaged and accountable government decision-making** will enable Public sector policies, programmes and services to be designed and delivered that meet the requirements of New Zealand's increasingly diverse society. The Public sector (and in particular the agencies involved in the counter-terrorism effort) needs to change how it engages with communities. The Public sector mindset must shift to value communities' input into decisions, transparency and engaging in robust debate.
- 7 **Everyone in society has a role in making New Zealand safe and inclusive** but there is no common understanding of what those roles are, how they relate to each other and what they should be seeking to achieve. Clarity of roles and responsibilities is critical.
- 8 To ensure that everyone is aware of their role in making New Zealand safe and inclusive, the government (and the Public sector agencies involved in the counter-terrorism effort) will have to ensure that New Zealand's counter-terrorism effort is valued by the people it seeks to protect. Enhancing public trust and confidence in New Zealand's counter-terrorism effort will take time, so work to do so should begin urgently. As well, the government must understand what New Zealand's changing demographics mean for New Zealand as a society and promote consistent messages about the benefits of diversity and an inclusive society.
- 9 Underpinning all of this, **New Zealand needs fit for purpose laws and policies.** This extends to ensuring the Intelligence and Security Act 2017 and Terrorism Suppression Act 2002 are both fit for purpose, providing for hate crime offences, creating a workable approach to hate speech and encouraging the better recording of reports of hate crime. Also important is the need for New Zealand Police to improve their administration of the firearms licensing system.

Recommendations to improve New Zealand's counter-terrorism effort

We recommend that the Government:

1. **Ensure** a minister is given responsibility and accountability to lead and coordinate the counter-terrorism effort.
2. **Establish** a new national intelligence and security agency that is well-resourced and legislatively mandated to be responsible for strategic intelligence and security leadership functions including:
 - a) a chief executive who is designated as the intelligence and security adviser to the prime minister and to Cabinet and chairing the Security and Intelligence Board or the potential new governance body (Recommendation 3);
 - b) operating as the sector lead and coordinator for strategic intelligence and security issues;
 - c) developing a counter-terrorism strategy that includes countering violent extremism (Recommendation 4);
 - d) providing strategic policy advice to the responsible minister(s) on intelligence and security issues;
 - e) intelligence assessment and horizon scanning supported by deep expertise;
 - f) leading the engagement with communities, civil society, local government and the private sector on strategic intelligence and security issues;
 - g) ensuring the counter-terrorism effort conforms to New Zealand's domestic and international human rights obligations;
 - h) leveraging the emergency management structures at the local and regional levels;
 - i) system performance monitoring and reporting; and
 - j) accountability to the minister for the performance of the counter-terrorism effort (Recommendation 1).

- 3. Investigate** alternative mechanisms to the voluntary nature of the Security and Intelligence Board including the establishment of an Interdepartmental Executive Board as provided for by the Public Service Act 2020 to, amongst other things:
- a) align and coordinate the work, planning and budgets across relevant Public sector agencies addressing all intelligence and security issues;
 - b) report to the Cabinet External Relations and Security Committee, including on current and emerging risks and threats, on a quarterly basis;
 - c) in relation to the counter-terrorism effort:
 - i) recommend to Cabinet the strategy for addressing extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism developed by the national intelligence and security agency (Recommendation 4); and
 - ii) ensure the activities to implement the strategy for addressing extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism are identified, coordinated and monitored.
- 4. Develop and implement** a public-facing strategy that addresses extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism that:
- a) is led by the new national intelligence and security agency (Recommendation 2);
 - b) is developed in collaboration with communities, civil society, local government and the private sector;
 - c) sets the purpose and the direction of the strategy, with goals, milestones and performance measures;
 - d) sets priorities for the counter-terrorism effort across Reduction, Readiness, Response and Recovery;
 - e) defines roles and responsibilities for Public sector agencies, communities, civil society, local government and the private sector to implement the strategy across Reduction, Readiness, Response and Recovery;
 - f) has oversight from the responsible minister (Recommendation 1); and
 - g) is reviewed within three years of publication in collaboration with Public sector agencies, communities, civil society, local government, the private sector and the Advisory Group on Counter-terrorism (Recommendation 7).

5. **Amend** the Public Finance Act 1989 to require the intelligence and security agencies to provide performance information that can be the subject of performance audit by the Auditor-General.
6. **Strengthen** the role of the Parliamentary Intelligence and Security Committee so that it can provide better and informed cross-parliamentary oversight of the national security system (including the counter-terrorism effort) and priority setting, and members can access sensitive information as necessary for such oversight.
7. **Direct** the chief executive of the new national intelligence and security agency (Recommendation 2) to establish an Advisory Group on Counter-terrorism:
 - a) responsible for providing advice to the national intelligence and security agency and the Security and Intelligence Board or its replacement (Recommendations 2 and 3); and
 - b) with functions to be established in legislation, as soon as practicable, but without delaying its establishment.
8. **Direct** the chief executive of the new national intelligence and security agency (Recommendation 2) to include in advice on the National Security and Intelligence Priorities and in the annual threatscape report (Recommendation 17), a summary of the advice provided in the preceding year by the Advisory Group on Counter-terrorism (Recommendation 7) and the actions that have been taken in response to that advice.
9. **Direct** the new national intelligence and security agency (Recommendation 2), and in the interim the Department of the Prime Minister and Cabinet, to improve intelligence and security information sharing practices, including:
 - a) driving a change in approach to the “need-to-know” principle across relevant Public sector agencies, with special attention given to local government including the emergency management structures at the local and regional level, to ensure it enables rather than just restricts information sharing; and
 - b) overseeing the implementation, within six months, of recommendations in the *2018 Review of the New Zealand Security Classification System*:
 - i) expanding the classification system principles to provide that no information may remain classified indefinitely and that, where there is doubt as to the classification level, information is classified at the lower level;
 - ii) revising and strengthening Public sector agency guidance and developing training;

- iii) adopting a topic-based approach to systematic declassification of historic records; and
- iv) developing indicators of function and performance of the classification system.

10. Amend the Intelligence and Security Act 2017 with respect to direct access agreements, to require the new national intelligence and security agency, and in the interim the Department of the Prime Minister and Cabinet, to regularly report to the responsible minister for the counter-terrorism effort on their establishment and implementation.

11. Direct chief executives of Public sector agencies involved in the counter-terrorism effort to consider whether an appropriate number of their employees have security clearances and ensure that those staff have appropriate access to facilities and information management and technology systems to be able to review relevant material as required.

12. 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.

13. 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.

14. Establish a programme to fund independent New Zealand-specific research on the causes of, and measures to prevent, violent extremism and terrorism with the following provisions:

- a) the national intelligence and security agency (Recommendation 2) should be provided with a multi-year appropriation for research funding;
- b) research priorities and grant recipients should be selected by a panel comprising officials from the new national intelligence and security agency (Recommendation 2) and representatives from the Advisory Group on Counter-terrorism (Recommendation 7), with Advisory Group representatives forming the majority of the selection panel; and
- c) grant recipients should be encouraged to publish and present the results of their research at the annual hui on issues related to extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism (Recommendation 16).

15. Create opportunities to improve public understanding of extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism in New Zealand, led initially by the Minister for National Security and Intelligence, and including ongoing public discussions on:

- a) the nature of New Zealand's counter-terrorism effort, including current risks and threats and how Public sector agencies protect New Zealanders from the threat and risk of terrorism;
- b) who is involved in the counter-terrorism effort and their roles, recognising that communities, civil society, local government and the private sector are all part of the counter-terrorism effort, including, but not limited to, being important sources of information;
- c) the need to strike the balance between the privacy of individuals and the safety of individuals and communities and to understand the social licence for Public sector agencies to engage in counter-terrorism and countering violent extremism activities;
- d) supporting the public to understand how to respond when they recognise the concerning behaviours and incidents that may demonstrate a person's potential for engaging in violent extremism and terrorism; and
- e) how social cohesion, social inclusion and diversity contribute to an effective society.

16. Direct the chief executive of the new national intelligence and security agency (Recommendation 2) to host an annual hui, to bring together relevant central and local government agencies, communities, civil society, the private sector and researchers (Recommendation 14) to create opportunities to build relationships and share understanding of countering violent extremism and terrorism.

17. Require in legislation:

- a) the Minister for National Security and Intelligence to publish during every parliamentary cycle the National Security and Intelligence Priorities and refer them to the Parliamentary Intelligence and Security Committee for consideration;
- b) the responsible minister (Recommendation 1) to publish an annual threatscape report; and
- c) the Parliamentary Intelligence and Security Committee to receive and consider submissions on the National Security and Intelligence Priorities and the annual threatscape report.

18. Review all legislation related to the counter-terrorism effort (including the Terrorism Suppression Act 2002 and the Intelligence and Security Act 2017) 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.

Recommendations to improve New Zealand's firearms licensing system

We recommend that the Government:

19. **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 legislation.
20. **Direct** New Zealand Police (or other relevant entity) to introduce an electronic system for processing firearms licence applications.
21. **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.
22. **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:
 - 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).
23. **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:
 - 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.
24. **Introduce** mandatory reporting of firearms injuries to New Zealand Police by health professionals.

Recommendations to support the ongoing recovery needs of affected whānau, survivors and witnesses

We recommend that the Government:

- 25. Direct** the Ministry of Social Development to work with relevant Public sector agencies including the Accident Compensation Corporation, Immigration New Zealand, the Ministry of Justice, New Zealand Police 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, including assigning each whānau, survivor or witness a continuing single point of contact who will navigate all required Public sector support on their behalf.
- 26. 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 of the 15 March 2019 terrorist attack to agree a specific work programme to provide ongoing wrap-around services to affected whānau, survivors and witnesses.
- 27. Direct** the Department of the Prime Minister and Cabinet in collaboration with relevant Public sector agencies to discuss with affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack what, if any, restorative justice processes might be desired and how such processes might be designed and resourced.

Recommendations to improve social cohesion and New Zealand's response to our increasingly diverse population

We recommend that the Government:

- 28. 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.
- 29. 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 a monitoring and evaluation regime.
- 30. Investigate** the machinery of government options for an agency focused on ethnic communities and multiculturalism and establish a fit for purpose organisational design that will encompass the current functions expected of the Office of Ethnic Communities and enable the new responsible Public sector agency to focus on and perform the following functions:
 - a) advise the government and Public sector agencies about priorities and challenges that affect ethnic communities' wellbeing;
 - b) collate and use data to analyse, monitor and evaluate Public sector efforts to improve the wellbeing of ethnic communities, what those efforts should be and how they should be prioritised; and
 - c) develop an evaluation framework that incorporates performance indicators that examine the impact and effectiveness of government policies and programmes on the wellbeing of ethnic communities.
- 31. Prioritise** the development of appropriate measures and indicators (such as the Living Standards Framework) of social cohesion, including social inclusion.
- 32. Require** Public sector agencies to prioritise the collection of data on ethnic and religious demographics to support analysis and advice on the implications of New Zealand's rapidly changing society, inform better policy making and enhance policy evaluation.
- 33. Direct** the chief executives of the Public sector agencies involved in the counter-terrorism effort to continue focusing efforts on significantly increasing workforce diversity, including in leadership roles, and in consultation with the Advisory Group on Counter-terrorism (Recommendation 7).

34. Encourage the Public Service Commissioner to publish an annual report that:

- a) provides a comprehensive view of progress by the Public sector on the *Papa Pounamu* commitments including the identification of areas where those Public sector agencies are performing well, areas where improvements can be made and critical insights across all agencies about where to direct their efforts; and
- b) prioritises reporting on progress made by the Public sector agencies involved in the counter-terrorism effort.

35. 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.

36. 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.

37. 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:

- a) social cohesion, including social inclusion, and the collective effort required to achieve these; and
- b) the value that ethnic and religious diversity can contribute to a well-functioning society.

38. Require all Public sector community engagement to be in accordance with New Zealand’s Open Government Partnership commitments and in particular:

- a) require agencies to be clear about the degree of influence that community engagement has on associated decision-making by indicating to communities where the engagement sits on the International Association for Public Participation IAP2 *Public Participation Spectrum*; and
- b) encourage agencies to undertake more “involve” and “collaborate” levels of engagement in accordance with the International Association for Public Participation IAP2 *Public Participation Spectrum*.

39. Amend legislation to create hate-motivated offences in:

- a) the Summary Offences Act 1981 that correspond with the existing offences of offensive behaviour or language, assault, wilful damage and intimidation; and
- b) the Crimes Act 1961 that correspond with the existing offences of assaults, arson and intentional damage.

40. 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.

41. 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.

42. 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:

- a) identifying bias indicators so that they can identify potential hate crimes when they perceive that an offence is hate-motivated;
- 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; and
- c) recording such hate-motivations in a way which facilitates the later use of section 9(1)(h) of the Sentencing Act 2002.

Recommendations for implementation

We recommend that the Government:

43. Ensure a minister is given responsibility and accountability to lead and coordinate the response to and implementation of our recommendations and announce the appointment.

44. Establish an Implementation Oversight Advisory Group that:

- a) includes representatives of communities, civil society, local government, the private sector, affected whānau, survivors and witnesses and our Muslim Community Reference Group;
- b) provides advice to the responsible ministers (Recommendations 1 and 43) on the design of the government's implementation plan and its roll-out; and
- c) publishes its advice to enhance transparency.

End note

- 1 This report provides an independent account of what happened in the lead up to the 15 March 2019 terrorist attack, what, if anything, could have been done to stop it and what must now be done to better protect New Zealanders.
- 2 From the terrible events of the 15 March 2019 terrorist attack comes the responsibility to reflect and learn.
- 3 The first duty of government remains the security of its people. However, national security is not the remit of the intelligence and security and law enforcement agencies alone. Many Public sector agencies also have a role to play. But importantly so too do communities, civil society, local government and the private sector. New Zealanders can play a vital role in countering terrorism and extremism. To play that role, New Zealanders must be informed about the issues and what they can do to help.
- 4 With this in mind, we have included in our report a vast amount of material previously classified as Top Secret or Secret. We have done so to bring into the light how New Zealand's counter-terrorism effort actually works. This will enable future debate to be well informed. We see such informed debate as fundamental to the social licence and thus the effectiveness of the counter-terrorism effort.
- 5 We recognise that we have finalised our analysis and report in the shadow of COVID-19. The pandemic has impacted all communities and has been a stark reminder of the need for community resilience and social infrastructure. It has also been a bright illustration of what can be achieved when society acts collectively in the broader public interest.
- 6 Fundamental to New Zealand's future wellbeing and security is social cohesion. While social cohesion in New Zealand is much higher than many other countries, there are fault lines. Maintaining and enhancing social cohesion is a vital task for government. We are confident that the will is there. We have provided mechanisms in our recommendations for that will to be realised.
- 7 These changes will not be easy, but we have laid down the wero and we urge the Government to take up the challenge and act.

