



Summary of Submissions



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

TE KŌMIHANA UIUI A TE WHAKAÈKE
KAIWHAKATĪMA I NGĀ WHARE
KŌRANA O ŌTAUTAHI I TE
15 O POUTŪ-TE-RANGI 2019

26 November 2020

Summary of submissions

Published 26 November 2020

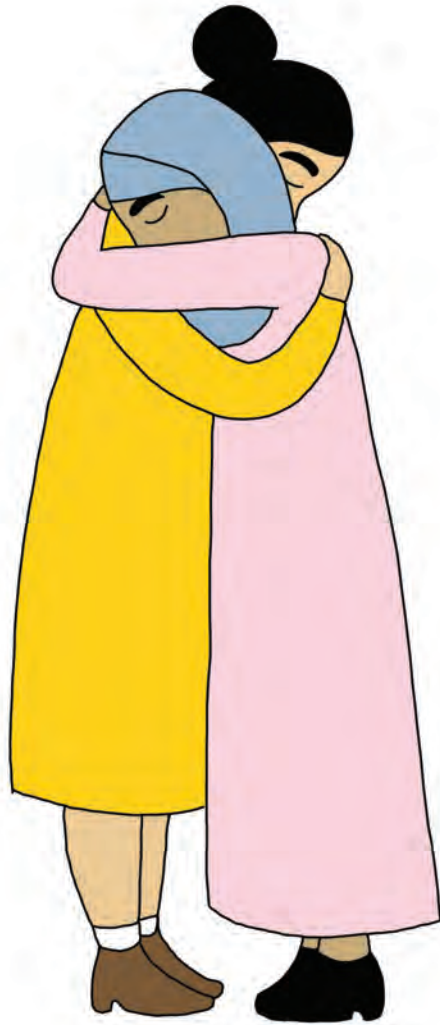
978-0-473-55327-2 (soft cover)

978-0-473-55328-9 (PDF)

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

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Foreword from Commissioners



Assalaam alaikum and tēnā koutou.

One of the primary purposes of our inquiry was to present an independent and authoritative report so that the government can reassure New Zealanders that all appropriate measures are being taken to keep them safe. To do that, we needed to hear from communities.

Our work would not have been complete without hearing New Zealanders' views on what would make them feel safe. We are grateful for the wealth of insight and experience submitters were willing to share with us to help inform our report.

We received a total of 1,168 submissions – 1,123 from individuals (including researchers and academics) and 44 from organisations. We would like to thank each and every submitter who took the time to share their thoughts with us.

It was clear from the submission process that people from all across the country care deeply about protecting what we value most as New Zealanders. Every submission we received has, in some way, contributed to our report.

The volume and depth of input we received shows that, by and large, New Zealanders want to have a say in how to prevent a terrorist attack like this happening in our country again. Individuals and communities want to be part of the change required to keep all New Zealanders safe and to truly feel that New Zealand is a place we can all call home, regardless of our ethnicity, religion, orientation, interests or beliefs.

Hon Sir William Young KNZM
Chair

Jacqui Caine
Member

Chapter 1: Background

- 1 On 15 March 2019, Masjid an-Nur and the Linwood Islamic Centre in Christchurch were attacked by a terrorist while worshippers were at prayer. Fifty-one people were killed and 40 others injured, some seriously.
- 2 We use the description “affected whānau, survivors and witnesses” to refer to whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. We have chosen not to name shuhada, survivors and witnesses in this summary of submissions. We acknowledge acts of heroism and compassion, but believe it would be inappropriate to name some people but not all.
- 3 On 26 March 2020 an Australian man pleaded guilty to 51 charges of murder, 40 charges of attempted murder and one charge of engaging in a terrorist act. On 27 August 2020, he was sentenced to life imprisonment without parole – the first time in New Zealand history this sentence has been imposed. This was on the charges of murder. He was also sentenced to life imprisonment for engaging in a terrorist act and to concurrent terms of 12 years’ imprisonment for each of 40 charges of attempted murder.
- 4 We refer to the convicted terrorist and murderer who carried out the terrorist attack as “the individual” throughout this summary of submissions.

Establishment of the Royal Commission of Inquiry

- 5 Following the terrorist attack, the Government announced that a Royal Commission of Inquiry would consider the events leading up to the terrorist attack. The Royal Commission was established by Order in Council on 8 April 2019. It appointed the Honourable Sir William Young as Chair and set out the Terms of Reference. Jacqui Caine was appointed as the second Member of the Royal Commission on 22 May 2019.
- 6 Our Terms of Reference directed us to inquire into what Public sector agencies knew about the individual’s activities before the terrorist attack, what (if anything) they did with that information, what they could have done to prevent the terrorist attack and what they should do to prevent such terrorist attacks in the future.
- 7 As well, we were asked to investigate the individual’s activities before 15 March 2019, including his time in Australia, his arrival and residence in New Zealand, his travel within New Zealand and internationally, how he obtained a gun licence, weapons and ammunition, his use of social media and other online media and his connections with people, whether in New Zealand or internationally.

8 Our Terms of Reference directed 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.

9 And we were directed to make recommendations on:

- 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.

Limits to the inquiry

10 Our Terms of Reference set out matters that we were not allowed to inquire into:

- 6(2) The inquiry must not inquire into the guilt or innocence of any individual who has been, or may be, charged with offences in relation to the terrorist attack.
- 6(3) The inquiry must not inquire into, determine, or report in an interim or final way on, any of the following matters:
 - (a) amendments to firearms legislation (because the Government is already pursuing this issue);
 - (b) activity by entities or organisations outside the [Public] sector, such as media platforms; and
 - (c) how relevant [Public] sector agencies responded to the terrorist attack on 15 March 2019, once it had begun.

Inquiry timeline

- 11 The Royal Commission started on 10 April 2019 and began receiving evidence on 13 May 2019. Our inquiry had several overlapping phases, from establishment to engagement with communities, information and evidence gathering, analysis and deliberations, holding evidential interviews and report development and presentation.
- 12 The original date for reporting to the Governor-General was 10 December 2019, but this was subsequently extended on two occasions until the final reporting date of 26 November 2020. These extensions were necessary because of the sheer volume of material we had to assess and the disruption resulting from the COVID-19 pandemic.
- 13 We presented our report to Dame Patsy Reddy on 26 November 2020.

Our approach to seeking submissions

- 14 A primary purpose of our inquiry is to present an independent and authoritative report so that the Government can reassure New Zealanders that all appropriate measures are being taken to keep them safe.
- 15 To do that, we needed to hear from New Zealand's communities, particularly because our general approach to the inquiry has meant that much of our work has been conducted in private.

- 16 We knew some people would feel more comfortable speaking to us if their privacy was protected. Before we commenced our submissions process, we received many phone calls and emails from people wanting to share their experiences or contribute to the inquiry. However, some people voiced concerns about the potential repercussions in their community, at their place of employment or in the media should their identity be made public.
- 17 We carefully weighed up which approach to seeking submissions would be most beneficial to us achieving our goals, while still allowing us to provide assurances to the people of New Zealand, and the Government, that we had conducted a transparent process.
- 18 Usually when analysing submissions, reports provide a breakdown of demographics to demonstrate how the views expressed represented a population. However, we were concerned that seeking from submitters information such as gender, age and ethnicity could create a barrier for people who were worried about their safety.
- 19 We looked at best practice across other inquiries and debated what information about submitters, if any, would be of value to the inquiry. We considered enabling submitters to provide optional demographic information. However, we would have been unable to validate such information so it would have been of limited use to inform our findings or our submissions analysis. We concluded that providing an anonymous forum was in the greater public interest. Submitters were invited to share their name and contact details with assurances that their submissions, identity and contact details would be kept confidential. However, anyone who made a submission was allowed to publish it if they wanted to do so.

What we asked people

- 20 We decided that we would not restrict what people could share with us by only allowing them to answer specific questions. We asked the public three open-ended questions to help guide thinking on matters that were important to us. However, people were welcome to share their thoughts on other topics related to our Terms of Reference.

Questions asked of the public

- 21 Specifically, we asked:
- a) What worries you most about the safety of your community?
 - b) What should government agencies be doing to keep us safe?
 - c) What could be done differently to help prevent something like this happening again?

- 22 To raise public awareness about the opportunity to make a submission, a simple 45 second radio advertisement was broadcast for the duration of the submissions period across all major radio stations, including ethnic and iwi radio. We also placed print advertisements in ethnic community newspapers.
- 23 The invitation to submit was translated into nine languages and distributed throughout communities. We reached out to affected whānau, survivors and witnesses of the terrorist attack. We were aware that some affected whānau, survivors and witnesses may not have wished to meet with us, preferring to share their experiences by making a submission. We wrote to more than 160 community organisations, academics and other experts inviting them to make a submission.
- 24 We wanted to assure people that there was no right or wrong way to make a submission. We wanted to make contributing to the work of the Royal Commission easy and accessible for people in different circumstances, and with varied literacy levels and languages. As a result, submissions were taken online, via email and by post.
- 25 It became apparent to us that some people who wanted to make a submission were either not able to write it down, sometimes because their primary language was not English or because they did not have the time to compose their thoughts in writing. However, they could talk to us over the phone. We decided that oral submissions could be made and offered interpretation services to enable these.
- 26 We arranged times for people to phone Royal Commission officers, who listened to and recorded submissions. These submitters were not prompted during these conversations. After calls, we transcribed and recorded what they said. While this took some time for our team, we thought that offering an oral submissions process enabled a more inclusive approach.
- 27 It was important that we were sensitive to the needs of communities when people were making submissions. We were acutely aware that we were seeking information about people's personal experiences at a time when many were still grieving, observing important cultural and religious events and trying to come to terms with the events of 15 March 2019.
- 28 Many people told us they needed more time to collect their thoughts in ways that they felt best represented their experiences and insights. As a result, we twice extended our submission period.

Submission period

- 29 The submission period opened on 1 July 2019, with an initial closing date of 31 July 2019. This subsequently extended to 24 August 2019 and then to 27 September 2019, in response to requests from potential submitters who were unable to prepare their submissions within the original timeframe.

- 30 Late submissions were received and accepted. They were considered and included in this report and factored into our overall thinking about our final report.
- 31 We received some correspondence that was like submissions before the submissions process was announced. All of this correspondence was treated and counted as submissions.

Our approach to submissions analysis

- 32 This summary of submissions sets out in a short and accessible format the main points that people told us. We wanted to give the reader a sense of people’s views and to identify the concerns and potential solutions that were raised.
- 33 The summary of submissions is not a record of all points made, nor does it assign value. Rather, the summary has been structured to provide insights into the issues of most importance to different groups of submitters. The summary does not record what people have said to us as facts – it is their opinions, in some cases based on their own research.
- 34 Many submitters raised matters that are outside our Terms of Reference. Because these issues were clearly important enough for them to include in their submissions, we have reflected them in our summary.
- 35 We wrote the summary of submissions in a way that protects people’s personal privacy, honours our obligations of confidentiality and which complies with principles of natural justice. We have excluded names of individuals and organisations and other identifying information.
- 36 All of the observational comments, both negative and positive, contained in this document are those of submitters and are not the views or findings of the Royal Commission. Excerpts of some submissions are summarised or paraphrased. Where the submission is quoted verbatim, this is shown by using “speech marks” or as a block quote below the paragraph, like this:

This is a block quote below the paragraph.

How many submissions we received

- 37 We received a total of 1,168 submissions – 1,123 from individuals (including researchers and academics) and 44 from organisations. Submissions were received by the following methods:
- a) post or courier;
 - b) website form;
 - c) email;
 - d) oral submissions; and
 - e) physical submissions handed to Commissioners at meetings.

How we processed the submissions

- 38 All the submissions we received were numbered, read, logged into searchable databases and analysed. The majority of submitters commented on more than one issue. Some parties provided more than one submission document or correspondence. In these cases, all documents were logged as part of a single combined submission to avoid duplication.
- 39 Some submissions included information that we acted upon. These actions included following up with the submitter or asking questions of Public sector agencies. These actions were documented and referred to Royal Commission officers for action.
- 40 We undertook analysis to identify and summarise comments made in the submission and to identify submissions making common points. This approach resulted in considerable convergence of key themes. We also identified individual submissions that offered unique insights.

Structure of submissions analysis

- 41 We divided the submissions analysis into sections that reflect how they informed our lines of inquiry, analysis and deliberations that are addressed in our report:
- a) What people told us about the 15 March 2019 terrorist attack and its impact on affected whānau, survivors and witnesses.
 - b) What people told us about the individual who committed the terrorist attack.
 - c) People's thoughts on firearms.
 - d) Views on the national security system and counter-terrorism effort.

- e) People’s experiences at the border.
- f) What people told us about harmful behavior and extremism.
- g) What people thought about diversity and creating a more inclusive New Zealand.
- h) Submissions outside our Terms of Reference.
- i) Concluding comments.

42 Each part of our analysis is structured in the same way, providing background on what is summarised, and setting out what people told us about the topics included in each part, even if the matters raised were outside our Terms of Reference.

43 Submissions from affected whānau, survivors and witnesses are summarised throughout this document. A more detailed summary of what we heard from this group from submissions and meetings is set out in our companion document *What we heard from affected whānau, survivors and witnesses*.

Numbers of references made to a topic or theme

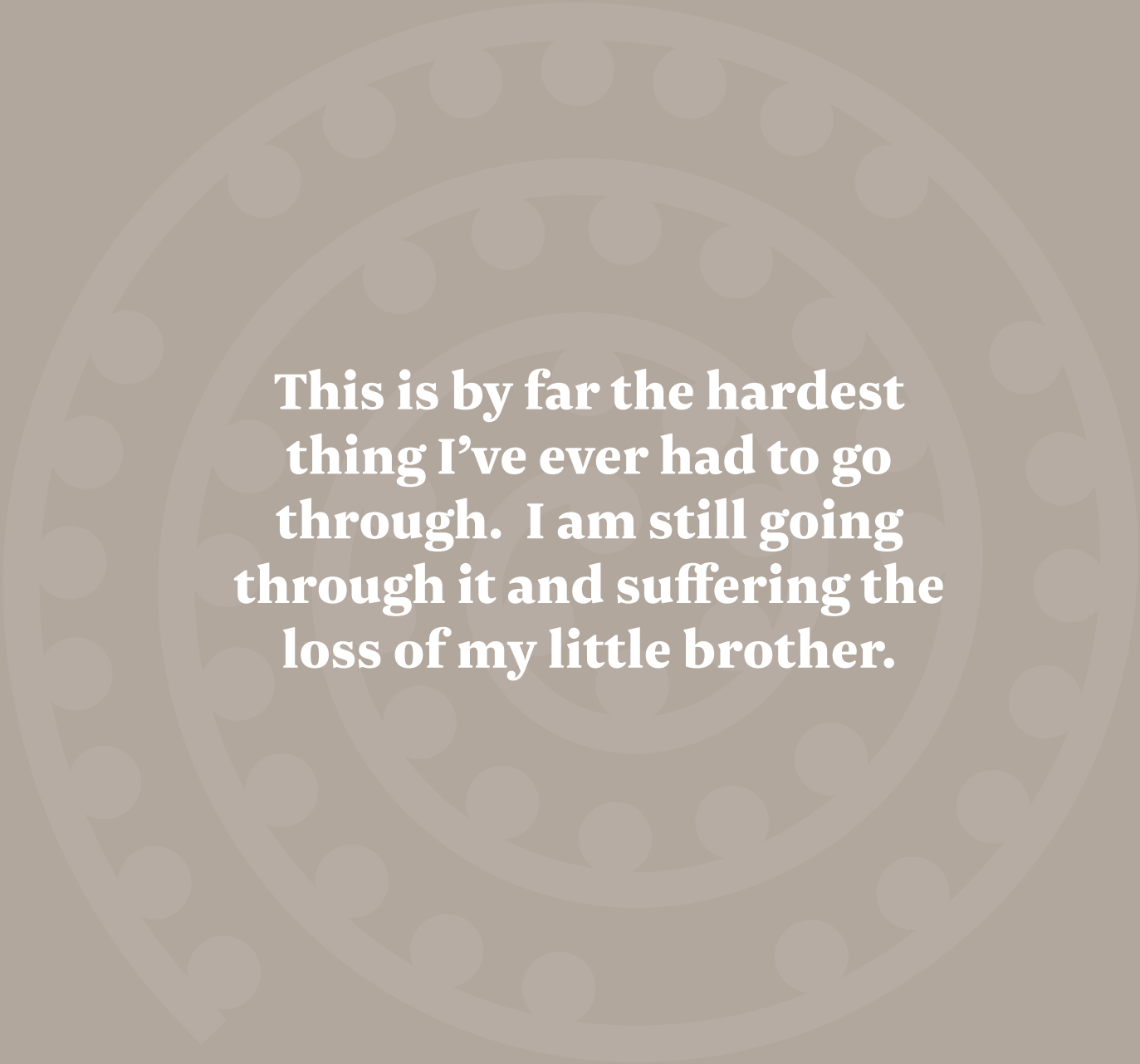
44 We give an indication of how many references have been made to a topic or theme by using the following descriptors:

- a) “many” means more than 20;
- b) “some” means between ten and 20; and
- c) “a few” means less than ten.

45 These descriptors do not include any assessments of whether a submission represented the views of people additional to the submitter. Some submitters, for example, may state that they represent the views of thousands of people.

How we used the submissions

46 Every submission we received has contributed to our report. We have drawn on the submissions, along with information from meetings, interviews and research, to produce the report *Ko tō tatou kāinga tēnei* - Report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019.



**This is by far the hardest
thing I've ever had to go
through. I am still going
through it and suffering the
loss of my little brother.**

Affected whānau member

Chapter 2: What people told us about the terrorist attack and its impact on affected whānau, survivors and witnesses

15 March 2019 terrorist attack

- 1 We heard the 15 March 2019 terrorist attack described as the day that shook New Zealand.

Human capacity for visiting harm upon other humans seems endless yet most of us live in peace and harmony pursuing our daily interests with little concern for our safety. That changed for all New Zealand's people on March 15 and although we were naive to believe it, we were of the belief that our systems and surveillance alongside our small population would ensure this type of event was highly unlikely.

– Licensed firearms owner

- 2 A few people had questions about the day of the terrorist attack, for which they wanted us to seek answers. This included questions about suspicious vehicles and people at Masjid an-Nur and Linwood Islamic Centre, and whether the individual acted alone.
- 3 Some submitters had alternative views of the 15 March 2019 terrorist attack. These views included that it was a “false flag” event, an act committed with the intent of disguising the actual source of responsibility for an attack. Some submitters suggested that the individual's livestream video appeared to be recorded prior to the terrorist attack.
- 4 Another person noted perceived discrepancies in images recorded of the terrorist attack that were available in the media. A few submitters believed that others, including the government, had a role in the terrorist attack, possibly to use the events to achieve other goals, such as civilian disarmament.

Direct impacts of the terrorist attack

- 5 Affected whānau, survivors and witnesses who had lost loved ones told us about how the terrorist attack affected them. Survivors who suffered physical injuries in the terrorist attack told us about the progress of their recovery. Some suffered severe injuries, which will have lifelong impacts.
- 6 We received personal accounts of the terrorist attack from individuals present at Masjid an-Nur and the Linwood Islamic Centre and from whānau members, who recalled the effect that the terrorist attack had, and continues to have, on them and their whānau, physically, mentally and financially.

This is by far the hardest thing I've ever had to go through. I am still going through it and suffering the loss of my little brother. [He] was my first best friend from when I was 2 years old. I can still remember when mum was pregnant with him and I used to speak to him through her stomach. I couldn't wait to meet him! [He] was a gentle-natured and kind man who always tried his best. He was dedicated to his family, education, football, and his faith. The thought of someone [the individual] even touching him, let alone killing him, drives me crazy. He was so young, his future has been unjustly taken from him and from all his family and friends who wanted to share that future with him.

– Whānau member

- 7 Many survivors told us they still do not feel safe, or feel less safe than they did before 15 March 2019, both at the masjid when they pray, and more generally in their daily lives.

When I sleep at night, I set up three different beds so if someone was to come, I have one in three chances of being shot. If someone comes to kill [me], if I'm sleeping I could probably survive this way. If someone was to come now I can't run away, my leg is gone. I'm very disillusioned, I don't trust the system, nothing comes out of the system.

– Survivor

- 8 We heard from people who had undergone multiple surgeries as part of their physical recovery but were not fully healed. Some will never regain the full use of their limbs. Some survivors require fulltime care and purpose-built facilities in their homes to help them live with their injuries.
- 9 Many survivors could not return to work immediately, and some had to change vocation because of their injuries. While many survivors reported that their employers were supportive, giving them ample time off to recover, some people lost their jobs because they could no longer perform their tasks. A few survivors lost their businesses.
- 10 All of the survivors we met with had experienced some form of psychological distress, such as anger, fear, stress, depression, anxiety, difficulty sleeping or survivor's guilt. Many people had received, or were still receiving, counselling or other psychological support, while some were ineligible to receive publicly funded support. Some people said their spouses and children had also experienced psychological distress and that support from Public sector agencies and non-government organisations was limited and, for some, ineffective.
- 11 Affected whānau, survivors and witnesses shared a range of secondary impacts caused by the terrorist attack indirectly, either through the effect on people or as a consequence of measures taken, or not taken, to provide support to affected survivors and witnesses.

Some people's relationships (with spouses, whānau and friends) have been damaged. This included different views within a whānau about the receipt or distribution of the financial support provided as a result of the terrorist attack, or the toll on whānau members of supporting loved ones. It was common for whānau members to come from overseas to support loved ones who had survived the terrorist attack. This could have adverse consequences for those who came. We were told that it:

... can be detrimental to family members who have successful careers and a stable, flourishing life overseas. In New Zealand their qualifications and work experiences will likely not be recognised and in the longer term this places undue stress and pressure on an already vulnerable family unit.

– Victims' and families' representative

- 12 For women who had lost their husbands, the consequences went beyond the emotional impact of the terrorist attack. In many instances this meant the loss of the main financial provider for the whānau. Some women we heard from are taking on additional roles within the whānau and learning new skills such as driving or financial literacy. Simultaneously, these women are carrying more of the parenting responsibilities and dealing with their own grief and recovery needs. This limits their time and ability to seek their own support, search for paid employment and to work or study.
- 13 Some witnesses of the terrorist attack told us that they were not eligible for financial support from the Accident Compensation Corporation as they had not suffered any physical injuries. They felt that their mental wellbeing continued to be affected by stress, depression, anxiety and difficulty sleeping, and that this would have lifelong impacts. They considered they were the “forgotten victims”.
- 14 Some affected whānau told us that many of the death certificates for the shuhada included incorrect spelling of names or other incorrect details (for example, one death certificate does not accurately record how many children the person had). We were told this needed to be rectified, with the death certificates reissued with names spelt correctly, but that it was unclear how this could be done and that Public sector agencies were not providing affected whānau with the support to do this.

Public sector systems of support

- 15 We were told that some of the affected whānau, survivors and witnesses have been re-traumatised by their interactions with Public sector agencies since 15 March 2019. A particular cause of this has been a lack of cultural competency and training within these agencies when dealing with trauma. One submitter explains it as not only representing the “daily challenges of inter-cultural understanding and negotiation, but more profoundly with the need to be cared for as a human being and survivor in a situation of desperate vulnerability”.

- 16 A submitter discussed hearing that Public sector agencies do not appear to have a common definition or eligibility criteria for survivors of the 15 March 2019 terrorist attack. They believe that survivors who were equally affected by the terrorist attack are not receiving the same level of treatment or services. They consider that inconsistencies in providing support and services and a lack of long-term planning are “resulting in significant medical, psychological and employment issues for families that were already in a vulnerable position before the attacks”.

Many witnesses to the attack were not provided support until third party advocates became involved and some were not even identified as victims, let alone witnesses, until months later. Witnesses to the attack have suffered severe mental trauma, which some describe as a feeling of physically debilitating pain.

– Victims’ and families’ representative

- 17 The submitter further outlines their concern that in some cases, affected whānau, survivors and witnesses of the terrorist attack have to deal with several different people at once from within the same Public sector agency and multiple Public sector agencies. They believe that Public sector agencies are using the Privacy Act 1993 as a reason to not share information with each other, despite affected whānau, survivors and witnesses having provided their consent for them to do so.

Survivors told us that they are still repeating their story to agencies even as they approach the one year anniversary.

– Victims’ and families’ representative

- 18 A submitter asked what will happen regarding compensation for affected whānau, survivors and witnesses if the Royal Commission finds failure by the government of any Public sector agency to protect New Zealanders. Some submitters believed every person who lost an immediate whānau member should be permitted to have a person come to New Zealand in their place, regardless of whether they fit the immigration criteria.

Reparations [must] be made to those who have suffered economic loss that is not covered by [Accident Compensation Corporation] or any other workplace scheme, being loss arising as a direct result of the Christchurch attacks, including families of those who passed, those who were injured and their families, those who were present during the attacks and were traumatised by what they saw, medical, police and other professional workers who had to support the injured, take care of the deceased and deal with the awfulness of the situation.

– Community organisation

Solutions proposed by submitters

- 19 A few submitters provided us with proposed solutions centred on affected whānau, survivors and witnesses including:
- a) establishing an independent statutory body to authorise and coordinate consultation between victims and their families and Public sector agencies, which would include assigning a “victim care coordinator” as a single point of contact for each whānau for the foreseeable future;
 - b) culturally responsive legal counsel to advocate for victims in any further processes;
 - c) transport for appointments and engagement with Public sector agencies;
 - d) appropriate linguistic assistance and professional interpreters for victims to engage with Public sector agencies and to engage with any future inquiries;
 - e) engaging victims in the development of long-term solutions for their needs to ensure that they are self-sufficient and not dependent on the government;
 - f) appropriate support for people who witnessed the terrorist attack but were not injured;
 - g) improving Public sector agency engagement with victims and affected families;
 - h) establishing a coroner’s inquiry; and
 - i) establishing an independent inquiry into New Zealand Police’s response to the terrorist attack and the response of first responders and hospitals.
- 20 A further solution offered by a submitter called on the government to establish a long-term restorative justice process. This process would need to be co-designed with affected whānau, survivors and witnesses. The restorative justice process would be established to address the ongoing complex needs of victims. The process would provide victims with:
- a) accountability;
 - b) healing;
 - c) an opportunity to have a voice; and
 - d) vindication (including compensation in appropriate cases).

21 The process would require the full engagement of all relevant Public sector agencies and relevant non-government agencies. This means a process that caters for whānau and is conducted in a space in which they are comfortable. The submission emphasised that it is important to determine the needs of the victims. The best way to do this would be to hear from the affected whānau, survivors and witnesses themselves, and then analyse which needs are being met and those that are yet to be met.

The most fundamental and critical need right now is for victims to be heard and involved in long term solutions. The above recommendation [for a Restorative Justice Process] incorporates a victim-centred approach, free from the bureaucratic system that allows victims to enable themselves with the tools to help themselves and their communities, long term.

– Victims' and families' representative

Chapter 3: What people told us about the individual who committed the terrorist attack

- 1 We were directed under our Terms of Reference to investigate the individual’s activities before 15 March 2019, including:
 - a) his time in Australia;
 - b) his arrival and residence in New Zealand;
 - c) his travel within New Zealand, and internationally;
 - d) how he obtained a firearms licence, weapons, and ammunition;
 - e) his use of social media and other online media; and
 - f) his connections with others, whether in New Zealand or internationally.
- 2 The references made to the individual in this summary are the views of the public and do not necessarily reflect our findings, nor did they form part of the sentencing hearing.

The individual’s actions on 15 March 2019

- 3 No one who made a submission said they knew personally the individual who carried out the terrorist attack. Many of the submissions described his actions as “abhorrent”. Other words used to refer to his actions were “heinous” and “horrendous”, resulting in a “tragedy” or “atrocious”.
- 4 We heard from some people, including some of the affected whānau, survivors and witnesses, that they believed the individual must have had support to carry out the terrorist attack and did not believe he was a lone actor. They believed this was either through direct support (that more than one person was involved in the terrorist attack) or indirect support (such as through online communities). Some members of Muslim communities said that they believed the individual visited Masjid an-Nur, the Linwood Islamic Centre and masajid around the country before the terrorist attack.
- 5 People had specific questions about the individual that they wanted answered, including:
 - a) Did the individual have direct or indirect support to carry out the terrorist attack?
 - b) How could the individual afford to buy all the weapons and equipment needed to carry out the terrorist attack?
 - c) How did the individual accumulate so much ammunition without drawing the attention of the counter-terrorism agencies?
 - d) Given the fact that the individual had visited countries with travel advisory warnings, why was he not checked more thoroughly by Immigration New Zealand on entering New Zealand? and
 - e) How did the individual know the “perfect time” to enter Masjid an-Nur?

- 6 We were asked that the individual not be named in our report, and that the terrorist attack be referred to only in terms of the 51 shuhada, to ensure the individual received no further acknowledgement, credit or attention. We were also asked to dismiss the individual's reasoning for the terrorist attack and his background, and not publicly share this information.
- 7 Some people were concerned about secrecy surrounding the New Zealand Police investigation, because such secrecy would prevent access to information about the individual and his ideology. In turn this would impede efforts to increase awareness about hate speech and discrimination in New Zealand.

The individual's activities before 15 March 2019

- 8 Many questioned why the individual had not previously come to the attention of Public sector agencies. A few believed that the individual's conduct and the concerning culture of the rifle club he attended had been raised with New Zealand Police (but not acted upon). These submitters were uncertain about what information about the individual may have been available to Public sector agencies before 15 March 2019. If any information had been available, the submitters questioned whether it would have been considered in relation to the individual's entry into New Zealand or his subsequent firearms licence application.
- 9 A few people queried whether there had been adequate information sharing between Australia and New Zealand when the individual entered New Zealand. One submitter considered that had information sharing, including with the border agencies (Immigration New Zealand and New Zealand Customs Service), been part of the vetting process for recent arrivals, it would have revealed a suspicious travel pattern for the individual.

A fundamental point in the attack of 15 March is that the [individual] was an Australian citizen. As such, he was able to travel to and work in New Zealand freely. All that was required of him was to advise on his arrival card if he had any convictions. From information in the media, it appears he did not. If he had not declared previous convictions or indeed had not had any convictions, he would not be of interest to border officials. The only way he COULD be of interest is if he had declared a previous conviction, or if border officials had received information from Australian law enforcement agencies.

– Academic

10 Similarly, a few people submitted that the individual should have been identified by Public sector agencies as a person of interest and flagged when he entered New Zealand and either interviewed or placed on a watch list, due to his travel history. A few people expressed surprise that New Zealand border agencies were not aware of all of the countries the individual had visited. These submitters considered that these countries included either known training areas for terrorist activity or significant historic battle sites.

11 A few people could not comprehend how the individual was able to carry out the types of activities that he did without being detected by either agencies involved in the counter-terrorism effort or by New Zealanders observing his behaviours. Some submitters did not understand why the individual's social media was not monitored, or thought that had Public sector agencies monitored social media, it may have alerted them to the potential threat.

He's been talking hate, to a world-wide audience, for I don't know how long. Hard to believe, but 1) apparently no one reported him to any authorities 2) Apparently none of his audience was a 'Spook' from any country that was prepared to pass on info to any of their allies. Or maybe his targets were not seen as politically suitable or worthy of official interest.

– Licensed firearms owner

12 A few submitters considered that Public sector agencies should have been able to predict what happened. One submitter stated that this was because of the number of supporters of extreme right-wing ideology. Another stated that it was due to the growing threat posed by extreme right-wing radicals online.

This method of attack has been promoted by terrorist groups for at least the last three years. The [individual] is clearly not stupid, judging by the way he went about his attack and his preparations. The methodology has been laid out in the media for years. [...] One would have to be deaf, dumb, and blind, not to have understood what was coming.

– Licensed firearms owner

13 In contrast, a few submitters stated that the individual could not have come to the attention of Public sector agencies before 15 March 2019 and that the terrorist attack could not have been stopped. These views were based on different theories, including media reporting on the individual's characteristics, and that he did not appear to give warning signs about his intentions, unlike other known terrorists.

From what I have learnt from speaking to people from countries that have experienced terrorism is that no matter how many laws that are imposed on the citizens of a country the terrorists will find a way to inflict terrorism.

- Licensed firearms owner

- 14 Had the individual not had access to firearms, a few people believed he would have found another way to carry out a terrorist attack using different methods, such as a bomb or vehicle, without regard to the laws in place at the time. The comments centred around the belief that some people will always find a way to inflict pain and misery on others.

The individual's firearms licence

- 15 Most of the submissions we received relating to the individual centred on how he could have obtained a firearms licence.
- 16 Those people familiar with the firearms licence application process had very strong views about the robustness of the decision to grant the individual a firearms licence. They believed that, had vetting been more stringently applied, the individual would not have been granted a firearms licence. Specifically, most of these people stated that under the current firearms licensing regime, firearms licence applicants must be deemed to be a "fit and proper" person to obtain a licence. They did not think that the New Zealand Police former District Arms Officer should have concluded that the individual was a fit and proper person to hold a licence. This view was based largely on the following factors that submitters believed to be true:
- a) The individual's travel to North Korea and the Turkish border with Syria (and his travel pattern more generally).
 - b) The individual's firearms licence referees did not know him personally.
 - c) None of the individual's family members were included in background checks undertaken by New Zealand Police during the licensing process.
- 17 Other questions and points raised with us about the individual and how he may have obtained a firearms licence, included:
- a) What was the nature of the individual's social networks, friends and acquaintances?
 - b) Did the individual live alone?
 - c) How could the individual have been deemed fit and proper when he had only recently arrived in New Zealand, had no family connections here and no employment?

- d) What checks, if any, were made with Australian police about matters such as the individual’s criminal history, whether he had a firearms licence in Australia and about any behavioural and/or health concerns in his home community?
 - e) Where was the individual interviewed for his firearms licence vetting?
 - f) Was there a security inspection of his firearms storage?
 - g) How was he able to accumulate firearms and ammunition without attracting any attention?
 - h) Was the individual’s relationship with his referees primarily online only?
 - i) Were his referees related to each other?
 - j) Did any known associates in New Zealand or overseas assist the individual?
 - k) How did the individual fund the terrorist attack and did he bring funds into the country?
- 18 It was reported that the individual had incendiary devices in his vehicle. A few submitters asked what they were for if he did not use them and how he knew how to make an explosive device.
- 19 Many people took the opportunity to compare the process they believed the individual’s firearms licensing process would have followed with their own experience of the firearms licensing process, particularly vetting. These people had experiences with vetting officers who were invested in taking the time to do a thorough job. They felt that the process was not just a “box-ticking” exercise.

The individual’s manifesto

- 20 The individual’s manifesto was commented on by some submitters, including some who conducted their own analysis of it. A few submitters did not agree with the ban on the possession or sharing of the individual’s manifesto, which they considered suppressed discussion about its content. One submitter stated that the ban may fuel another terrorist attack and hide its detection from intelligence and security and law enforcement agencies.

We learn from the past, that is how we ensure that it does not repeat. Hiding it only makes it a more valuable tool for propaganda.

– Licensed firearms owner

21 One submitter discussed the decision to classify the individual's manifesto as objectionable. The submitter stated that this classification should be extended to other materials, such as footage from white supremacists recording their attacks and their associated manifestos. In addition to making it harder to disseminate, making possessing or accessing such material a criminal offence would also help relevant Public sector agencies in cases where people may be planning a terrorist attack.

While restriction of harmful digital materials is both necessary and important, evidence for links between such materials and violent behaviour is less clear and the research as yet inconclusive.

– Academic

22 One submitter, however, felt the problem of manifestos and associated propaganda content is more straightforward. The dissemination of such material should be strictly curtailed because publicising such material helps achieve its goals. Another submitter stated that terrorist attacks become touchstone events for more hate, and that posting manifestos prior to such terrorist attacks has been explained as an attempt to inspire others.

Chapter 4: What people told us about firearms

- 1 Our Terms of Reference specifically excluded us from making recommendations on firearms legislation, including the changes to legislation announced by the Government shortly after the terrorist attack. People’s thoughts on the firearms issues that fall outside the scope of our inquiry are set out in *Chapter 9: Submissions outside the scope of our Terms of Reference*. Set out in this chapter are submissions on the firearms licence application process, the impact of changes in specification around certain firearms which, they believed, had led to an increase in the amount of military style semi-automatic firearms brought into New Zealand and other issues within the scope of our inquiry.
- 2 The licensing of gun owners and restrictions on firearms is governed by the Arms Act 1983. The legislation is administered by New Zealand Police. A standard firearms licence (also referred to as an “A Category” licence) can only be issued to a person who is over the age of 16 and who is a fit and proper person.
- 3 A person applying for a firearms licence has to go through a vetting process in order to determine whether they are a fit and proper person. New Zealand Police are responsible for the vetting process, which includes:
 - a) a background check;
 - b) participation in a firearms safety programme;
 - c) interviews with referees and the applicant; and
 - d) a security check to assess how firearms will be stored.
- 4 Possessing a standard firearms licence entitles the holder to have certain types of firearms. There are some firearms, however, that cannot be possessed on a standard firearms licence (such as pistols, restricted weapons and military style semi-automatic firearms). This is because the particular risks associated with these types of firearms mean that those who wish to possess them must go through additional scrutiny to be allowed to do so. The potential risks associated with these types of firearms are dealt with through the endorsement system. Endorsements allow users to carry out a wider range of activities with firearms that have additional restrictions on them. The process of obtaining an endorsement for a firearms licence is more exacting than that for obtaining a standard firearms licence.
- 5 As at 31 October 2018, there were 248,764 current firearms licences. A 2018 report estimated there are about 1.2 million civilian-owned firearms in New Zealand.

The firearms licence application process

- 6 Approximately three quarters of the submissions we received used a template that referred to the individual's firearms licence application and whether he would have fulfilled the requirements of the fit and proper person test in the firearms licence application process. While these particular submissions used a template, most included unique content.
- 7 People also discussed New Zealand Police's administration of the process and outlined the relationship between New Zealand Police and the licensed firearms community.
- 8 We heard that licensed firearms owners in New Zealand come from a range of backgrounds, with different interests and reasons for owning firearms. Some have had a lifelong interest in firearms, while others may have only obtained their licence relatively recently.
- 9 The content of these submissions covered the firearms licence application process. They addressed vetting and made suggestions for change.
- 10 Many people shared their experience of obtaining a firearms licence, the renewal process and, in a few cases, their experience acting as referees for someone else who had applied for a firearms licence. Generally they commented on the process, how it has been carried out in the past and their perception of changes to the administration of the Arms Act 1983.
- 11 Most people stated that the process they went through to obtain or renew their licence, particularly vetting, was "stringent", "thorough" and "robust". We heard that owning a firearm has always required a "social trust" that the licence holder is a fit and proper person and therefore not everyone in society is eligible to own a firearm. This trust has been relied on and must be reinforced.

The experience was so intense it was almost traumatic. A solid 2 hours of questioning, and then a further 2 hours for my flatmate at the time. Dredging up speeding fines from 8 years previous, discussing hypotheticals regarding my mental health, totally left field questions I assume to gauge my response."

– Licensed firearms owner

My own experience was of a very rigorous process that was time consuming for all parties, but very thorough. This included home visits, inspections, and one-on-one interviews with people, including family and friends who had known me for an extended period of time. This result of this appears to have been to determine in great detail who I was, what my lifestyle is, with whom I associated and what my behavioural history was in depth. It was impressive the effort taken to determine who I was as a person. This provided me with great comfort knowing all firearm licence holders had been through this rigor.

– Licensed firearms owner

- 12 Many submitters considered that the fit and proper test is suitable if it is applied properly and consistently, with face-to-face interviews and a requirement for attendance at a firearms safety course. Many considered that this process was as good as, or better than, most international systems and should be retained.

My experience is that a unique feature of the firearms licensing process in New Zealand was the private interview of character referees, family members and spouses to ensure those who know applicants believe them to be fit and proper to be in legal possession of firearms. The licensing process in Ireland and Australia lacked this rigor. Both countries focussed on paper work, your reason for owning a firearm, and a test of your understanding of their arms code, plus a criminal background check. However what made the New Zealand licencing system far more comprehensive was the in-depth 360 degree character checking done to make sure people who know the applicant well are comfortable with them having access to firearms. Nothing else comes close.

– Licensed firearms owner

- 13 A few people thought that the firearms licensing process should be stricter, with some outlining their experience of where they thought the process was lacking, such as the testing process. One submitter observed people taking the test answering incorrectly and being asked to select a different answer. Another submitter felt that his vetting interview should have been more “in-depth” and “probing” than it actually was, believing his application form to be almost “rubber stamped”.
- 14 Some submitters felt that the firearms licensing process was strict enough and that it did not require change. One submitter explained to us that applying anything further than the following three criteria to a firearms licence applicant or holder would be ineffective and an infringement on human rights:
- a) Has the person demonstrated they are sufficiently educated and responsible in areas of firearms operation and safety, as well as familiar with New Zealand’s firearms legislation?
 - b) Are they non-violent and do they lack a criminal history that could implicate them in the likelihood of offending with a firearm?
 - c) Do they have any severe, debilitating mental illnesses that are reasonable grounds to deny firearms ownership to that person on the grounds of public safety?
- 15 A few submitters, who had held firearms licences prior to the introduction of the Arms Act 1983, explained how the process was different when individual firearms were registered. They outlined the changes they experienced with the introduction of the lifetime licence, which was subsequently changed to a photo licence of ten years.

- 16 Many people submitted that the firearms licensing process had become less rigorous because of changes to the administration of the firearms licensing regime over time. These views were based on both direct experience and what they had been told by other people. We heard examples of people receiving endorsements on their licence they had not applied for, and of people receiving their licence in the mail before they had completed the application process.

I initially applied for my licence at the end of 2009 and the application and interview process was quite an ordeal. The arms officer carrying out the interviews asked many questions and framed in different ways. ... A month ago I went through the renewal process and it was significantly different, my reference was interviewed over the phone and the questions for myself and next of kin didn't allow for follow up questions for the arms officer to ask.

– Licensed firearms owner

- 17 Those submitters who were aware of the specific changes to the licensing regime told us that in 2015, New Zealand Police (via New Zealand Mountain Safety Council) dismissed volunteer Firearms Safety Instructors based in over 114 venues around New Zealand. We were told that in 2018 the volunteer instructor safety lessons and tests were replaced by tests administered by Vehicle Testing New Zealand and the New Zealand Automobile Association, and by paid instructors taking practical handling assessments. In many areas the process came to rely on completion of a test based on information and rules set out in a booklet issued by New Zealand Police.

As [a Mountain Safety Course] Firearms Instructor for 20 years, I can attest to the following; Prior to 2015 the Licencing system was working well. Instructors and Vettors played an important part in “weeding out” candidates who for one reason or another were unlikely to meet the “fit and proper” person standard. We had positive feedback from those who sat and passed the test – our “hands-on” approach, where we were able to share personal experiences to reinforce aspects of the Arms Code, was also appreciated. Regular statistical reports, which showed a gradual diminishing of firearms accidents/incidents over time, were encouraging as it showed that our efforts were bearing fruit. However, during the latter half of 2015 there were a number of changes in the [Mountain Safety Course] and [New Zealand] Police, that in the opinion of many, were not for the better. As a result there were a number of systemic shortcomings which were gradually addressed over the next 12-18 months.

– Licensed firearms owner

- 18 A few submitters stated that recently there has been a move towards some aspects of the licensing process, particularly the initial application, being carried out online. They advised that the process would be administered by a centralised hub in New Zealand Police that would reduce staff numbers in certain firearms roles.

The recent implementation of the new Arms Act Service Delivery Group in a hub in Kāpiti is a nightmare waiting to happen as it proposes to remove the majority of the local arms officers who know their clients and keep an eye on goings on and replace them with 60 data entry positions of which we know only one of has any experience with the Arms Act.

– Licensed firearms owner

- 19 People were concerned about the impact these changes will have, with some concerned that faceto-face interactions will be removed entirely.

The process begins at the time you drop your application face to face to the Arms Officer, they are assessing you from that moment. There is no way that this process should ever be undertaken online. At the age of 16 I was thoroughly grilled by the Arms Officer before even handing in my application!! Asking such questions as “are you a member of deerstalkers?”, “Where are you going to shoot?”, “Who are you going to hunt with?” It shocks me that anyone could contemplate that online applications are acceptable.

– Licensed firearms owner

I would like to point out that the local on the ground firearms vetting officer and their work for the [New Zealand] Police means that you have the same person visiting you and making calls on your behalf for vetting and this I believe needs to stay at grass roots level. If there is an attempt to centralise this service, you lose the inherent understanding that is known about someone in the community, because you are part of that community/area. It is often the whispers at the rugby or other social events that give the [New Zealand] Police and such the “heads up” about things which may be brewing in our communities and this is an essential part of community policing and public safety.

– Licensed firearms owner

- 20 Many other submitters discussed the historic relationship between licensed firearms owners and New Zealand Police, which allowed for helpful information to be shared. According to submitters, firearms organisations have, with the support of licensed firearms owners, emphasised firearms education and training, contributing greatly to firearms safety in New Zealand.

- 21 One submitter believed that the success of the licensing system rested on expectations of mutual respect between licensed owners and New Zealand Police. Cooperation helped the licensing system to operate with the kind of intelligence that depends on a widespread feeling of voluntary responsibility to inform the authorities of concerns.

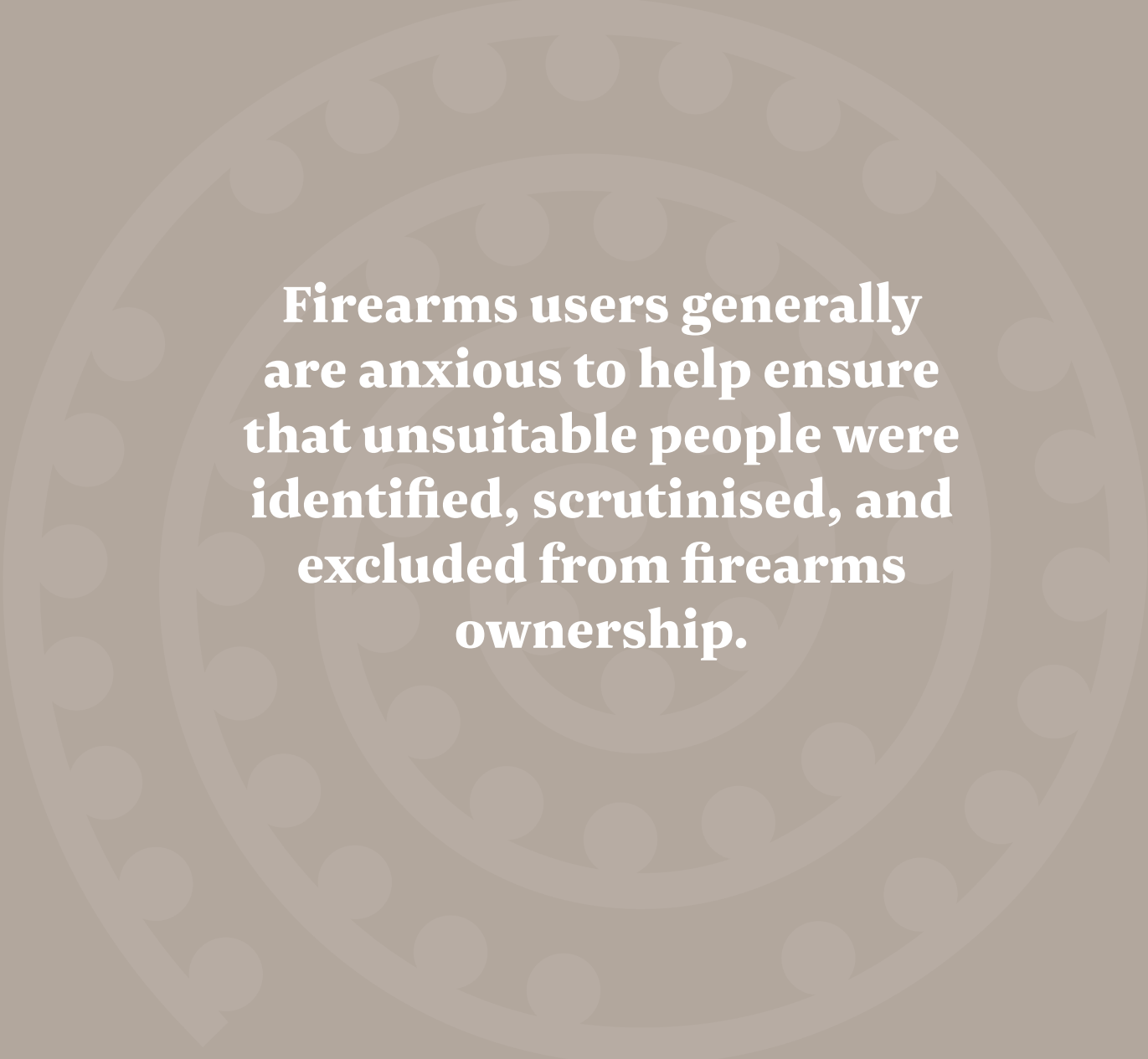
The firearms community were once so close knit with such a good relationship with their local Police that trust and confidence between the two were second to none. Police effectively had a volunteer constabulary of 250,000 law abiding, fit and proper users that wanted to ensure that their privileges were maintained through good behaviour.

– Firearms organisation representative

- 22 These submitters said they felt their relationship with New Zealand Police had deteriorated or decayed to the extent that it is perceived as a growing “us and them” situation and was no longer seen as valuable by New Zealand Police. Submitters gave different reasons for this, including new priorities, and changes in key New Zealand Police personnel and policy.

Increasingly firearms user groups, rather than being seen as allies in the safe use of firearms, were instead treated as nuisances and their input and advice not sought nor listened to.

– Firearms organisation



**Firearms users generally
are anxious to help ensure
that unsuitable people were
identified, scrutinised, and
excluded from firearms
ownership.**

- 23 Many submitters shared their concern that, recently, firearms licensing has not been a priority for New Zealand Police. This, said the submitters, was demonstrated by the diverting of financial resources away from the process, the lack of training for District Arms Officers, the increased pressure they appear to be under and the time it can take to receive a licence or undergo safe firearms storage checks.

But the underlying comments from these Local Arms Officers is that they are underfunded, resources and money has been taken from them to fund other demands within the New Zealand Police. The government has not increased funding to [New Zealand] Police but want a first class system on a shoestring budget. There has never been any inclination from government or [New Zealand] Police to review, improve or do the job properly until an event happens.

– Licensed firearms owner

- 24 Some also commented that New Zealand Police seem to lack expertise in many areas relating to firearms and will not listen to expert advice and the advice of licensed firearms owners. We heard from submitters that, in their view, agencies need to be genuine experts in what they do and not assume that they are experts by virtue of their role.

Experience has shown me that with a few exceptions the Police staff tasked with delivering the service do not have more than a cursory knowledge of the Arms Act and often no knowledge of firearm function or identification.

– Licensed firearms owner

- 25 Specifically, some submitters told us they had previously expressed concerns to New Zealand Police about the risks of large capacity magazines, but these concerns were largely ignored. These submitters told us that standard firearms licence holders were able to purchase large capacity magazines without proof of a firearms licence or an E Endorsement on their licence, which would be required to use the magazine. The ability to do so was, in the opinion of the firearms community, a loophole in the law that New Zealand Police had been made aware of.

The Police had 26 years to close the loophole that permitted the sale of [military style semi-automatics] with a removable 5 round magazine (that could be replaced with a large capacity magazine) as an “A” category firearm. This also cannot be considered anything less than criminal negligence by Police.

– Licensed firearms owner

Importing firearms

- 26 A submitter outlined their understanding about how the importation of AR-15 type semiautomatic firearms and ammunition has occurred. They stated that the Arms Amendment Act 1992¹ sought to define semi-automatic firearms by specifying certain cosmetic features that the firearms had, rather than by specifying their function. Therefore, it is possible to convert a semi-automatic firearm into a military style semi-automatic firearm.
- 27 The submitter considered that this has meant that dealers have been able to import semi-automatic firearms and they can then separately import the parts required to convert them into military style semiautomatic firearms. These can then be assembled in New Zealand to make military style semi-automatic firearms. The submitter said that many dealers have practically been able to import thousands of military style semi-automatic firearms into New Zealand over the past several decades.
- 28 Another submitter took some time to explain their understanding of the importation of military style semi-automatic firearms. They stated that all firearms can only be imported legally by an import permit issued by New Zealand Police and checked by New Zealand Customs Service. Until 2009, an import permit for firearms would be issued on a case-by-case basis to an individual, who would normally use a dealer to import the firearms. To get a permit for an E Endorsement military style semi-automatic firearm, a similar rifle had to be handed in, which kept the number of these firearms reasonably controlled.
- 29 Following a High Court case against New Zealand Police in 2010,² one submitter believed New Zealand Police decided not to enforce the import restriction on rifles with a non-military style pistol grip so long as it was attached to the stock in some way. This also allowed dealers to directly import these rifles in any quantity, and the submitter believed that manufacturers saw an opportunity to sell these rifles. The submitter told us that dealers then saw a large number of military style semi-automatic firearms imported and sold to anyone with a firearms licence, endorsed or not.

At our rifle club we saw a large influx of new members with such rifles, many of whom had little shooting experience [who we then trained]. The only significant difference between these and E Endorsement [military style semi-automatic] is magazine capacity limit, which as we have seen has been easily circumvented.

– Licensed firearms owner

¹ Section 2 of the Arms Amendment Act 1992 (which amended section 2 of the Arms Act 1983) introduced a statutory definition of military style semi-automatic firearms.

² See *Lincoln v Police* HC Palmerston North CIV-2009-454-473, 1 March 2010 where the Court found that New Zealand Police's interpretation of "military pattern free-standing pistol grip" did not align with the definition of that term in the Arms Act.


- 30 A different submitter also discussed their direct experience of the changes in 2010, as before the Court decision they were required to surrender a military style semi-automatic firearm they already owned in order to import a new AR-15 military style semi-automatic firearm.

There was a dramatic increase in the advertising of both A category and E [Endorsement] firearms in general shooting publications especially those based on the AR-15 platform. This made these firearms cheaper, with more available and therefore more accessible to the [individual].

– Licensed firearms owner

- 31 A detailed submission was made by a person outlining changes made through the Arms (Military Style Semi-automatic Firearms – Pistol Grips) Order 2013,³ which they believed effectively removed previous restrictions on military style semi-automatic firearms by amending the definition of a freestanding grip, to the extent that the restriction became meaningless. They said that standard firearms licence holders could own as many semi-automatic assault rifles as they wanted, provided a cosmetic modification was made to the stock that did not impact on the rifle’s functionality.
- 32 Someone described their experience of bringing their firearm back into New Zealand in 2015 after a hunting trip. They stated that their firearm was confiscated because they did not have a re-entry permit, whereas apparently the online Arms Code stated that on arrival into New Zealand a permit could be obtained from New Zealand Police at the airport or from a nearby Arms Officer. They said New Zealand Police told the person it was now their policy for people to obtain an import licence before leaving New Zealand, which they said was not in the Arms Code at the time. The person noted that overseas visitors could, however, obtain their import permit at the border.
- 33 One person considered there needs to be better monitoring of items couriered from overseas, such as illegal gun parts.

³ The Arms (Military Style Semi-automatic Firearms – Pistol Grips) Order 2013 introduced a definition of “free-standing grip”. A firearm with a “free-standing grip” was deemed to be a firearm with a “pistol grip” for the purposes of the Arms Act 1983 and therefore a military-style semi-automatic under the Arms Act.



**If we are all checked and
vetted equally [at the
border], this tragedy could
have been avoided.**

Solutions proposed by submitters

- 34 Many submitters took time to set out their proposed solutions for the future of the firearms licensing application process and its administration. While it is not possible to set out all of these solutions, we present many of them below.

External agency or separate and independent body

- 35 Some submitters said that an external or separate and independent body – in other words, not New Zealand Police – should be responsible for administering the Arms Act 1983. Compared by a few submitters to the New Zealand Transport Agency’s management of driver licences, this agency would manage and administer the licensing process. People in favour of this change said the amount of oversight from society and the amount of effort required of the individual to be licensed as a firearms owner should be equivalent to that required to obtain a vehicle drivers licence. People believed this could allow New Zealand Police to refocus on its core work.

Such a new body would not be staffed by Police but by people credible to the firearms community and have a “crimestoppers” 0800 line of its own. It would have as a priority the rebuilding of the relationship, trust and communication necessary to feed vital intelligence into [the Government Communications Security Bureau] and Police in regard persons or issues it became aware of. Making use of the new online system but having the full budget not utilised by Police and a measure of user pays it would be able to quickly undo the harm and deliver enhanced public safety and confidence otherwise probably lost for good now.

– Licensed firearms owner

- 36 One submitter told us that an independent firearms authority could have oversight from someone such as a commissioner. They further thought there should be a specific body or department focused on gathering firearms statistics, which could be useful for decision-making.

Effective administration of the firearms licensing process

- 37 We heard that the administration of the firearms licensing process should have dedicated and protected funding, with accountability measures to ensure this funding has been efficiently and effectively spent. Effective administration should, in the eyes of these submitters, extend to the training and guidance material that vetting staff receive.
- 38 One submitter outlined their belief that New Zealanders should be prepared to pay for a high-quality system of firearms licensing, because funding and maintaining a system that limits risks to the user also limits risks to society. They suggested a user pays approach like that of vehicle licensing, with possible subsidisation of low socio-economic or deprived rural communities.

- 39 Submitters emphasised that the face-to-face interaction between firearms applicants and their referees, and New Zealand Police, including vettors, must be retained and be consistently carried out.
- 40 One submitter believed that regardless of the type of licence test, if vetting is inadequate there is a greater likelihood of unsuitable people seeking and getting lawful access to firearms.
- 41 The need to retain vettors “in the field” so they can continue to ensure that only fit and proper people obtain and keep a licence, was seen to be very important to submitters and something that they thought should be retained. One submitter told us that the face-to-face interviews involved in the process of obtaining a firearms licence can and do play an important role in instilling respect for firearms safety. They lead the applicant to feel that society treats firearms use as a serious activity requiring a responsible attitude.

The Police are under resourced. However, that should not in any way impact on the vetting process. There must always remain a face-to-face interview for those that are applying for a Firearms Licence. The body language, the applicant’s home environment, their security arrangements and most importantly, their next of kin and unrelated referees must be conducted in a personal face-to-face manner.

– Licensed firearms owner

- 42 One person suggested that the vetting aspect of the firearms licensing process should be conducted similarly to other vetting processes, such as that for a National Security Clearance. They believe that elements of a new licence process could include:
- a) Applicant, spouse/partner (or close family member) and referees filling in online questionnaires.
 - b) Specified amount of time that referees must have known the applicant.
 - c) If the applicant is a member of a shooting club, one referee must be an official of the club in which the applicant is a member.
 - d) Applicants must be New Zealand citizens, with New Zealand residents and visitors not eligible to obtain New Zealand firearms licences.
 - e) Applicants must disclose all convictions that involved imprisonment, and certain medical conditions.
 - f) Members of gangs should be unable to hold a licence.

43 Another submitter believed that vetting should include checks of firearms licence applicants' social media and a psychometric assessment to gauge their extremist and racist beliefs and signs of extremism, such as tattoos. Accordingly, they believed that those undertaking vetting should be sworn New Zealand Police officers with specialist training in psychological assessments. The submitter said that licence holders who come to the attention of New Zealand Police for extremist and racist beliefs should have their licences revoked. Others said a residency period should be considered before firearms licences are issued, with more background checks of applicants whose country of origin is not New Zealand. There were a range of views from submitters, including a call for more data matching and sharing between Public sector agencies for the purpose of firearms licences, through to licences being held by New Zealanders only.

Whilst I too emigrated to New Zealand from Australia I believe there were no background checks conducted on me in Australia. I feel this is a shortfall in your fit and proper test and applicants with a background in an overseas country should have to provide a clean criminal history report at their own cost before any decision is made regarding their suitability to hold a NZ firearms licence.

– Licensed firearms owner

44 A few submitters discussed the need for the mental health of applicants to be considered. One submitter was concerned to know that people who have had depression leading to hospitalisation are able to obtain firearms licences. One submitter told us, however:

Not only is it an invasion of privacy, but also a disincentive for people with mental health issues from seeking help. If these people who have issues, can't speak to someone without the risk of their lifestyle and sport being taken away from them, potentially further isolating them.

– Licensed firearms owner

45 Whatever happens in the administration of the firearms process, submitters told us that the relationship between licensed firearms owners and New Zealand Police needs to be restored. Consultation with stakeholders should be strengthened so that policy is developed using expert opinion in the community, rather than as a “box ticking” exercise. We were told that one of New Zealand's greatest assets in assisting New Zealand Police to achieve their target of making New Zealand safe is a firearms community that is working closely with authorities.

- 46 One submitter outlined the importance of male firearms users being part of a community, linking experienced and inexperienced as well as older and younger male firearms users. They note the majority of new firearms users are in rural areas, likely with fewer social links. They believe there is a benefit to ensuring such firearms users have contact with men who have a stake in the licensing system and are aware of firearms safety, through their role as instructors, veters and local District Arms Officers. The submitter states that the firearms community can be an important source of support for young men, particularly if they have issues with their mental health.

Firearms licence categories

- 47 We heard that the requirements to obtain a standard firearms licence should be strengthened to make them more like the requirements to obtain other licences or endorsements, such as pistol licences, including random checks of licence holders' compliance with the rules for secure storage of firearms.
- 48 One submitter suggested that prior to someone receiving a standard firearms licence (in addition to sitting a test, being visited at home by a vetter and having referee checks), an applicant should be required to attend a minimum of three training sessions and six range sessions. These requirements, said the submitter, would be to demonstrate safe and effective firearms handling skills and would be similar to, but less extensive than, the requirement to obtain a B Endorsement.
- 49 The submitter outlined their belief that each of the nine sessions should be signed off by a qualified instructor or a range officer from the firearms club that they attend, meaning each of those people would have a degree of personal responsibility for the suitability of the applicant. At any stage, the person noted, the instructor or range officer should be able to file a confidential report with New Zealand Police, if they consider that the applicant is not fit and proper.

As a pistol shooter my "fit and proper" vetting went beyond what is required of a rifle and shotgun shooter. I spent every weekend on the range for 9-12 months under constant supervision and being drilled and tested. Not only in the safe and proper use of a firearm but also so my demeanour could be [assessed] regularly by other club members. I have always thought that a similar process should be in place for rifle and shotgun shooters, be that a mandatory club membership with rules following along the lines of what is already in place for pistol shooters or random house checks by the Police to check firearm security and the "state" of the occupants.

– Licensed firearms owner

Chapter 5: What people told us about the national security system and counter-terrorism effort

- 1 One of the most important duties of any government is protecting the security of the nation. National security is defined in New Zealand’s *National Security System Handbook* as the “condition that allows New Zealand citizens to go about their business confidently and free from fear and able to make the most of opportunities to advance their way of life”.
- 2 Since 2001 New Zealand has taken an “all-hazards, all-risks” approach to national security. This means all risks to national security, whether they are inside or outside New Zealand, from human or non-human sources, are addressed in the national security system. These include threats such as espionage, transnational organised crime, terrorism, cyber-security attacks, natural disasters and pandemics.
- 3 New Zealand’s approach to national security includes four areas of activity known as the 4Rs:
 - a) Reduction – identifying, analysing and mitigating long-term risks so there is less chance of adverse events happening or, if they do happen, their effects are less serious;
 - b) Readiness – developing national security systems before they are needed;
 - c) Response – taking action immediately before, during and directly after a significant event; and
 - d) Recovery – using coordinated efforts and processes to bring about immediate, medium-term and long-term recovery and regeneration from an event.
- 4 The scope of the all hazards, all risks and 4Rs approach means that many Public sector agencies have roles in the national security system. For each type of national security risk, there is intended to be a lead agency. Other agencies make contributions based on their agreed roles and responsibilities.
- 5 Terrorism, one of the risks to national security, is commonly understood to refer to acts of violence in pursuit of political or ideological aims. We use the term “counter-terrorism effort” to include all counter-terrorism activities undertaken by Public sector agencies to prevent, mitigate, respond to and disrupt actual or potential terrorist threats.
- 6 Intelligence contributes to many activities in New Zealand’s counterterrorism effort. Intelligence means information that is collected, processed and used to inform decision making. It can indicate the emergence of a harmful ideology or inform decisions to designate a terrorist organisation or disrupt an imminent terrorist attack. The New Zealand Intelligence Community, which is made up of the National Security Group of the Department of Prime Minister and Cabinet, the Government Communications Security Bureau and the New Zealand Security Intelligence Service, plays a key role in the counter-terrorism effort.
- 7 Other New Zealand Public sector agencies that have a role in counter-terrorism include New Zealand Police, who are the lead agency responsible for responding to a terrorist attack, and the border agencies (Immigration New Zealand and New Zealand Customs Service).

- 8 Over the past decade, the ways that countries have undertaken counter-terrorism has evolved. This evolution is based on the understanding that the traditional approach can and should be complemented with activities that target the social, political and economic drivers of violent extremism and terrorism. This broader approach is often referred to as “countering violent extremism”, but definitions vary between jurisdictions. Activities focused on countering terrorism and those focused on countering extremism and violent extremism often overlap. We discuss submissions on how to counter extremism and violent extremism in *Chapter 7: How people think we could prevent harmful behaviour*.

Focus of New Zealand’s counter-terrorism effort

- 9 Most submitters did not refer to the national security system and the counter-terrorism effort in those terms. It was clear, however, that most people who commented believed that responsibility for this work fell largely to the Government Communications Security Bureau, New Zealand Police and the New Zealand Security Intelligence Service. There were a variety of comments on the perception of the work done by these agencies.

It is my view, based on my research since 2015, that New Zealand’s lack of political leadership in failing to define a national Counter Terrorism Strategy, to create a legislative architecture that allows for the detection and countering of terrorism, and to look across various Acts to ensure predictable risks – such as were in Arms Act 1983 – were mitigated before a tragedy occurred, all contributed far more to the mass killing on 15 March than any security sector omission. New Zealand does not need a raft of draconian [counter-terrorism] amendments – as Australia has; but it does need a sensible, tiered empowerment of security sector and community agencies to act to prevent harm when they see it.

– Academic

- 10 Submitters made repeated references to the activities of extreme right-wing individuals and groups that were being largely ignored by Public sector agencies. Many felt that more should be done to identify risks in the extreme right-wing communities, their activities online and to properly prosecute and record incidents of hate crimes from these groups.

Perceived threats from Islamic communities have been treated with extreme gravity and the commitment of large counter-terrorism resources, but threats to Islamic communities have been downplayed or even ignored.

– Academic

- 11 One submission discussed the focus of counter-terrorism resources by Public sector agencies since the terrorist attacks on the United States of America on 11 September 2001:

New Zealand authorities have focused their counter-terrorism resources almost exclusively on Muslim communities in New Zealand. New Zealand authorities appear to have been institutionally blind to terror threats from white nationalist and far right actors and groups, and threats to Muslim communities in particular.

– Academic

- 12 The submitter stated that academic scholars had demonstrated that current counter-terrorism approaches are harmful and counter-productive, noting that the theory of radicalisation has been challenged and lacks scientific credibility.

- 13 The submitter cited the example of a journalist being unable to cite any reference to the threat of the extreme right-wing from publicly available documents produced by the New Zealand Security Intelligence Service and the Government Communications Security Bureau over a period of ten years. They believed these Public sector agencies have followed New Zealand's Five Eyes partners in underestimating the seriousness of the threat posed by extreme right-wing and white nationalist extremist groups and individuals.

The evidence appears to be is that ever since its inception in 1956 the [New Zealand Security Intelligence Service] has chased ghosts and apparitions, with a fixation on anyone who was deemed anti-South Africa, in fact anyone of the 'left'. One can only wonder how much of the failure in Christchurch relates to the [New Zealand Security Intelligence Service]'s rightist politics.

– Member of the public

- 14 Another submitter talked about their belief that any focus on the extreme right-wing by intelligence and security agencies in New Zealand framed the threat as international. They noted that there was data about the existence of right-wing and white nationalist groups in New Zealand. They felt that even looking only at the international context should have revealed that the growth of the extreme right-wing was not slow, with 350 such terrorist attacks in Europe, North America and Australia from 2011 to 2017.

To others, because the official security narrative framed Muslims as perpetrators, not victims, the Christchurch terrorist attack was a surprise. It didn't make sense. It wasn't normal. It was a black swan [event]. Before the attack, many New Zealand Muslims felt insecure because we knew what was happening globally. We knew what was happening locally online and offline. New Zealand Muslims knew from lived experience that the environment was becoming increasingly hostile, even if we could not base our claims on empirical evidence as hate crimes were not being officially recorded. We were reading the world news. We knew what was happening in other Western countries. We could see the trend. We asked for help. We knew we were vulnerable to such an attack. We did not know who, when, what, where, or how. But we knew. Our security narrative was true. The [New Zealand Intelligence Community]'s official security narrative was inaccurate and misinformed New Zealand.

– Community organisation

- 15 A submitter believed that the surveillance of Muslim communities had negatively impacted on community cohesion. There was a view that the alleged use of informants within Muslim communities encouraged secretive community surveillance. The impact of this increased suspicion divided communities and reduced trust of authorities.
- 16 They stated that, in contrast, when individuals and organisations from the Muslim community in New Zealand have come forward to highlight hate crimes and racially-motivated attacks, the authorities have, for the most part, chosen to treat such cases in isolation and not as part of a wider concern about terrorism and violent extremism.

From this perspective, it could be argued that the authorities have consistently exhibited an unfortunate level of institutional blindness to documented broader international trends about the growing threats from far-right populist and white nationalist groups. This impeded their awareness of, and ability to react to, the threat which manifested itself in the Christchurch attack.

– Academic

... right now there is not that communication because we feel like we as a community are second rate. They give us that feeling, and we don't get that trust from the police. There are only so many times you want to go to someone if they give you that feeling of mistrust. There comes a point where you don't even trust them and you feel like there are things happening, what is the point of going to the police? That's when it becomes very dangerous because you know there are things happening but because of that feeling and that mistrust between the police you have the big gap between the authority and you and you're distancing yourself to the people that could actually protect you and prevent it. So how do we build that trust between them and bridge that gap of not feeling like second rate citizens?

– Victims' and families representative

- 17 One submitter noted a 2012 national security assessment undertaken for a faith-based community.

[The] perpetration of a terrorist attack in New Zealand by a home-grown or transnational cell is of serious concern for the [faith-based community] in New Zealand [...] right wing individuals and organisations pose a serious threat to the [faith-based community]. They are not only capable of spontaneous or organised low to medium violence, but may also foster the development of cells or lone individuals who wish to perpetrate large-scale attacks.

– Community organisation

- 18 According to this submitter, the faith-based community provided monthly reports to New Zealand Police, the New Zealand Security Intelligence Service and other agencies. Those reports covered hate incidents in New Zealand and selected incidents from overseas that were committed by far right, far left and Islamist extremists. The threat level assessments contained in those reports had, for some time prior to 15 March 2019, been set at a higher level than those set by Public sector agencies. The faith-based community hoped that with recognition of increased threat levels, Public sector agencies might work more closely with at-risk communities to monitor threats together.

For many years, the [name of faith-based community organisation] has been seeking recognition from the [New Zealand] Police and [New Zealand Security Intelligence Service] that the risk of a terror attack against the [faith-based communities] is greater than the National Threat Level – that there should be special consideration given to certain communities.

– Community organisation

We question why the threats, that were publicly posted, were not picked up by our security agencies. The only reasonable answer, in our submission, is that their judgements and concentration were preoccupied by an incorrect focus on Islamic extremism only and they failed to recognise white supremacy groups as a threat.

- 19 Another submitter told us about incidents where Christchurch masajid had been threatened or were the location of suspicious activity. These incidents had been reported to New Zealand Police. The submitter believed that New Zealand Police took no direct action in any of these cases.

For people in the community, this is considered a dereliction of the duty to protect, as well as a failure to acknowledge that Muslims are and have been subject to discrimination, scapegoating, as well as far right extremism and threats by white supremacists, and should therefore have warranted particular care, responsiveness, and vigilance on the part of Police.

– Member of the public

- 20 One submitter told us that compared with other parts of the world before 15 March 2019, New Zealand had seen very few terrorist events that would warrant a significant shift in how the intelligence and security agencies operated to mitigate against terrorist events. Events in New Zealand were one-off with no links, and there was no one group that had a consistent campaign against the Public sector or its citizens. The submitter believed, however, that the terrorist attack raised questions about Public sector agencies' ability to detect and deter further terrorist attacks, given the large number of fatalities and the ease with which the 15 March 2019 terrorist attack was undertaken.

- 21 This submitter believed that the terrorist attack highlighted the lack of visibility and intervention by Public sector agencies in identifying security gaps. The terrorist attack also highlighted the lack of communication internally across Public sector agencies about these risk types and shortcomings in the capacity of New Zealand's Five Eyes partners to identify the risks. The submitter cited evidence that Public sector agencies were aware that they do little to acknowledge that the world has changed. There is no national security strategy or national threat and risk assessment, and Public sector agencies continue to operate in silos.

It is evident the [individual] was not on the radar of the [Government Communications Security Bureau], [New Zealand Security Intelligence Service], [Department of the Prime Minister and Cabinet] and New Zealand Police until March 15, 2019. Those branches of government that were intended to protect citizens failed in detecting his intended actions with catastrophic consequences.

– Community organisation

- 22 The submitter believed that from 2015 to 2019 Public sector agencies did not take seriously the threat to Muslim communities regarding Islamophobia, the extreme right-wing and white supremacist groups.

There was no or very little intelligence from the Five Eyes coalition partners backing up what was being said to the agencies by Muslims in New Zealand about the danger they felt under from Islamophobia. The Five Eyes were out of touch and out of date in their intelligence, without any or adequate focus on the alt right, despite the fact so much terrorism in the USA was coming from it. [...] The Muslim voice was not valued by the agencies in the same way that the voices of others were and this is likely to be as a result of a deep bias (conscious or unconscious) against Muslims. The fact that after such a focus of surveillance on the Muslim community there was no-one from within it who was trusted sufficiently by the security agencies to have a high security clearance is an indicator the agencies' advice was biased.

– Community organisation

23 According to one submitter however, the attention devoted to the Muslim community by the intelligence and security agencies was justified at the time.

24 Many people were of the view that intelligence and security agencies had failed to monitor the online posts of the individual and other people or groups with extreme right-wing views. This failure allowed the terrorist attack to occur. One submitter asserted that the individual posted considerable white supremacist propaganda online, yet the New Zealand Security Intelligence Service and New Zealand Police failed to detect the threat. In contrast, the submitter noted that research has documented evidence of Muslim individuals in New Zealand being harassed by those same Public sector agencies based purely on their personal social media activity.

We question why the threats, that were publicly posted, were not picked up by our security agencies. The only reasonable answer, in our submission, is that their judgments and concentration were preoccupied by an incorrect focus on Islamic extremism only and they failed to recognise white supremacy groups as a threat.

– Community organisation

25 We heard that important information known about the individual failed to generate leads. This included information about his travel history, social media use, firearms licence and purchases of weapons and ammunition. We were told this failure was because the extreme right-wing was not being monitored. The submitter believed that this was because of an inappropriate counter-terrorism priority setting that spanned decades.

- 26 The submitter elaborated that there was no systematic gathering of intelligence on the activities of extreme right-wing individuals, networks or organisations to assess their capability and intent to perpetrate a terrorist attack, and the impact and immediacy of any terrorist attack. This is because the extreme right-wing was not one of the National Security and Intelligence Priorities (a list of priorities set by the government for collecting intelligence). Further, it was not an intelligence requirement under the National Security and Intelligence Priority focused on terrorism.
- 27 We were told about a range of failures by the agencies involved in the national security system and counter-terrorism effort. These included the Department of the Prime Minister and Cabinet. One submitter told us that the department did not adequately scan for domestic and external risks. It did not assess domestic and external risks of national security significance, and did not coordinate policy advice and policy-making to ensure that the risks were managed appropriately.
- 28 We were told that the New Zealand Security Intelligence Service did not keep up with New Zealand’s evolving threat environment by monitoring, analysing and assessing the threats of right-wing extremism. Such threats only became a focus for this agency nine months prior to the terrorist attack. The Combined Threat Assessment Group did not inform the government’s risk management processes by providing timely and accurate assessments of terrorist threats to New Zealanders and New Zealand’s interests.
- 29 One submitter believed that the New Zealand Security Intelligence Service, which has a responsibility to be aware of the sorts of threats proposed by extreme right-wing radicals online, had been “woefully ignorant” of these trends and warnings. The submitter considered that the New Zealand Security Intelligence Service has been operating several years behind reality for the last decade and had been “failing abysmally” in its primary function.
- 30 Likewise, the submitter believed that society itself still does not seem to be aware of the threat posed by the extreme right-wing. Society does not recognise the language and terminology used by young men who are being influenced by these groups. The submitter believed that New Zealand Police are blind to the nature of this problem. The submitter told us they had little hope that New Zealand Police can form a working and functional understanding of these threats.

If fault can be assigned for the March 15 shootings outside of [the individual] then without doubt it lies solely with [the New Zealand Security Intelligence Service] and [New Zealand] Police who were instrumental in their failures to recognise and respond to the threat in advance. Both organisations can improve their approach, including refining their perception of what real threats exist and what are merely political exaggeration for their own benefit. These organisations must take this criticism to heart. No single individual may be at fault but every member shares some of the burden of correcting their mistakes.

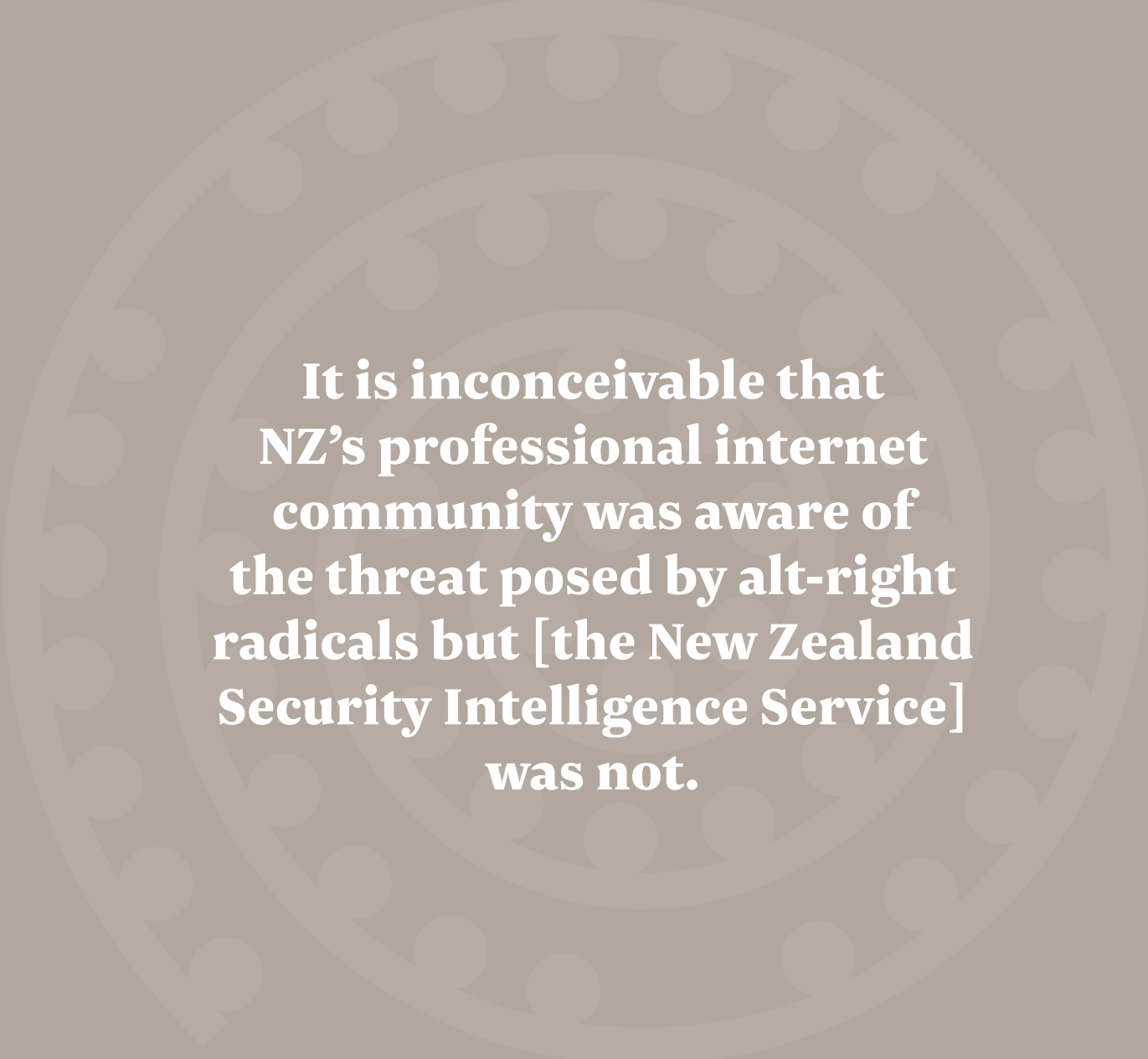
– Licensed firearms owner

- 31 A few submitters believed that Public sector agencies must have known something about the individual before the terrorist attack. However, a few submitters believed that the individual could not have been stopped. These submitters noted that lone actors would always be able to achieve their purpose.
- 32 A few submitters asserted that the government still has not publicly accepted the existence and threat of white supremacy in New Zealand, or white supremacy as an act of terrorism. They believed that New Zealand Police and the intelligence and security agencies still spend more resources targeting people of colour and Muslim individuals as potential terror threats based on bias and racism, than threats by white supremacists.
- 33 A few submitters believed that there were issues of institutional and systemic racism and Islamophobia in New Zealand Police and the intelligence and security agencies, demonstrated by the overemphasis on the surveillance of Muslim communities. One submitter believed that the reluctance to accept that white supremacy exists in New Zealand is becoming more pronounced. The submitter considers this is because of an affinity bias by white people heading the agencies. These people think “they look like me so they will not do things I would not do”.

The government needs to entirely change its approach to white supremacy and social unity: focus efforts on white men and women who are susceptible to white supremacist rhetoric.

– Community organisation

- 34 A few submitters reasoned that the lack of Muslim involvement with Public sector agencies, particularly the intelligence and security agencies, could result in “groupthink”, noting the increased numbers of New Zealand Europeans (and Europeans) in the New Zealand Security Intelligence Service between 2014 and 2018. These submitters outlined reasons why Muslim individuals and communities were not involved with Public sector agencies. These reasons included fear or lack of understanding by first generation migrants about how the New Zealand government works.



**It is inconceivable that
NZ's professional internet
community was aware of
the threat posed by alt-right
radicals but [the New Zealand
Security Intelligence Service]
was not.**

Solutions proposed by submitters

35 We received many recommendations for the future of the national security system and the approach to countering terrorism in New Zealand. We have grouped these into broad themes below.

A comprehensive national strategy

36 There was a view that a comprehensive national security strategy was required. One submitter noted that while most countries have comprehensive national security strategies, New Zealand continues to rely on a *National Security System Handbook* that mostly addresses responses to crises rather than efforts to prevent them. The submitter believed that a national security strategy with public consultation, which clearly identifies roles and responsibilities of agencies, is required.

It may be observed that since 9/11 New Zealand has been able to occupy safe and [distant] seats watching the evolution and development of modern terrorism and in a perfect position to take sensible and thought-out preparations for terrorism eventually re-emerging in New Zealand. But for all that, we have effectively done nothing and squandered the opportunity we had.

– Academic

37 A few submitters outlined approaches to national security strategies in other countries, setting out both positive and negative aspects.

38 We heard that the United Kingdom’s *Strategy for Countering Terrorism (CONTEST)* was a response to the events of 11 September 2001 and the continuing and increasing risk of terrorist attacks in the United Kingdom. One of the four principal sections of the strategy (which is called *Prevent*) aims “to safeguard individuals from becoming terrorists or supporting terrorism [and] seeks to pre-empt radicalism at an early stage and employs similar approaches used in deterring gang affiliation or membership”. The objectives of this *Prevent* strategy include:

- a) tackling the causes of radicalisation;
- b) engaging in the “battle of ideas”, which addresses the contributors to radicalisation, challenging and responding to the ideological challenge that terrorism presents or is believed to justify, in particular, by assisting Muslim individuals who wish to dispute those ideals to do so;
- c) providing early intervention and offering support to those most at risk of radicalisation through specialist tailored agencies; and
- d) deterring those who facilitate and encourage others to engage in terrorism by changing the environment in which they operate and to rehabilitate.

- 39 We were told that the *Prevent* strategy has been criticised as it results in over-surveillance, encourages people to look for threats where they do not exist, increases time spent with already radicalised individuals and targets young family members who are easier to co-opt. We heard that preempting criminal extremism is fundamentally flawed and presents a serious risk of human rights violations. The submitter noted that the *Prevent* strategy continues as it is important to maintain coherent and sincere preventative efforts and the alternative is a reactive approach carrying potentially greater risks.
- 40 One submitter was concerned that the “tendency has been, following terrorist attacks, to invest more heavily in current measures and programmes, or to introduce more legislation – without knowing whether it actually works”. They told us that the question of whether particular counter-terrorism or countering violent extremism programmes are effective, proportionate and responsible has not been evaluated.

Despite this failure by governments to evaluate whether their counter-terrorist and [Countering Violent Extremism] programmes are effective and beneficial, a growing empirical literature by academics has demonstrated that many counterterrorism measures – such as increased security, military intervention, financial measures against terrorist funding, drone strikes, the use of interrogational torture, harsher penalties for involvement in terrorism, mass surveillance and de-radicalisation programmes – have either failed to prevent terrorist attacks or increased the likelihood of further terrorism.

– Academic

- 41 A submitter told us that the private sector, non-governmental organisations and communities must be involved in developing a national security strategy and policy and legislation, and not just when the government is responding to a crisis. They also believed that there must be stronger participation by the academic and expert community in dealing with national security challenges, noting that some countries maintain a regular dialogue with the academic and expert community on national security matters.

Clearly, there is a dire need with regards to crafting good sound strategic planning with regards to crime prevention, counter-terrorism and reintegration programs to further help with community cohesion in the short-term and community integration into society in the long-term. This should not only consider deterring future threats but also dealing with current issues such as the prison release of terror-linked offenders.

– Security specialist

42 We heard that the New Zealand Intelligence Community needs to continue to shift its focus from “an identity-based to a behaviour-based paradigm”. This means allocating counter-terrorism resources based on empirical evidence. It will also require other actions, such as not exclusively framing Muslim individuals as the likely perpetrators of terrorism rather than the possible victims of it.

43 A few submitters believed that New Zealand’s existing counter-terrorism legislation needs to be reviewed and possibly updated, which would help define the boundaries of terrorism activities more clearly. In turn, this would make it easier to prosecute terror-related offences in the future. Any legislation, however, would need to be inclusive of all relevant stakeholders. These include government agencies, local non-governmental organisations and communities to ensure buy-in from members of the wider community in New Zealand.

The New Zealand legislation, strategy and policy on terror related threats has a disproportionate focus on Muslims and Islamic extremism. There needs to be an overhaul of the terror legislation. In our view, there has to be consideration as to whether the threats identified should be addressed in our Crimes Act, rather than silo legislation.

– *Community organisation*

44 We were told that the process of setting and reviewing New Zealand’s National Security and Intelligence Priorities should be opened to the greatest extent possible. This would ensure the Priorities reflect New Zealand’s core values, identity and strategic interests, while protecting security and wellbeing. These submitters believed that the National Security and Intelligence Priorities should be subject to general debate and voted on by Parliament after approval by Cabinet. Accordingly, the requirements under each of the Priorities should be able to be scrutinised by Parliament’s Intelligence and Security Committee. Detail of the Priorities should be publicly available, to the maximum possible extent.

Agency organisation and oversight

45 One submitter believed the national security system should be reformed. They shared with us their belief that national security is currently controlled by a small group of Public sector agencies and these agencies ignore the fact that national security is complex and requires a more sophisticated and inclusive mechanism. They felt the oversight of those Public sector agencies is inadequate. This suits the agencies in terms of their predominance. However, it is also detrimental when those Public sector agencies are seeking additional resources as there is a lack of understanding of those Public sector agencies’ priorities and capabilities. This makes it more difficult to justify resourcing requests.

- 46 The submitter believed a National Security Council should be created, with a position of National Security Adviser. They also considered that Parliament's Intelligence and Security Committee should be more transparent and accessible. The Committee should act as a mainstream select committee that could regularly conduct announced hearings and testimonies by Public sector and non-Public sector security entities and experts.
- 47 A few submitters believed that New Zealand Police and other Public sector agencies with a role in the counter-terrorism effort must continue to rapidly upskill. They need to extend their surveillance and intelligence-gathering activity and staff capability relating to extreme right-wing and white supremacist communities internationally and in New Zealand. Further, a Muslim Reference Advisory Group with diverse membership connected to grassroots community members should be established for Public sector agencies to consult on these matters.
- 48 One submitter suggested that the New Zealand Police ethnic liaison officer roles should be further resourced and developed to promote relationship building and trust between New Zealand Police and ethnic communities. They believed that New Zealand Police needed to engage interpreters when attending incidents where speakers of other languages are involved or come forward to report a crime. Another submitter believed this role should be established in all Public sector agencies.
- 49 One submitter believed that the New Zealand Security Intelligence Service is not needed, certainly not in the form that it exists today. The submitter felt that, as security matters were once under New Zealand Police, they could manage any vetting for government appointments. Further, they noted that as New Zealand Police has its own intelligence system there was no need for duplication of effort. Another submitter believed there should be an inquiry into the structure and role of the New Zealand Security Intelligence Service and the Government Communications Security Bureau.
- 50 Ongoing adequate funding of the agencies which hold the intelligence and security agencies to account – the Ombudsman and the Inspector-General of Intelligence and Security – is vital, according to a submitter. The External Reference Advisory Group established by the Inspector-General of Intelligence and Security should be made permanent in legislation.

It is an important means by which security agencies ensure they are operating in the world of real security threats and not caught out by institutional lag.

– Community organisation

- 51 In addition, the submitter believed there should be an independent ethics board or body overseeing Public sector work on countering violent extremism. This body would include security, and conduct random audits of Public sector agencies to ensure the programme is on task. The board or body would also deal with complaints from the public in relation to surveillance of them.

- 52 Another submitter believed that any future reviews of the intelligence and security sector should include the relevant parts of the Department of the Prime Minister and Cabinet and take a system approach rather than just reviewing one or two of the relevant Public sector agencies.
- 53 One submitter recognised the government’s duty to protect its citizens and told us that terrorism is a gross violation of fundamental human rights. Governments have an obligation to take effective counter-terrorism measures to prevent and deter future terrorist attacks. The submitter noted, however, that any such measures must comply with all of the government’s other human rights obligations. Any surveillance regime should always be subject to judicial and Parliamentary oversight.

Practical steps to counter terrorism

- 54 A few submitters told us that there should be a formal counter-terrorism programme that looks at deescalating and countering ideology from a strategic point of view, in addition to a re-integration programme for individuals who pose a threat, share extremist ideologies and sympathise with terrorists and their respective organisations. This programme should also be for returning foreign fighters or people released from prison to ensure they are not spreading anything that may be a threat to members of the public, and help to ensure their full integration into New Zealand society. One submitter considered the language of “preventing” terrorism serves the purpose of reducing harm in society better than the language of “countering” terrorism.
- 55 One submitter provided several suggestions for how they believe terrorist attacks in New Zealand could be prevented, including:
- a) identifying extremist leaders to exploit leadership dissent within the group and disrupt leadership links with group members, and identifying group members who commit to escalating action, and considering arrest or other action;
 - b) monitoring online recruitment, disrupting using infiltration or informant recruitment and monitoring commonly used meeting or training spaces and disrupting usage through lease termination or other action;
 - c) identifying any escalation in training and checking for a build-up of online red-flag purchases that are unusual or symbolic, or linked to multiple purchases that present a total picture of escalation;
 - d) following up on criminal activity, complaints of threats of terrorist violence, concerns raised about firearms use, suspicious activity near potential target infrastructure or organised crime links;

- e) providing avenues for members of the public to pass on information either directly to agencies, or to a trusted third-party organisation;
- f) conducting timely reviews of security of potential targets and assisting where necessary;
- g) consulting with family members, friends and colleagues who may be able to influence potential terrorists to seek help for mental health issues or excessive violent gaming;
- h) tracking donations to terrorist groups back to the source and disrupting fundraising activity through clear guidelines to legitimate funding sites and information-sharing relationships with private providers;
- i) alerting overseas agencies of unusual individual travel, any attempt to inspire terrorist attacks through the spread of terrorist ideology or a desire to inspire retaliation within targeted countries;
- j) ensuring counter-terrorism activity does not push people into more extremist circles; and
- k) tracking domestic and international trends and databases, so action can be taken to counter the next terrorist threat as soon as possible.

56 We did not receive many comments explicitly stating that Public sector agencies should, or should not, receive further powers to conduct activities, although one submitter believed that if New Zealand Police and the security and intelligence agencies had greater powers they could easily stop any future terrorist or anti-national activities before they happened.

57 Further to this, they believed that the Government Communications Security Bureau should be more proactive and involved in preventing and countering terrorism and that people should not be opposing their activities in the name of protecting privacy. One submitter discussed their belief that it is impossible for Public sector agencies to examine a group of individuals that may have views or ideologies differing from the mainstream and determine who is most likely to engage in future violence. They also believed that there is no empirical evidence to support the view that mass surveillance is at all effective in preventing terrorist attacks, as it produces too much data and too many false positives to be useful.

The most effective forms of intelligence gathering and prevention in the past few decades which have resulted in the prevention of terrorist attacks have involved community policing approaches where local people trust [police] enough to pass on relevant information about individuals in their midst.

– Academic

58 A submitter believed there should be tighter security screening that considers an individual's background and their susceptibility to taking on terrorist ideology. Rather than asking "have they committed a crime", the emphasis should be on "will they have the potential to commit a crime". The submitter believed this approach could be used not only for processes such as firearms licence applications, but also for someone who carries out security activities such as the destruction of classified documents and protection of critical infrastructure.

59 One submitter believed Public sector agencies need more access to public data and to undertake more analytics to find potential terrorists.

Relying on community to report suspicious individuals is not good enough. We struggle to identify friends and family members with suicidal tendencies [...] so how can we be relied on to spot potential terrorists.

– Member of the public

60 The submitter believed that data should be stored digitally and made accessible to different agencies. That data could be used in relation to other potential crimes, not just terrorism.

I think immigration should have access to people's social media profiles if they meet a high risk criteria, in order to collect broader information on their activities and networks.

– Member of the public

61 One submitter believed solutions could include the New Zealand Security Intelligence Service recruiting people familiar with internet social trends who are able to report on hostile social developments from any point in the socio-political spectrum as they happen. In addition, the submitter believed the New Zealand Security Intelligence Service should infiltrate platforms such as 4chan and identify at-risk New Zealanders and Australians, recognising traditional internet surveillance options are easily subverted.

62 There are no de-radicalisation or deterrence-based programmes for individuals and groups affiliated with extremist or radical ideologies that may lead one down the path of partaking in future terror-related offences, we were told by one submitter. Neither is there a programme that looks at ensuring the long-term reintegration of an individual back into society.

Apart from what is being conducted in-house by New Zealand Police, members of the community or the wider public are not aware of any strategy with regards to countering terrorism and de-radicalising persons of interest. As a result, persons of interest are not reintegrated back into society and are preferring to isolate themselves in order to prevent them from being hurt. This may have led them to go back to their own habits.

– Security specialist

- 63 This submitter believed there should be investment in deterrence-based strategies and tactics, such as disbanding an organisation before it influences the public or begins recruiting members to its ideology.
- 64 They believed a deterrence-based approach would be easier to implement, place less pressure on agencies and would be more sustainable financially and in terms of the human resources required.
- 65 One submitter believed that a comprehensive national “exit programme” should be established for members of terrorist groups, extremist movements and gangs. A multi-agency taskforce could assess the needs of these individuals. Those needs would include psychological, social, health and financial needs. The taskforce would ensure those needs are met. Public sector agencies should partner with community stakeholders to design and implement the programme. The agencies would ensure the right “protective factors”, such as identity, belonging, aspiration and social connections are in place.
- 66 Another submitter provided examples of effective programmes where former extremists have played a role in de-radicalising individuals and helping people leave violent groups. They believed that efforts to divert individuals or draw them out of extremist movements should be prioritised over punishment and suppression.


The effectiveness of these kinds of programmes to help individuals out of violent movements depends greatly on trust and personal relationships. Such processes can easily be undermined by heavy-handed repressive measures by the Police, especially the tendency to monitor individuals until there is enough evidence to arrest them.

– Academic

- 67 The submitter told us there are also examples of anti-violence programmes aimed at young people, which help them to more fully appreciate the reality and effects of violence. We also heard that there must be a focus on identifying, re-socialising and re-educating children and youth who exhibit racist behaviours and warning signs of radicalisation.

Security of communities

- 68 Some submitters also shared with us their hope that there might be resources shared with communities to prevent or mitigate a terrorist attack, and to generally increase security. They noted that there is no government initiative in relation to security for at-risk communities, in contrast to the efforts of other countries. The submitters shared some international examples with us:
- a) On 18 March 2019, the Australian Prime Minister announced community grants of AU\$55 million to boost security at religious schools and places of worship. That funding is in addition to related state-level funding and federally-funded programmes.
 - b) After 15 March 2019, the Government of the United Kingdom increased its Worship Security Fund, which provides funding for churches, masjid, temples and gurdwaras (a place where Sikhs come together for congregational worship) to install alarms, security lighting, fencing and CCTV (closed-circuit television) cameras to £1.6 million per year. An additional £5 million fund was set up to provide protective security training for places of worship. That funding is in addition to existing related funding.
 - c) After 15 March 2019, the Government of the United States of America announced a US\$60 million fund for training and physical security enhancements, including fencing, surveillance systems, security systems and lighting at non-profit organisations that are considered to be at high risk of a terrorist attack. That funding is in addition to existing related funding.



Relying on community to report suspicious individuals is not good enough. We struggle to identify friends and family members with suicidal tendencies [...] so how can we be relied on to spot potential terrorists?

- 69 One submitter had a range of suggestions on how agencies can engage with communities, particularly ethnic and religious communities, on safety and security issues. These included:
- a) Identifying and coordinating with ethnic and religious community leaders, such as through six-monthly workshops, to discuss intelligence and security issues that might affect specific communities more than the others.
 - b) Specific Public sector agency representatives should attend local events and speak to people directly, sharing information about any potential or emerging safety and security concerns within and from overseas that might affect local communities.
 - c) A monthly newsletter from lead Public sector agencies regarding updates on the current safety and security situation that communities should be aware of and might be able to take precautions against.
 - d) Funding community-based organisations to deal with any safety and security issues within the community, and so they can train themselves to provide security.
 - e) Providing guidelines for communities on what is classed as suspicious activity and a security concern, enabling people to not only be able to identify and report such concerns but also to steer clear from such behaviour themselves. This also includes publishing more information about what sort of suspicious behaviour is reportable.
 - f) Creating an optional register to account for religious and community centres. Local community groups and organisations will then have the option to update Public sector agencies of any major events or festivals taking place.
 - g) Public sector agencies should provide added security measures to places of worship during festivals, which could include training Māori wardens to provide this security.
- 70 Another submitter discussed their view that there should be compliance requirements that masajid should have to meet, such as being able to lock the main gates and doors before prayer commences and other safety features. They were concerned another similar terrorist attack would not be difficult, simply because of ease of access to masajid and other venues. One person recommended fire exits for masajid.

A similar attack overseas a few weeks back was minimised simply because the mosque had implemented safety measures after learning from New Zealand's Christchurch attack. However [the] majority of our local mosques have not made any changes at all.

– Member of the public

- 71 Another submitter raised the need to provide education to communities on armed intrusions, including the importance for community groups to have a lockdown policy for their gathering-places. They considered New Zealand Police should visit communities and provide advice on what can be done in an emergency. Such a plan should be reviewed annually.
- 72 New Zealand Police should, according to this submitter, increase their presence at public events and large community gatherings. Māori wardens might also assist. New Zealand Police should also be available to provide talks on what they are doing in the community, and communities need to keep their regional personnel aware of any upcoming activities. Communities could submit their newsletters to New Zealand Police, and not just to one person but to a number of members of New Zealand Police, including their local ethnic liaison officer.
- 73 Another submitter considered that New Zealand Police's community officers need to make an effort to engage with temples, halls and places of worship, and to visit the congregation to be visible and supportive. They believed this will help New Zealand Police to gain the cooperation and confidence of the community. They stated that New Zealand Police's community officers must have a registry of religious leaders in their community and regularly communicate safety messages, possibly in different languages.

Chapter 6: What people told us about their experiences at the border

- 74 Every person who enters or leaves New Zealand must cross one of New Zealand's 17 border points. The main Public sector agencies that work together at New Zealand's borders are Immigration New Zealand and New Zealand Customs Service. The border agencies stop unwanted people, goods and materials from entering New Zealand.
- 75 The main comments we heard relating to New Zealand's border came from people sharing their personal experiences of entering and exiting New Zealand, and their interactions with Public sector agencies at the border. Others shared their thoughts about measures that should be taken at the border.

Experiences at the border

- 76 We heard from some people that they believed front-line staff from Immigration New Zealand and New Zealand Customs Service undertake racial profiling. Some of the experiences people shared with us included a perception that Muslim individuals entering New Zealand, including those born in New Zealand and/or travelling on a New Zealand passport, face a longer screening process than non-Muslim travellers.
- 77 One submitter stated that an Immigration Profiling Group was established under the former Department of Labour (and split into two different entities in 2010) to vet people either coming from Muslim countries, or who identified as Muslim. A submitter agreed that anyone wanting to come to New Zealand, including Australians, needs to be vetted upon entry.

I am not against vetting and criminal checking, I am against specifying for Muslims, why would I be different than any other human being? It has to be for all, an equal check-up and an equal vetting. If we are all checked and vetted equally, this tragedy could have been avoided.

– Community organisation

- 78 We were told that members of the Muslim community were interviewed at the border and asked questions such as where they had been, what they were doing while they were away and whether they had contact with a terrorist group. These situations were made worse if they had visited Somalia and the Middle East. We also heard about Muslim women being asked by New Zealand Customs Service officials why they were wearing a hijab.

A few years ago my son travelled overseas for business When he came back he was interrogated for a couple of hours. His laptop was looked at as well his phone and he wasn't sure why. The next time he travelled the same thing happened and he was very frustrated and started asking why? He travelled often to bring business to New Zealand. He had a New Zealand passport, so we do not understand the need for him to be screened each time at New Zealand's border each time he returned from travel? He was bluntly told in the end that they wanted to make sure he is not affiliated with ISIS!

– Member of the public

- 79 One person believed known white supremacists should be banned from entering New Zealand on character grounds as well as for security reasons. People who are known for their white supremacist social media posts should be heavily monitored, including the connections they have with others, if they are allowed into the country, even for a holiday.

Border controls for people movements are always a delicate balance between managing risks and honouring privacy and human rights. The answer for New Zealand needs to reflect our values and our geographic and political situation.

– Academic

- 80 Another person considered social media should be used as an intelligence tool at the border, by officials having access to people's social media profiles if they meet high risk criteria, to collect broader information on their activities and networks. Further, they believed anyone who is not a New Zealand resident or citizen should receive security screening when they visit New Zealand and New Zealand residents should also be screened if required.
- 81 One person told us they believed the individual would have been unlikely to have escaped observation if New Zealand Police had a system of national security alerts and if the New Zealand Security Intelligence Service was monitoring "alt right" websites. If this was the case then participants on these websites would be under surveillance. This information could then be shared with border agencies. This submitter believed that this was already done in relation to Muslim individuals.
- 82 One person discussed in detail the Trans-Tasman Travel Arrangement, which allows Australians to travel, live and work in New Zealand (and New Zealanders to travel, live and work in Australia), subject to a good character test. The submitter believed that the good character test is more stringent in Australia due to its deportation policies, whereas New Zealand has maintained Australian citizens' rights in New Zealand. Neither country requires each other's citizens to complete electronic travel information prior to travelling.

- 83 While not supporting a particular approach, the submitter queried whether there is a desire by the government to tighten provisions for Australians travelling to New Zealand or whether they should be replaced by an agreement establishing boundaries to trans-Tasman travel. They asked us to consider existing border practices, including any barriers to information sharing.

Solutions proposed by submitters

- 84 A few submitters provided us with solutions relating to New Zealand's border including:
- a) increasing the cultural competency of border staff so that they can meaningfully engage with a broad range of cultures and ethnicities at the border;
 - b) addressing how bias might manifest itself by staff at the border;
 - c) increasing the diversity of staff at all levels of border agencies;
 - d) ensuring that Australian citizens are vetted like non-New Zealanders are when crossing the border; and
 - e) setting up systems to ensure that New Zealand Police and the New Zealand Security Intelligence Service share information from their databases with border agencies.

Chapter 7: What people told us about harmful behaviour and extremism

- 1 There are prohibitions in New Zealand legislation which provide punishment for those people who engage in criminal anti-social behaviour, such as a number of the offence provisions in the Summary Offences Act 1981 and the hate speech provisions in the Human Rights Act 1993.
- 2 Behaviour or speech of this sort may cause harm to people in terms of direct physical or psychological effects and because it is likely to stir up feelings of ill-will towards, or contempt against, the people who are subject to the behaviour or speech. There are, however, behaviours that while not sufficiently serious to justify legal punishment, are harmful to society and which reduce its cohesion and inclusion.
- 3 We use the term “harmful behaviour” as we are concerned about all behaviours that may cause harm to others – regardless of whether people can be prosecuted under the law. These harms can include individuals or groups of people feeling unsafe, insecure and lacking a sense of belonging as a result of racist remarks or being singled out in school or at work.
- 4 People often talk about extremist ideologies and behaviours as causing harm. When people talk about harm, they often discuss extremism. Extremism is often defined as a rigid and uncompromising belief system outside the norm of a society, which rejects democracy, the rule of law and human rights for all. These beliefs are generally religious or political.
- 5 Violent extremism is often understood as any violent actions committed to further extremist aims. It can include a spectrum of acts from vandalism and spontaneous violence to terrorism. Much of the effort to understand extremism has focused on violent extremism. This focus is understandable because of the harms that can be caused by violence. However, such violence is the “tip of the iceberg” of behaviour that can cause harm. There are a range of other behaviours that do not involve violence but cause harm to individuals, and which create fear and division within societies. These behaviours can be underpinned by extremist ideologies and are perpetrated by people with the intention of bringing about changes to the political, social and religious environment in line with their ideology.
- 6 There are good reasons to focus on a spectrum of harmful behaviours. These behaviours cause harm to the mental and physical health and wellbeing of those who are targeted. They also increase social division and intolerance.

- 7 As we discussed in *Chapter 5: Views on the national security system and countering terrorism*, in recent decades countries have complemented more traditional counter-terrorism activities with activities focused on countering extremism and violent extremism. At one end of the spectrum of activities to counter violent extremism are targeted interventions designed to support individuals who are showing signs of radicalisation. At the other end are activities that aim to prevent the emergence of violent extremism through building social cohesion – interventions focused on improving social outcomes, such as youth development, education and employment. While it is accepted that the efforts to build social cohesion contribute to countering violent extremism and terrorism, it is also generally accepted that these efforts should be pursued separately. Social cohesion has broader aims and is worthwhile in itself.
- 8 We discuss submissions on how to enhance diversity and build social cohesion in *Chapter 8: What people told us about diversity and creating a more inclusive New Zealand*.

Rise of right-wing extremism

- 9 Some submitters set out their understanding of the different types of extremism and provided examples of terrorist attacks that have been perpetrated by extremists around the world, including right-wing and left-wing extremists as well as Islamist extremists. It was explained to us that right-wing extremism is complex, not easily defined and is not identical to white supremacy. We were told that there are non-white and non-Western forms of right-wing extremism, such as Hindu right-wing extremism.
- 10 Some submitters noted that the common features of right-wing extremism are supremacism and xenophobia, with generally nationalist causes. The focus of the extremism may be a single issue, such as anti-abortion, on which a person may hold extreme views and for which they may take violent action. They may, however, hold moderate views on other core extreme right-wing issues.
- 11 We heard that most contemporary right-wing extremism focuses on:
- a) transnational categories of whiteness and masculinity; or
 - b) the perceived threats of Judaism, Islam, non-white migration, liberal capitalism and the left; or
 - c) extreme right-wing conceptions of Western identity, values and ways of life, and white male power.
- 12 We were told that contemporary right-wing extremism is digital, mediated, networked, personalised, de-territorialised and decontextualized.

[Right-wing extremism] ideologies and narratives tend to centre on real or imagined antagonisms between racial, religious, or ethnic in-groups and out-groups. Relatedly, [right-wing extremism] ideologies tend to essentialise in-group and out-group identities and values, and represent internal and external forces of change to demographics, identity, or values as inherently degenerative. [Right-wing extremism] ideologies tend to be reactionary; they are nostalgic for an imaginary lost utopia of pure identity, social unity, and uncorrupted tradition.

– Community organisation

- 13 We were told that white supremacy is also complex. As a category of extremist social movements and networks it contains different segments, including neo-Nazis, racist skinheads, white power gangs and the alt-right. Core to the belief system of white supremacy are ideas of white dominance over people of other backgrounds, views that whites should not co-exist with non-whites and that white people are genetically superior and have a culture that is superior. Most white supremacists believe the white race is in danger of extinction due to a rising “flood” of non-whites and they see a need to preserve white supremacy.
- 14 One person provided us with statistics about racist violence and harassment from white supremacist groups in New Zealand, using available reports between 2005 and 2013, which show the following:
- a) One hundred and eight incidents of racist violence and harassment against more than 200 victims, from murders, firearms incidents, a bombing, assaults, vandalism of Jewish cemeteries and synagogues and masjid, arson of a synagogue, setting dogs on Asians and driving new immigrant citizens from their homes and in some cases to leave the country.
 - b) The targets were Asian (37 percent), Muslim (28 percent), Indian (14 percent), Jews (6 percent), Māori (5 percent), Pasifika (4 percent) and other non-white immigrants (4 percent).
 - c) Fifty-two percent of incidents were in the South Island (where 23 percent of the New Zealand population reside) and 48 percent were in the North Island (with 77 percent of the population).
 - d) Incidents by city were Christchurch (24 percent), Nelson (12 percent), Wellington and the Hutt Valley (11 percent), Auckland (10 percent), Invercargill and Dunedin (6 percent each). The higher rate of incidents in Christchurch (population 400,000) compared to Auckland (population 1.4 million) reflects the demographic differential that Christchurch was 86.9 percent European and Auckland 59.3 percent European.

- 15 This submitter believed an important factor in these incidents is the more than 60,000 immigrants entering New Zealand per annum.

This creates flashpoints within our communities where white supremacists' entities and anti-migrant sentiment exists and feel their sovereignty is at risk and as a way to act out against the government policy; is to conduct aggressive and sometimes overt methods of intimidation and create angst amongst ethnic minorities.

– Security and safety risk management specialist

- 16 One submitter believed there has been an increase in the white supremacist and fascist movements in New Zealand, and the rhetoric of certain local and world leaders has empowered and emboldened them in their activities. We also heard that white supremacist groups appear to have become more organised and hierarchical.

- 17 Another submitter discussed how the rise of sympathetic online communities is enabling people to work through all of the stages of the terrorism cycle – from radicalisation to logistics and post-operation propaganda, to the point where “web-enabled” lone actor terrorists can be described as “broadband terrorism”. The extreme right-wing is able to use messaging that has mixed or ambiguous meaning to exploit the ignorance of a wider audience and escape critical notice, or to offer plausible deniability if such notice is drawn. This is further complicated by a culture of provocation in online communities such as 8chan (a website composed of user-created message boards).

- 18 According to this submitter, on those websites people can use sarcasm as a cover to allow even more blatant racism and symbology to be claimed as a joke.

The use of radical language can, in and of itself, become a trigger. Words and actions are attractively magnetic and the gap between the two can narrow to nothing.

– Member of the public

- 19 We heard from a few submitters about their concern that young men in particular appear to be those radicalised into committing violent acts, encouraged by online communities that use propaganda and memes (an image or video intended to be humorous or pointed), and which co-opt other issues such as men's rights, “involuntary celibate” hate groups and other expressions of male vulnerability.

[W]hy is it that these mass shooters are predominantly young men? One reason is that these killers often feel profoundly powerless. They have low self-esteem and grossly mismanage their intensified rage. The anger becomes more insidious over time until it becomes massively destructive. So the mass murderer goes on a vengeful rampage to restore his fragile ego by seeking recognition, attention and/or infamy.

– Member of the public

Role of social media and other online communities

- 20 A few submitters shared their concerns about the impact of playing violent games on a person's state of mind. One submitter believed that violent virtual reality games are too real and that people start acting the way that the characters do. Another submitter believed there should be tighter controls on posting and accessing social media in respect of violent images. There could also be education in schools about hateful online environments and ideas.

It beggars belief that as a community we allow ready access to extremely violent images that take away basic human rights for all victims for the gratification of a few.

– Member of the public

- 21 One submitter discussed the inadvertent support that major organisations, particularly social media networks and media platforms can give to terrorism through, for example, enabling terrorists to spread their messages on these platforms.

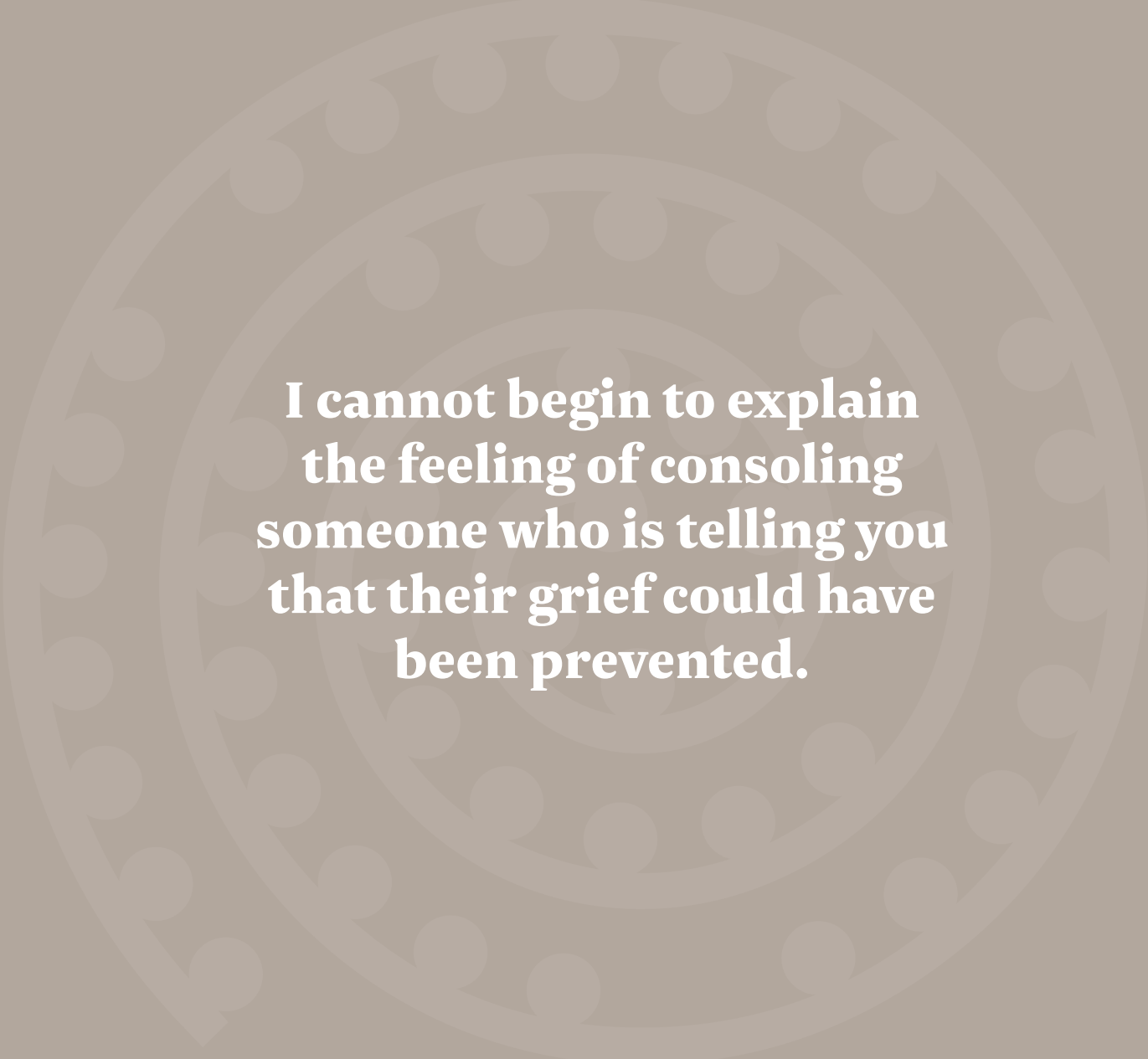
The 4chan environment is best described as a 24/7 far right motivational rally that frequently produces horrific violence.

– Licensed firearms owner

- 22 One submitter was particularly concerned about the radicalisation of teenage males, which they believed is being fuelled by online material. The submitter felt that recently some young men have been expressing more extremist views in speech and writing.

The pattern appears to begin with remarks on women and feminism that view equality as having been achieved and modern feminism as mainly anti-male. From here they segue into negative attitudes around gender and trans issues, and finally towards the promotion of pro-white cultural arguments.

– Member of the public



**I cannot begin to explain
the feeling of consoling
someone who is telling you
that their grief could have
been prevented.**

Hate crime and hate speech

- 23 One submitter voiced their concerns about reports they have heard that Muslim community leaders communicated their communities' fears and instances of hate crimes and discrimination to multiple Public sector agencies over a period of several years, with very little meaningful response from these agencies.

I cannot begin to explain the feeling of consoling someone who is telling you that their grief could have been prevented.

– International non-profit organisation

- 24 We heard from many submitters of their concerns about attacks on people based on their race, religion, gender identity, disability and sexual orientation. These attacks vary from verbal to physical in nature. They said that reports of such attacks are not taken seriously by Public sector agencies and there is no monitoring or register of hate crimes. Submitters believed this to be a major issue. There has not been any concrete data available for Public sector agencies to acknowledge these hate crimes and to develop programmes to prevent or counter such crimes.

The events of the day were presaged by so many tell-tale signs of its coming, all of which were evident, and all of which were ignored by those who had the power to act.

– Victims' and families' representative

- 25 Some submitters believed that people should be able to hold positions on issues that are unpopular or that contradict majority public opinion.

[There is] a clear line between the freedom to openly and publicly discuss, defend, and teach different positions on moral and social issues and theological matters, and professing hatred and inciting violence. While the former are necessary for the maintenance and progress of a free and democratic society, the latter are destructive for a free and democratic society.

– Community organisation

It is possible to identify and justify the lower limit of permissible speech in a free and democratic society. The line is drawn at speech that is intended to be harmful or to incite harm (physical or psychological), or to propagate hatred.

– Community organisation

- 26 Some submitters believed there should be clear legislative guidelines to enable action against hate speech, incitements to violence and acts of terrorism. New Zealanders should have the right to privacy, but also be able to report hate crimes.
- 27 The intent of anti-hate speech laws, one submitter felt, is to ensure those who spread hate speech can be prosecuted and dealt with in a proactive manner before they decide to act on their hate.
- 28 A few submitters were concerned about silencing New Zealanders' views, particularly those they do not believe are extreme. They cited several examples of this, such as banning representatives of the conservative sector from speaking at public venues in Auckland.

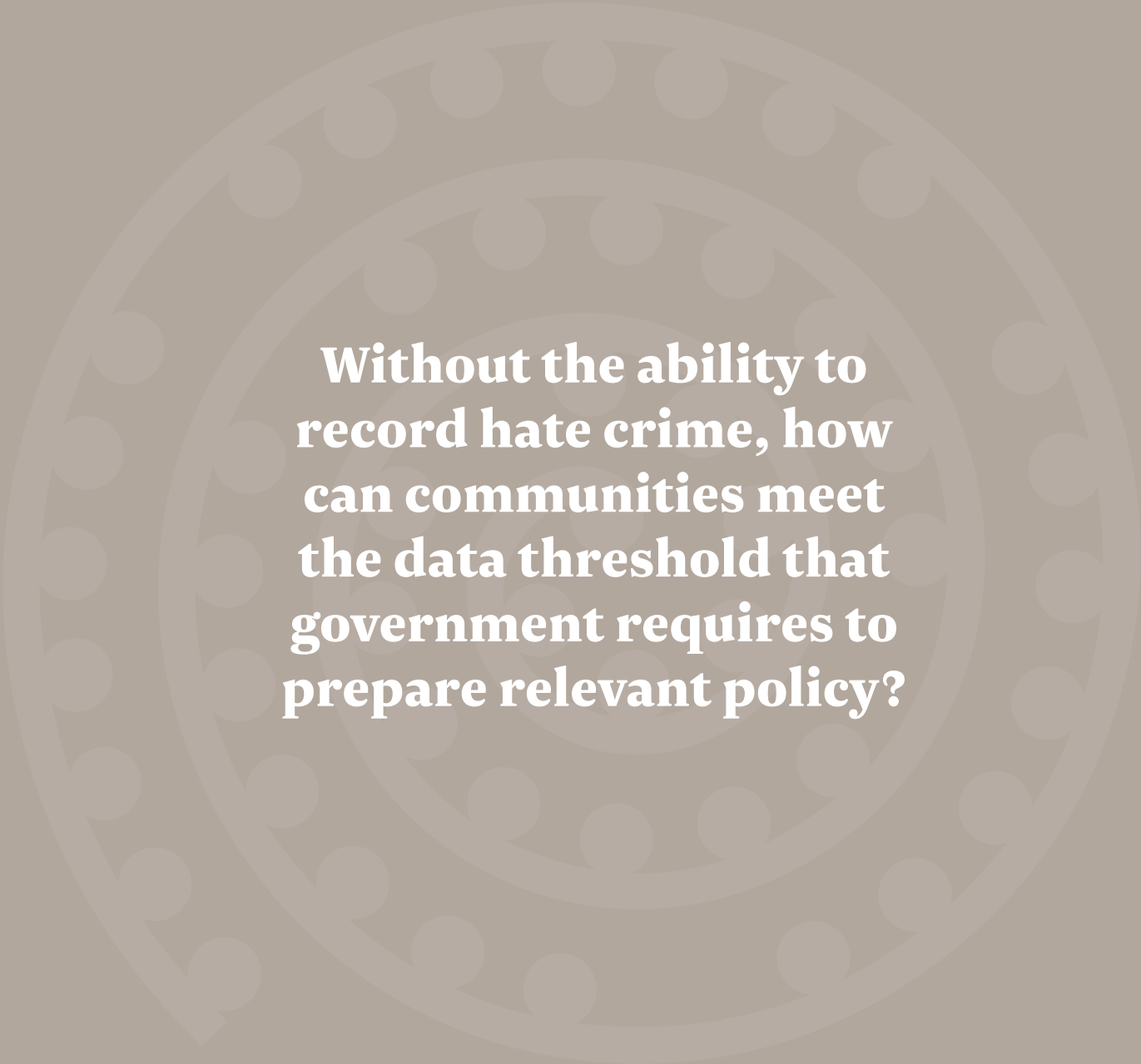
If we are sincere in wanting to do everything possible in preventing this from ever happening again we need to listen to all New Zealanders. Not silence them. By not listening, we don't get to find out what the real issues are. We sweep them under the carpet in the hope that they'll just go away. In reality they just fester and those without a voice become increasingly frustrated.

– Member of the public

- 29 One submitter explained an example of the stark difference between right-wing ideology and politically motivated right-wing extremism. They noted that right-wing extremist ideologists represent a group of individuals voicing their opinion while extremists seek to either entice hatred amongst the population and/or act on this hatred in the form of politically motivated violence. The submitter encouraged a broad-spectrum approach to deal with these crimes in a proportionate manner, while preserving freedom of speech.

Attempts to suppress their speech and their viewpoints are most likely to reinforce their sense of grievance and produce the opposite intended effect. Suppression can confirm their narrative that they are a persecuted minority in their own country, and make them more extreme and more determined to be heard. In other words, countering violent extremism has to explore ways of promoting dialogue and political participation so that people feel heard and have serious debate – even if their views are extreme.

– Academic



Without the ability to record hate crime, how can communities meet the data threshold that government requires to prepare relevant policy?

- 30 A few submitters believed the way we handle hate speech is very important because in New Zealand we have free speech. They believed that restricting and further criminalising hate speech is the wrong thing to do, because this would drive people underground to be more secretive and to use the dark web. The submitter believed it is better to hear such people in public and to monitor speech for any action needed.

We would argue that while there may be other socially-desirable reasons for suppressing these activities, there is no empirical evidence that attempts to suppress such speech has any material effect on the subsequent number of terrorist attacks. Moreover, it may increase the risk of deeper involvement in violent extremism by driving such individuals and viewpoints underground where they remain immune to the potentially moderating influence of challenge and debate. Certainly, the continued attempts by authorities in numerous countries to suppress terrorist material, including the [United Kingdom], has not had any noticeable effect on the actual number of terrorist attacks.

– Academic

- 31 Some submitters believed that it is wrong for government to attempt to limit freedom of speech, because it would create more radicalisation. The submitter also believed that hiding writings, manifestos, documents and evidence from these people only makes them more valuable tools for propaganda.

Bad ideas must have the light of day and be seen for what they are. Only violence or threats of violence are to be a matter for the law. People’s opinions about religions, race, political persuasion etc. are to remain free speech.

– Member of the public

Terrorism only works if we are scared. Acts of terrorism are designed to scare and to make us change our ways and remove our freedoms and rights. If we do this, terrorists win.

– Licensed firearms owner

- 32 A few submitters consider that recording aggravating factors in the commission of a current crime may be of benefit, but the creation of legislation to proscribe “hate speech”, lowering the current legislative thresholds, will undermine the human right to free expression. Further, the submitters argue there is no evidence that any “hate speech” laws have reduced racism or discrimination where they have been implemented.

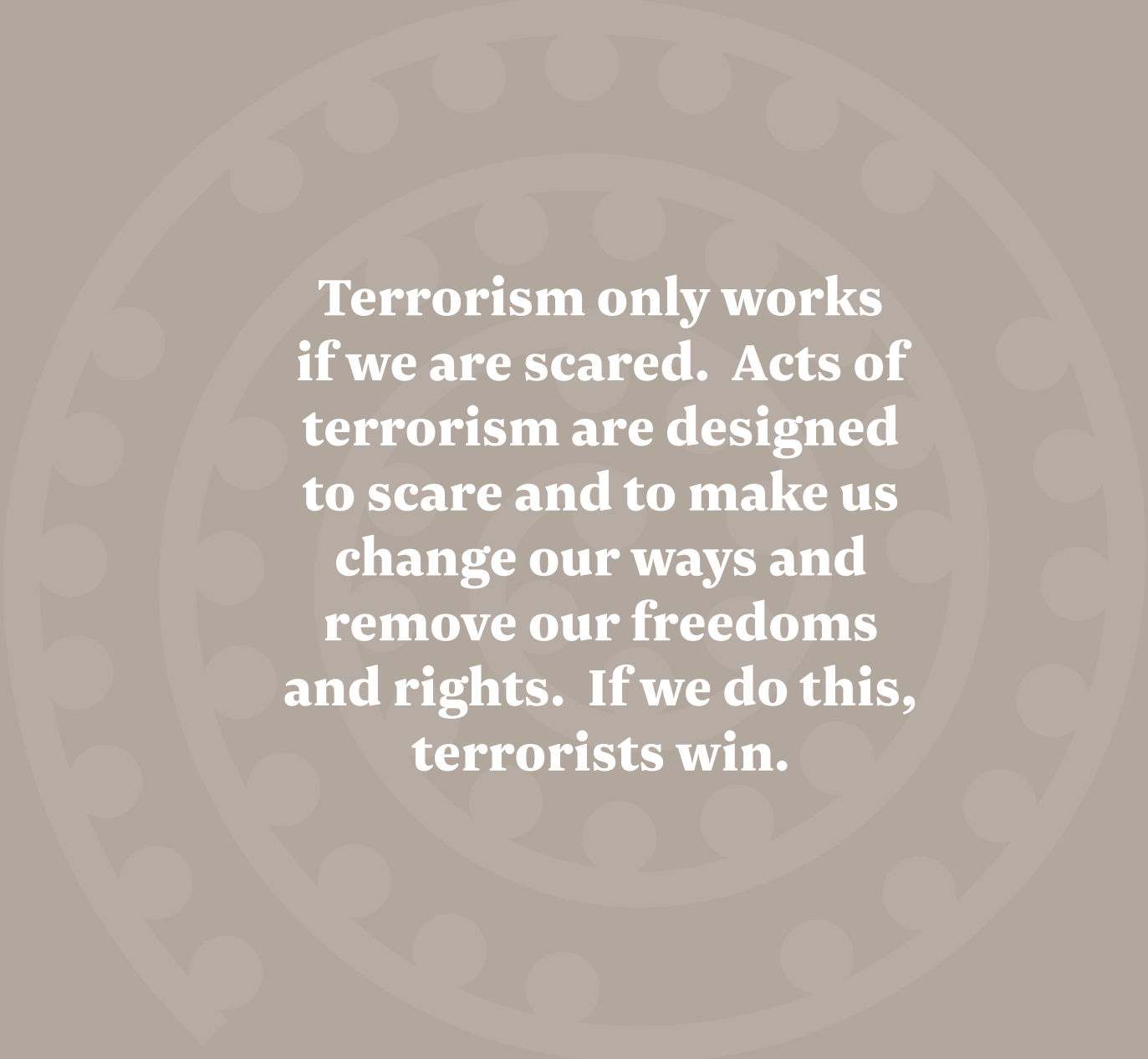
- 33 Many submitters told us that the number of complaints, prosecutions and convictions relating to hate motivated crime is not systematically recorded in New Zealand, and any data that is available is only available in an ad hoc way from localised studies and media reports or from communities’ own recording of incidents.

- 34 One submitter stated that offences that may be treated as hate crimes are generally not recorded as hate crimes by New Zealand Police. Offenders usually receive disorderly conduct or assault charges. This makes it hard to assess the scale of the problem and to put in place adequate tools to address it. They told us that race-related acts and racism may be treated as aggravating factors at crime sentencing. They believed this approach was demoralising.

Without the ability to record hate crime, how can communities meet the data threshold that government requires to prepare relevant policy?

– Community organisation

- 35 One submitter believed that non-recording of incidents by Public sector agencies is contrary to the multiple prompts and requests that New Zealand has had from domestic and international human rights bodies – such as the Human Rights Commission, the United Nations Committee on the Elimination of Racial Discrimination and the Universal Periodic Review working group of the Human Rights Committee – to update its hate crime recording mechanisms, definitions and practices.
- 36 A few submitters believed that when racist behaviour is reported to Public sector agencies and is poorly managed and not dealt with, it gives rise to the continued advancement of racial torment and behaviour. When any group or individual are able to instil fear into parts of society without being stopped, this begins to gather momentum and gets out of hand. An example is the case where the delivery of pigs’ heads and threatening behaviour towards Muslim individuals had gone unchallenged. The submitters stated there is no excuse to allow racial tension to gain any traction whatsoever.



**Terrorism only works
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terrorists win.**

Solutions proposed by submitters

Strategies to counter harmful extremism

- 37 Some submitters believed that a counter-narrative to harmful extremism, in whatever form, was required. A submitter told us they believed that the government or community are too often “silent on their messaging”, which causes confusion and doubt. They feel there needs to be strong messaging condemning any violent acts and readily available information to support communities in identifying and dealing with disaffected members who are engaging in or have engaged in extremism or violent extremism.
- 38 As part of a new narrative, one submitter believed that officials and politicians need to normalise the politics of migration, taking it away from discussions on border security that frame Muslim and non-white migration as a threat to Western identity and values. They believed that focusing on the security aspects of migration can support extreme views that include non-white “invasion”, which creates an enabling environment for audiences to be receptive to extreme right-wing narratives.
- 39 Some submitters discussed the need for a strategy to prevent or counter extremism, believing that no action has been taken in New Zealand in these areas, unlike actions by the governments of some other countries.
- 40 A few submitters reported that the Department of the Prime Minister and Cabinet ignored Muslim, ethnic and religious communities and umbrella organisations seeking the development of a holistic countering extremism strategy that did not just focus on violent Islamist extremist groups. The submitters reported that there was no response to this request. They believe that action is needed at a national level to protect Muslim communities.
- 41 The strategy would be developed collaboratively by all relevant Public sector agencies, communities, non-government organisations, business and local government. There is no simple solution to preventing and countering extremism and multi-disciplinary teams would need to work together to develop solutions for all New Zealanders.
- 42 A submitter requested that the government co-design with communities, non-government organisations, business, local government and experts. It would involve a whole-of-New Zealand approach to preventing extremism, focused on prevention and strengthening the resilience and connection of vulnerable groups with the wider community. This approach should concentrate on people and working with the community towards a goal of self-empowerment. The submitter suggested that such an approach should move from countering to preventing extremism, and from surveillance to promoting integration. A few submitters discussed the United Kingdom’s *Prevent* strategy, in which individuals may be referred to police if someone thinks that they may be vulnerable to radicalisation.

Not only does this approach create large numbers of false positives and inhibit civil liberties, but it can have the precise opposite effect in that it can isolate individuals, reduce their trust in the authorities, and convince them of an antagonistic relationship between them and the State.

– Academic

- 43 A few submitters talked about the promotion of a harm prevention agenda where racist hatred and harm are addressed publicly, with a united voice of all those agencies and organisations that have received reports of racist incidents or have witnessed such incidents happening within the delivery of their services. This agenda would involve partnering with the media to make reports of racist incidents public.
- 44 Another submitter supported prevention approaches. They believed it is impossible to predict who might engage in violence from so-called signs of radicalisation. The submitter also considered that the radicalisation literature does not demonstrate a causal relationship between holding an ideology and choosing to use violence. Instead, they said that prevention approaches should focus on dialogue, social cohesion, community resilience, anti-racism and non-violence. This submitter believed that efforts should be made to divert individuals or draw them out of extremist movements, which should be prioritised over punishment and suppression.
- 45 A few submitters stated that Public sector agencies, private research organisations and academia, possibly through a combined research unit, should develop research projects on how people get caught in extreme right-wing and white supremacist ideology and activities, and on effective means of deradicalisation.
- 46 Some submitters suggested government funding of social workers and counsellors to work with those who are susceptible to extremism. These social workers and counsellors could provide such people with healthy pathways away from holding oppressive attitudes. These submitters believed this is particularly important for members of “white working classes”, some of whom have felt increasingly disillusioned and disenfranchised and have responded by attacking ethnic and religious communities.
- 47 A few submitters discussed broader social reforms aimed at reducing wealth inequality and ensuring employment opportunities. These reforms could play a role in countering the appeal of violent extremism, as many of the individuals involved in such groups that promote violent extremism come from socially and economically deprived backgrounds. One submitter suggested a plan of action to develop equal employment opportunity initiatives for people from ethnic communities.

Muslim youth find it difficult to obtain employment. That impacts their sense of belonging and their economic status. These factors influence radicalisation. In the Canadian Committee study witnesses asked for tools that would promote equity and inclusion. They also sought mandatory pay equity for race and religion.

– Community organisation

- 48 Other work that could be undertaken is for the government to provide strong, clear leadership centred on tolerance. The government along with community organisations could implement social programmes aimed at promoting a sense of identity and self-worth in youth. The programmes would be designed to reduce the sense of marginalisation felt by some people. They would also ensure the provision of a well-rounded education. The government should work with public organisations to promote community engagement, anti-terrorist messages and any backlash against support for would-be terrorists.
- 49 A few submitters suggested that having a New Zealand Police officer that was known to the community and understood its concerns is beneficial and that there should be more New Zealand Police liaison officers.
- 50 One submitter told us that young men need to be taught the right virtues and tolerant behaviours in a changing society. To do this, a ministry needs to be created to target men. Without this, they do not believe that anything will change.

[A ministry for] just men, their issues, to pursue better outcomes for men, promote better role models, provide strategy, advocacy and policy advice into issues affecting boys [and teenagers], ultimately looking to grow a better crop of boys and young men for the next generation. Men are failing so we need a new response, otherwise the next shooter is likely to be in the pipeline somewhere angry and simmering, seeking infamy.

– Member of the public

- 51 A few submitters proposed that ongoing government financial assistance is required to improve security at ethnic and religious facilities across the country. One submitter told us that an armed, uniformed, Police presence at religious services and cultural events makes communities feel safe. A few submitters supported this initiative but did not want Police to be armed.

Addressing harmful behaviour online

- 52 A few people recommended that the social media posts of racist and extreme groups be monitored, stating that tackling online communities where this discussion is fostered is paramount.

- 53 We heard that identifying, monitoring and disrupting online social media forums and links is likely to reduce membership in, and support for, white supremacist groups, especially those that promote violence and terrorism.
- 54 Some submitters believed that the government should work with social media platforms to remove online space for terrorism, and with news groups to disrupt the spread of terrorist ideology. This action could prevent the inspiration of further terrorist attacks in support or retaliation. It could also help to reveal terrorism as a failed strategy and a “waste of life”. Further, agencies could enter into online debates to reach individuals. Agencies could identify what is unreasonable, unjust or unattainable, challenge viewpoints and create a counterpoint to terrorist ideology.
- 55 One person suggested the establishment of a third-party organisation owned by the government to work with media networks to regulate the material posted by the public. This organisation would look through online comments and remove hateful material, and catalogue it in a data cloud for the record. While this organisation could only ethically search through public posts, the submitter believed it would be harder for extreme groups to expand their recruitment process through public message boards if most public spaces are monitored for hate. Alerts could be sent to relevant agencies, both in New Zealand and overseas, if required.
- 56 We heard that the online posts of identified racist and extremist group members could be monitored for:
- a) the use of red-flagged language, memes or symbols;
 - b) language formatting that matches manifestos;
 - c) references to other objectionable publications;
 - d) possible trigger events; and
 - e) multiple violence-oriented posts from a single user.
- 57 One submitter told us that a company based in the United Kingdom uses specialist tools to divert users of online hate rhetoric to positive messaging. The company refers these users to counselling, social services support and other help. The company works with non-governmental organisations and groups trained in this space. The submitter suggested this be used for those who have a problem with inclusion.

- 58 Another person suggested an approach similar to one used in the United States of America. This would include developing a website about people who have learned how to help others leave hate groups. Social media sites could direct people to this website when they search for white supremacist content. They also suggested using people who have monitored extremist groups as commentators and to develop curriculum that could provide a programme of education. Such a programme could also draw on the insights of psychologists about the triggers for violence, anger and hostility.
- 59 One submitter believed that schools should not respond punitively to young men expressing extremist views in speech and writing. The acts could instead be used as a learning experience. The submitter considered that agencies should be clear about whether students can submit extremist views as part of assessed material. Teaching materials and advice should be developed and distributed for schools to use in combatting such extremist ideas.

Discussions of democracy, feminism, masculinity, religion are absolutely allowable and necessary, but they need to be informed and critical. We avoid confronting this hate speech at our peril. I wonder as well if schools do become aware of young men with such extreme views when do they have responsibility to alert authorities. That I understand is a challenging question.

– Member of the public

Addressing hate speech and hate crime

- 60 One submitter stated that they agree with the Human Rights Commission's view that there is a need to review the adequacy of current legislation in addressing and sanctioning hate speech and incitement to racial disharmony. This would include hateful and disharmonious speech targeted at the religion and beliefs of ethnic minority communities.⁴
- 61 Some submitters recommended that the Human Rights Act 1993 be extended to include protection on the basis of religion. They further recommended that the experience of the target group against which the words are directed be considered as part of assessing the impact of hate speech. One submitter believed that establishing hate crimes as a separate category of offence should include acts of hatred that target people and property. They believed religious symbols of identity (including halal and kosher) should be legally protected against hate attacks.
- 62 Further, submitters suggested the Human Rights Act 1993 be updated to make it explicit that social media and the internet can be ways of disseminating hate speech, and media companies should be required to outline how they define hate speech and enforce rules against it.

⁴ New Zealand has legislation to make it unlawful to incite disharmony on the grounds of race, colour, ethnic or national origin. It also makes such incitement a criminal offence where intent is established. However, actions against Muslim people, for example, are not protected under sections 61 and 131 of the Human Rights Act 1993, as religious belief are not protected characteristics for the purpose of these sections.

- 63 A few submitters talked about the *Rabat Plan of Action*, the outcome of a four-year initiative by the United Nations Office of the High Commissioner for Human Rights to clarify the scope of state obligations under Article 20 of the *International Covenant on Civil and Political Rights*, prohibiting incitement to violence, hostility and discrimination. The *Rabat Plan of Action* states that where expression incites hatred it must be criminalised. The *Plan* distinguishes between three types of expression:
- a) expression that constitutes a criminal offence;
 - b) expression that is not criminally punishable, but may justify a civil suit or administrative sanction; and
 - c) expression that does not give rise to criminal, civil or administrative sanctions, but still raises concern in terms of tolerance, civility and respect for the rights of others.
- 64 New Zealand has enacted legislation in respect of the first two types of expression through the Human Rights Act 1993. Some submitters told us that the third type of expression requires broader policy measures. Submitters believe the government should adopt all of the following steps to address speech that infringes the rights of others and creates disharmony:
- a) enhance engagement in broad efforts to combat negative stereotypes of and discrimination against individuals and communities on the basis of nationality, ethnicity and race;
 - b) promote intercultural understanding, including “gender sensitivity”;
 - c) promote and provide teacher training on human rights values and principles and introduce or strengthen intercultural understanding as part of the school curriculum;
 - d) build capacity to “train and sensitise intelligence and security forces and police” concerning the prohibition of incitement to hatred;
 - e) enhance the function in national human rights institutions to foster social dialogue and accept complaints of incitement to hatred;
 - f) ensure the systematic collection of data in relation to incitement to hatred offences; and
 - g) have a public policy and regulatory framework to promote pluralism and diversity of the media with non-discrimination and universal access to it as a means of communication.
- 65 One submitter referred to a report which recommends a regulator is established for online material, similar to the Broadcasting Standards Authority or the chief censor. Another submitter elaborated further, stating it should be an independent regulatory body for social media companies.

[The body would be subject] to a statutory duty of care to ensure the reasonable safety of their users, and that they take reasonable measures, including technological means, to prevent, or reduce the risk of, users harming themselves or others.

– Community organisation

- 66 Data on hate speech and hate crime must, according to many submitters, be collected and disaggregated so that it can be analysed and documented into categories such as race, gender and religion. Some submitters suggested that the data collected could be used by other Public sector agencies, such as New Zealand Police for the firearms licence application process. New Zealand Police could check applications for licences and renewals against these records.
- 67 One submitter suggested that setting up a Public sector agency to deal with hate crime issues would be a sensible option. Another submitter sets out steps for the reporting, collation and analysis of complaints of hate speech and hate crimes as follows:
- a) it must be user friendly and reporting must be able to be done from a home computer as well as in a New Zealand Police station or via phone to New Zealand Police;
 - b) New Zealand Police must follow the matter up where the person asks it to be followed up;
 - c) the system and New Zealand Police must collect data on the ethnicity of persons who are victims and – where it is able to be identified – the ethnicity of perpetrators;
 - d) New Zealand Police must start from the assumption that the complaint is true and be resourced to do this work properly;
 - e) the reporting system should be linked into security and intelligence agencies’ databases to enable monitoring of those perpetrating hate speech and hate crimes; and
 - f) the reporting system should also enable anonymous reporting of hate crimes and hate speech directed at persons.
- 68 We heard from a submitter that a national hate crime action plan should be established. This could look to countries such as the United Kingdom for models and best practice. Created through engagement with minority communities, a national hate crime action plan would ensure effective monitoring, mapping and measurement of racial and religious hate incidents and attacks. Incidents warranting further action would be reported to New Zealand Police, with victims adequately supported. Statistics and analysis would be regularly provided to the government, academia and media.

- 69 Some submitters thought that the collection of hate speech and hate crime data could have positive effects. The collection of such data could help to build confidence in the ability and willingness of the Public sector to protect the rights of targeted communities. This in turn may promote reporting of crimes to New Zealand Police by members of communities who may be at risk. This could help with more successful investigations and prosecutions.
- 70 Other solutions offered included whether groups inciting violence or using hateful language should be designated as a special category. This could allow greater surveillance of groups that do not meet the definition of terrorism, but whose actions go beyond being an organised crime group. New legislation could be applied to members of such organisations who display patches or hate symbols. Community organisations could be funded to research and run digital literacy programmes focusing on education and prevention of hate online.

Chapter 8: What people told us about diversity and creating a more inclusive New Zealand

- 1 Over the last 30 years the diversity of New Zealand’s population has increased significantly in terms of ethnicity, culture, gender identities, religion, values, languages spoken, ages, sexual orientation and whānau structure. New Zealand has been described as a “superdiverse” country. Superdiversity means “a substantial increase in the diversity of ethnic, minority and immigrant groups in a city or country”. One indicator of superdiversity is that a quarter of New Zealand’s population was born overseas.
- 2 Our Terms of Reference asked us to examine what Public sector agencies can do to prevent terrorist attacks such as that of 15 March 2019 and make any recommendations about how Public sector systems can be improved to prevent further terrorist attacks, and to provide reassurance to the New Zealand public. To do so we heard about and considered the experiences of submitters and explored how New Zealand society has responded to New Zealand’s increasing diversity.
- 3 New Zealand is generally regarded as a country with a high level of social cohesion, but there is also evidence that some communities in New Zealand experience attitudes or harmful behaviours that make them feel less included or valued.
- 4 Public sector agencies have responded to New Zealand’s increasing diversity in a variety of ways, including through policies and activities to support social cohesion and social inclusion. A socially cohesive society is one in which all individuals and groups have a sense of belonging, social inclusion, participation, recognition and legitimacy. Social inclusion is the process of improving how individuals and groups participate and contribute to society on their own terms.
- 5 A number of submitters raised changing social and cultural perspectives to support a more diverse New Zealand and made many suggestions relating to the future.

Challenges faced by communities

- 6 A submitter discussed a major concern in New Zealand and other similarly diverse nations: the extent to which various ethnic groups are seen as belonging in the country. People’s psychological beliefs mean they often implicitly consider some people as “real” members of society, while others, even if they are legally citizens or permanent residents, are seen as “foreigners”. This tendency can lead people to discriminate against such ethnic groups, leading to distrust.

Therefore, one important recommendation for how to prevent such an atrocity from occurring again is to increase national inclusion of ethnic and religious groups, especially Muslims, in New Zealand. [...] There is abundant [scientific] research to suggest this is a problem New Zealand will face in the coming decades if we do not take more active steps to incorporate non-European and non-Maori ethnic minorities into the national identity.

– Academic

- 7 Another submitter explained that the demonisation of the “other” is something that people revert to out of fear.

There is nothing to be fearful of and the biggest risk to security of communities in New Zealand is becoming a monoculture where we don't embrace those with different languages, cultures, religions etc. Our biggest strength in changing this risk is to continue all our streams of increasing diversity and inclusion.

– International non-profit organisation

- 8 People shared their experiences of themselves or others from their community being harassed. Instances of certain groups of people being harassed on the streets are mainly focused on people whose dress identifies them as belonging to a particular religious group. These people include Sikhs, Hindus, Jews and Muslim individuals.
- 9 A common example was Muslim women being targeted because they are easily identified by wearing hijab. We were told that frequently women in hijab are judged by the global politicisation of religion to accommodate a cultural or religious requirement. We heard from a few people who said they are worried about their whānau and friends who wear hijab. Some women said they felt more scared going out on their own wearing hijab. They told us they avoided going to public places and doing things that used to be part of their daily routine, such as taking their children to school or going on an evening walk. We heard from one group that:

We stopped feeling safe in New Zealand after the 15 March attacks – this event has shaken us, especially our women who tend to be the “flag bearers” as their dress is a visual demonstration of their faith.

– Community organisation

- 10 Another example was the tagging, vandalism and arson of masajid. Over a four-year period, a faith-based community reported at least 150 incidents of extremism targeting their communities, including graffiti of offensive symbols in public places, at faith facilities and social media comments.

11 The Hindu community noted that attacks on dairies may not be on religious grounds, but many of the victims are from the Hindu community. They noted that racial slurs and attacks on the members of the Hindu community for speaking their language and cultural practices are of concern.

12 We received some submissions noting concern that social institutions, in particular media and politics, show high levels of Islamophobia. These submitters were concerned about the speed at which social media can disseminate hate speech. We were told that studies on the media demonstrate the majority of stories on Muslim communities and Islam are negative and tend to focus on violence, extremism and terrorism, reinforcing the commonly-held view that Muslim communities and individuals are a threat. We were told that the media has condoned the vilification of Muslim communities by failing to provide a counter-narrative. This has resulted in the racism that Muslim individuals experience daily.

The media capitalises on reporting that not all Muslims are terrorists, but all terrorists are Muslims. Whenever a Muslim is involved in a shooting they will be labelled as “Terrorist” but not any non-Muslim involved in killing and terrorising any group of people. When [the Oslo terrorist] killed 77 people on 22 July 2011 in three separate attacks around Oslo, he made a point of showing the world of the menace of Muslim[s] immigrating to Europe. Although he was casually labelled as a terrorist his religious beliefs were never headlined as a Christian fundamentalist terrorist.

– Charitable welfare organisation

13 Further on this theme, one submitter discussed in detail how securitisation is the main media frame through which Muslim stories or stories involving Muslim communities or Muslim countries and regions are told to the public. They believed violent acts perpetrated by Muslim and non-Muslim individuals are framed differently. Muslim violence is framed as terrorism, while non-Muslim violence is reported using “mental illness”, “mass shooting” or “loner” frames.

14 Other studies show that the terrorist threat supposedly posed by Muslim individuals is used by politicians to achieve political gain, and that the terrorism threat has come to form part of the public debate about immigration, refugees, security and national identity. One submitter noted that Hansard, the official record of Parliament, has in its searchable record dating back to 2003, 139 mentions of “Muslim”, 317 mentions of “Islam” and 238 mentions of the word “Islamic”. These are almost all in the context of security and counter-terrorism.

15 People commented on the need for change and for society to become more accepting of diversity.

[The] impact of the Christchurch terror attack has been strongly felt across all Aotearoa. The emphasis should always be on connection; bringing people together, engaging all in our communities and celebrating the ‘we’ and ‘togetherness’ in diversity.

– International non-profit organisation

- 16 A few submitters acknowledged that religious communities could also do more to increase the awareness of their religious values and practices to reduce the prejudice and biases of the wider society and to ensure they actively participate in the activities of New Zealand communities. These views included concern about immigration policy in New Zealand, the integration of some ethnic groups and that strict background checks should be prerequisites for immigration.
- 17 Some submitters discussed their interactions with Public sector agencies, particularly the Office of Ethnic Communities (part of the Department of Internal Affairs). Some of these submissions noted that the performance of the Office of Ethnic Communities was “lacklustre” and that its roles and responsibilities were not given requisite mana (te reo Māori term meaning standing, authority and influence) by ministers and other Public sector agencies. While a few submitters cited some positive relationships with the Office of Ethnic Communities, particularly with certain officials, most comments were about their frustrations over their interactions with the Office of Ethnic Communities.
- 18 Many submitters expressed concern about the effective engagement of Public sector agencies with communities and the lack of progress in dealing with their issues and concerns. We received many questions that submitters wanted us to ask Public sector agencies in this regard. Many submitters noted that they wished to actively participate in decision-making, so that they could contribute to ensuring that New Zealand was a safe and secure place to live and work.
- 19 A submitter told us the *United Nations Global Counter-Terrorism Strategy* was adopted by the United Nations General Assembly in September 2006. One of the four pillars of the strategy is Addressing the Conditions Conducive to the Spread of Terrorism.

[This pillar] was more or less never implemented in New Zealand. There was no effective social cohesion/Countering Violent Extremism programme that supported and addressed the disadvantages in the Muslim community. Promises of funding were made but never realised.

– Community organisation

The Muslim community was not ‘served’ by the public service. The consequences of the failures are protective and supportive systems for the minority, vulnerable and ‘least warmed to’ community in New Zealand were not in place or advanced to the extent they would otherwise have been on and before 15 March 2019.

– Community organisation

Need for strategy, policy and ownership relating to social cohesion and inclusion

20 Many submitters discussed the lack of any government strategy, policy or ownership to promote social cohesion. A few submitters believed that a national ethnic relations policy is required. This would prepare New Zealanders for diversity via remedial and proactive measures to foster positive intergroup relations, counteract xenophobic attitudes and combat discriminatory practices in all spheres of social and economic activity.

21 One submitter believed New Zealand should adopt a similar policy to the Canadian Multiculturalism Act.

[The Act] ensure[s] that every Canadian receives equal treatment by the government which respects and celebrates diversity. The Act also recognises Canada’s multicultural heritage and that this heritage must be protected. There is no reason why New Zealand cannot adopt similar policies.

– Community organisation

22 A few submitters suggested the establishment of a National Diversity and Inclusion Strategy (beyond some agencies’ own internal diversity and inclusion strategies) to include ethnic diversity and inclusion, to combat discrimination and guide New Zealanders’ actions and the actions of others. Such a strategy, developed by communities and groups, could be adopted by the government nationally as part of the ethnic relations policy.

23 A submitter stated that New Zealand needs a coordinated and strategic national approach for improving social cohesion and addressing systemic racism and religious discrimination. Such a national strategy would need to include the following key aspects:

- a) the needs of the people the government seeks to serve must be appropriately addressed, so a “race equity lens” should be developed;
- b) any projects that are adopted have clearly defined targets, deadlines and reporting mechanisms so they are effective, sustainable and accountable;
- c) every level of government must be incorporated and have a plan to progress the national strategy;

- d) public awareness and dialogue are instigated by government initiating a conversation about understanding and diversity; and
- e) a targeted scheme is introduced into schools including lessons on race, religion, diversity and related topics.

24 One submitter noted that some of the biggest risks to the security of communities in New Zealand include poverty and inadequate access to mental health support. They felt that a mental health strategy should be prioritised and that related mental health services should be adequately funded. Another submitter stated that students want facilities for community development and communal counselling to help them in their struggles with identity and mental health.

25 One person suggested that strategies could be supported by something like the *Responding to Racism Guide*, used in Ireland, which is a comprehensive toolkit for education and reporting of racism. A tool like that could serve educational purposes. It could also be used as a guide to develop healthy intercultural practices and the de-normalisation of racist abuse and lesser forms of aggression. The submitter believed that this could be an effective educational and awareness tool to understand the harm and deeper consequences of racism.

26 The concept of a new agency and/or reference group was raised in slightly different ways by submitters. One submitter believed there is a need for a designated lead government agency that connects at central and local government level. The submitter also advocated an independent and non-religiously affiliated agency, which would link religious communities and interfaith groups with the government, at local and national levels.

Alternatively, a national religious committee could be established with representatives of the major faith groups led by an independent chair to provide a formal link and communication between religious communities and between them and government (along the lines of the successful, tried and tested Scottish model).

– Academic



**The Muslim community
was not 'served' by the
public service.**

- 27 Another submitter recommended a cross-government working group (which previously existed) be reinstated to work with a Muslim Sector Advisory Group. This would develop a cross-government plan to deliver urgent services to New Zealand Muslim communities in the areas of youth services, education, employment, health and welfare. The submitter believed that there should be a corresponding contribution of funding, with the working group and the Muslim Sector Advisory Group jointly making decisions on funding allocation.
- 28 One submitter believed that Public sector chief executives should be made accountable, through strengthened good employer provisions, for creating and maintaining truly inclusive workplaces. The submitter suggested that the then State Services Commission should develop a range of tools. These could include guidelines on how to reorient towards a human rights compliant culture in policy and project development.
- 29 Some submitters suggested that the Office of Ethnic Communities was floundering and that significant changes were required. One submitter suggested that the Office of Ethnic Communities should sit under another department that has shared goals, such as the Ministry of Business, Innovation and Employment or the Ministry of Social Development. They suggested different ways that the Office of Ethnic Communities could “get back on track”. These suggestions included that the Office of Ethnic Communities should:
- a) redefine its functions;
 - b) better understand and respond to the needs of ethnic communities;
 - c) review what is working and what is not, as well as looking at what is already being resourced elsewhere and put in place a more strategic work programme focused on improving the wellbeing of ethnic communities; and
 - d) develop a data analysis capacity and capability and become a centre of excellence.
- 30 The Office of Ethnic Communities should be a full government department, according to some submitters. An alternative suggested by one submitter was that at the very least, its Director should report directly to the Chief Executive of the Department of Internal Affairs. Another submitter also believed, given the strategic gravity of our diverse population and changing demographics, that there should be a Strategic Advisor for Ethnic Communities role in the Department of the Prime Minister and Cabinet. One submitter suggested that a Religious Reference Group be established to advise the government and local authorities.
- 31 Another submitter believed there should be a new Ministry for Ethnic Communities, which would administer a New Zealand multicultural policy bringing together all of the multicultural resources currently used across agencies.

Singapore sets an example for the world on multiculturalism. A founding principle of the country is the integration of its ethnic and racial groups – a decision was made at the outset to treat every race, language and religion as equal. It made an asset of its ethnic and religious diversity, and the result is relative racial harmony.

– Community organisation

- 32 Another submitter set out a detailed proposal for a new Ministry, such as a Ministry for Inclusion, which could bring together Immigration New Zealand (part of the Ministry of Business, Innovation and Employment) and the Office of Ethnic Communities, housing the Human Rights Commission as an independent entity. The new Ministry’s core work would be on relationships between all ethnic groups, framed by manaakitanga (showing and receiving care, respect and generosity).

Such values – which help to cultivate relationships based on trust, empowerment and kindness – do [not] ask European/Pākehā New Zealanders nor minority group members to give up what is important to them, but would enable them to understand different ways of being and living.

– Academic

- 33 Some submitters considered that Public sector agencies should address their own issues of unconscious bias and racism and take active steps to ensure their workplaces are truly inclusive, including being free of bias, discrimination and harassment. One submitter believed that there should be goals and targets for diversity across all levels of the Public service.

- 34 Cultural competency training for Public sector employees could be delivered by local communities with lived experience some submitters suggested. A few submitters also thought employers more generally should receive cross-cultural training so they view migrants as a resource rather than a deficit.

There is an inherent institutional racism in the police and judicial system. [...] This means our concerns [are] not being taken seriously by the Police, we’re not being told of our rights, not given access to translation services, we are victim-blamed and shamed, experience general disrespectful behaviour, and harsher sentences than our white counterparts. There are many cases where because of the racism of Police and judicial services, community leaders have had to intervene.

– Community organisation

- 35 A few people told us that meetings set up by Public sector agencies sometimes did not have interpreters present or relevant languages were not offered. This compounded the challenges some people faced in understanding what support options were available to them and how to access them. In some cases, it meant that people were relying on whānau members to translate for them what Public sector agencies were saying, and we were told of instances where some felt their whānau member was not impartial or may not have been passing on all relevant information.
- 36 Submitters believed incorrect assumptions are often made, resulting in representatives from various Public sector agencies choosing to treat individuals differently depending on the colour of a person's skin or their name. Submitters considered that there should be better ethnic representation within Public sector agencies at both the staff and leadership levels. This would help to create trust with the communities that these agencies are engaging with, particularly on issues such as safety and security. A few submitters drew our attention to the inability of some people to obtain security clearances because of their countries of origin. This made it impossible to work in some Public sector agencies. These submitters believed that this is an example of failure to ensure diversity of experience in Public sector agencies. The problem risks "groupthink" in assessments of and approaches to the threats to ethnic and religious communities.
- 37 A few submitters thought that the government needs to gain the trust of ethnic and religious communities. As many communities came from corrupted systems in their country of origin, they do not have any faith in the government and it would take time to build trust and confidence. It is important that Public sector agencies understand this.

It was observed that several of our clients found the sight of New Zealand Police (as seen in Wellington) armed and carrying high powered rifles traumatising. Conversely others found a greater sense of security and safety. This underlines the need to ensure effort is made by the authorities to engage and build trust with migrant and refugee communities. Reassurance that the New Zealand authorities are corruption free, are here to protect and to help are vital components to this process (many former refugees have in the past, in their countries of origin and during transit had the opposite experience).

– International non-profit organisation

Community engagement practices by Public sector agencies

- 38 Many submitters talked about community engagement practices of Public sector agencies being ill-defined, transactional one-off meetings on a limited topic, with no clarity of overall vision as to how the topic fits within the government’s policy agenda and objectives. Further, some submitters noted that Public sector agencies often predefined the solutions rather than engaged in real conversations with communities. This meant there was not a common understanding of the problems and issues that should be fixed, and there was limited collaboration in the development of solutions that best meet the needs to communities. This meant there was limited buy-in to solutions.
- 39 Some submitters noted that Public sector agencies often “cherry-picked” whom they consulted in order to get support for their predetermined solution. And often this cherry-picking involved ethnic and religious communities being talked to separately by the relevant Public sector agency. By talking to groups and communities in isolation this meant that there was no cross pollination, sharing or moderation of ideas between communities.
- 40 A few submitters acknowledged that as they were volunteers and were often being “consulted” by Public sector agencies without any recompense or acknowledgment that the work was being undertaken at the expense of family time. A few submitters acknowledged that they were running out of energy and time to give the necessary ideas and feedback required into Public sector processes.

Solutions proposed by submitters

- 41 People told us that Muslim individuals and communities and Islam need to be normalised in official and popular discourse.

[This would involve] media in New Zealand making a conscious effort to normalise Muslim representations on screen, and to take a critical, rational, and ethical approach to priming and framing stories involving Islam, Muslims, and Muslim-majority countries and regions.

– Community organisation

- 42 We heard that politicians should be held to account for their comments and educated on different religions and ethnicities. Many submitters felt the elimination of hatred should be an action that both central government and local authorities must prioritise. One submitter recommended a range of changes, such as to the Cabinet Manual, Standing Orders of the House of Representatives and Local Government Act 2002, to prohibit racial or religious discrimination by ministers and politicians in both central and local government.

- 43 We heard from many submitters that ensuring all citizens can be engaged, participating members of their communities is vital to their ongoing wellbeing and safety. Public sector agencies have an important role connecting with communities and establishing partnerships that enable improved levels of safety and cohesion. A challenge for New Zealand's ethnic communities is being able to communicate what they offer and how they contribute to New Zealand.
- 44 Submitters considered that Public sector agencies should collaborate more closely and work with local communities and community agencies on providing programmes that promote belonging and wellbeing, and that target violence, disconnection and stigmatisation.
- 45 Many submitters offered a range of ideas about how the government can work with communities and enhance social cohesion and social inclusion. A few submitters stated that whatever is done, the government should be seen to treat all ethnic and religious communities equally and fairly. Any preferential treatment to any one community will be seen to be non-inclusive by other communities. This may be a reason for non-acceptance and exclusion.
- 46 A key theme that came through was the role of New Zealand's education system. People commented on the need to put in place education and other programmes at primary, secondary and tertiary level to develop understanding and tolerance of different cultures and to prevent cycles of hatred beginning.
- 47 One submitter provided a record of how schools, staff and communities in Christchurch came together after the 15 March 2019 terrorist attack, with reflections on both positive and negative impacts, as well as what is needed for the future. Some of the reflections were that:
- a) Schools grew closer to their Muslim community and very strong and supportive partnerships have been created and strengthened.
 - b) School communities also became closer as people reached out to each other. Everyone is more mindful of being kind towards one another. Many schools observed more interactions between members of their communities.
 - c) Communities and staff are more culturally aware. Students have a deeper understanding of racism and inclusion.
 - d) Schools became more focused on the wellbeing of their communities and staff. Many schools created spaces where students could have a quiet place.
 - e) Everyone had changed perceptions of their city/home/country. Children felt frightened and vulnerable, especially those in hijab. People are more mindful of walking into public events, feeling unsafe and unnerved.

- f) Non-Muslim cultures have struggled as well, feeling like they would be targeted next.
- g) Cultural diversity continued to be celebrated by sponsoring events.
- h) There was support to decrease cultural distances so that culturally diverse families can access support services, like Work and Income for example.
- i) As Christchurch becomes more and more culturally diverse, more funding is needed to support staff in school with training to support our communities.

48 A few submitters stated that the Ministry of Education should embed diversity and inclusion in the school curriculum with the aim to eradicate racism within a generation. It was suggested this could be similar to the anti-bullying programme in schools.

The current provision in the Education Act that permits a school to be closed for an hour a week for religious instruction (which is interpreted to mean Christian) and allows parents to opt students out, should be removed and consideration be given to the teaching of cultural and religious diversity as a compulsory part of the curriculum.

– Community organisation

49 A few submitters suggested there could be cultural days or similar events to help students understand people from different ethnic backgrounds. Parents should also be invited to these events. A racial harmony day could emphasise the importance of racial cohesion among students.

50 A few submitters also wanted religious literacy to be taught in schools. They believed that religious practices can cause fear and suspicion if they are viewed as different, alien or misunderstood. If they are better understood by both those with a religious faith and those without a religious faith, all can move beyond ignorance to a new level of respect and appreciation.

The timely need for basic religious literacy to be taught in all New Zealand schools. This needs to be Treaty-based and focussing on the actual religious and non-religious communities in Aotearoa New Zealand, covering migration, belief and practices, morality, and contemporary demographics. Such core religious literacy should be offered from years 5-10, with specialist study available at [New Zealand's National Certificates of Educational Achievement] levels, 1, 2, 3 and Scholarship. There is robust evidence to support such teaching as an effective way to promote inclusion and reduce inter-communal tensions. Adult communal education should also be available.

– Academic

51 A submitter suggested that to encourage inclusion and diversity, it could be compulsory for every child to learn a second language, such as te reo Māori (Māori language) at primary school level and a further language at secondary school. This would lead to an understanding of a new culture. We were told that such policies have been successful in reducing monolingualism (speaking only one language) in other countries. A few submitters also suggested cultural exchanges for secondary school or university students (including within New Zealand).

52 There was a call for teachers to have professional development in cross-cultural communication, in how to teach diverse students (and to teach about diversity) and in different learning styles. Some submitters felt that cultural competency is missing from many schools, and educators should be taught strategies to de-escalate violence and embed respectful social interactions. Some submitters felt cultural competency should be audited, and all schools should enable a system where students can complain about race or religious-based discrimination by teachers.

53 Classrooms should be a safe place, where individuals can express their religious and cultural beliefs without discrimination and restrictions.

The students want to raise the inadequacy in training of teachers and principals when it comes to dealing with cases of Islamophobia and racism. They want the government to introduce professional development for both teachers and school principals so they are well equipped in dealing with such cases.

– Member of the public

54 It was recommended that young people grow up with tolerance, and that encouraging sports teams of mixed backgrounds and other activities for youth would be helpful. Parents, as well as teachers, should be encouraged to teach children about the right behaviours.

One of the biggest problems we face is the ‘silos’ where young people are encouraged to remain in their own community and not to mix with others.

– Community organisation

55 A few submitters told us government resources relating to resettlement should not just be allocated to physical resettlement. Emotional, psychological, cultural, social and economic resettlements are also important. These remove misconceptions about ethnic groups and can ensure better understanding of diverse cultures and religions, goals and objectives, ways of life and capabilities.

These types of settlement are the ones that create real integration in the community and as a result lead to more understanding and acceptance.

– Community organisation

56 People told us they felt government and local authorities should work with community groups to establish healthy relationships between citizens and migrants, including refugees.

Channels of communication between different cultures should be encouraged and supported, possibly by funding gatherings where people can meet over a cup of tea.

– Community organisation

57 A submitter told us cultural safety workshops in the community could enable people to learn more about the ethnic minority groups living in New Zealand and how people's ethnic background shapes their values and attitudes.

58 A few submitters thought there should be the following initiatives:

- a) education workshops on human rights and discrimination, and a collaborative campaign with key organisations aimed at eradicating discrimination/racism, which could be run in various media;
- b) Increased public funding for the production of content for television, radio, print, and social media that challenges common stereotypes and exposes audiences to more balanced, positive representations of minority cultures;
- c) ambassadors used to promote aroha (love, empathy, compassion) and manaakitanga (showing and receiving care, respect, generosity);
- d) support for festivals for minority groups and inter-faith events at local levels that create cohesion between different cultures and religions and tackle racism; and
- e) opportunities and motivation for groups to form on the basis of common interests, skills, hobbies, tastes (such as food and music) and aspirations, beyond ethnicity or religion.

59 Some submitters suggested that Public sector agencies needed to significantly improve their communities' engagement practices. This would involve more work in developing relational processes built on collaboration and working together to identify and agree the problems and issues to be fixed or mitigated, the solutions and how those solutions might be implemented effectively and by whom.

Chapter 9: What people told us about “out of scope” matters

- 1 We were provided with many people’s thoughts and views on matters that were outside the scope of our Terms of Reference.
- 2 Although the Terms of Reference prevented us from making findings or recommendations on these issues, there was nothing preventing us from recording them as having been raised. These included concerns about the Terms of Reference, New Zealand Police’s response to the terrorist attack, the identification processes, changes to the Arms Act following the 15 March 2019 terrorist attack and the individual’s interaction with the criminal justice system.

Our Terms of Reference and our inquiry

- 3 Many people had views that they wanted to share with us about our Terms of Reference and process. Some of these views covered matters that were beyond our influence, such as the composition of the Royal Commission and our Terms of Reference. Some views revealed that some people were not aware of all aspects of our inquiry process, as much of it was largely conducted in private.
- 4 Most of the views people shared with us about our Terms of Reference were about their scope. In summary, we were told that:
 - a) our Terms of Reference were limited, or too narrowly focused on specific operational questions, so some submitters concluded that they could not comment on broader aspects of the performance of Public sector agencies such as organisational culture;
 - b) our Terms of Reference did not articulate the subject of our inquiry and could be interpreted in a number of ways;
 - c) our scope was insufficient, so would not achieve proper scrutiny of Public sector agencies and not adequately explain to the public what happened, to allow remedy and provide assurance through our findings and recommendations;
 - d) our scope should have extended to the response of Public sector agencies to the terrorist attack, to allow for a full review of the appropriateness of Public sector agency actions;
 - e) our credibility would be damaged if we could not inquire into the government’s changes to firearms legislation following the terrorist attack and the activities of organisations outside the Public sector, such as the media; and
 - f) the development of the Terms of Reference should have involved wide engagement with the affected whānau, survivors and witnesses of the terrorist attack and with Muslim communities more generally before they were finalised.

- 5 In relation to our process, we heard that:
- a) our restrictive timeline would limit our ability to acquire the intellectual capability to undertake the necessary analysis, which was particularly important given the lack of professional experience that we had in security studies;
 - b) the timeline would limit the breadth and depth of our analysis;
 - c) there were some reservations about the extent and scope of our non-publication orders and their effect on the transparency of, and the public confidence in, our process;
 - d) there were inadequate formal, public instructions to heads of Public sector agencies to fully cooperate with all aspects of our inquiry so that we could ask challenging questions without being prevented from exercising our powers;
 - e) our inquiry would be “a sham” that would find and disclose nothing or would be unlikely to result in any meaningful action or change and would instead seek to absolve Public sector agencies and recommend further powers, including surveillance of citizens and information-sharing;
 - f) we would not be able to reveal any evidence that we could find of a cover-up or corruption;
 - g) we would not be able to publish our findings and recommendations, some of which could be embargoed or suppressed by Public sector agencies, so we would not be able to assure the public of a transparent process; and
 - h) legislation, particularly relating to firearms, should not be amended before we deliver our report, as our findings should be fundamental in determining what laws need changing.
- 6 A few people wanted to let us know that they were not happy with how we consulted communities. For them, our engagement with Muslim communities in Christchurch seemed characterised at many stages by a slowness, clumsiness and insensitivity towards the effects of grief and the ways in which different belief systems respond.
- 7 Some people told us that we failed to place victims at the centre of the inquiry, which created a further sense of disempowerment and victimisation. They told us that people should be placed at the centre of our processes, particularly to ensure there is transparency, trust and that communities who were directly impacted have meaningful opportunities to be involved and heard.

- 8 We also heard that an appropriate expert representative from the Muslim community should have co-led the Royal Commission and that we should have enlisted other expertise, such as from Māori, to facilitate discussions and engagement with communities. There was concern about the short timing and process of our engagement. One submitter took the time to provide us with suggestions for how we should engage with Māori during the course of our inquiry, including consultation with the Iwi Chairs Forum, public meetings, a combination of approaches such as face-to-face or online meetings, panels, surveys and employing and including Māori at all levels of the inquiry.

Identification process

- 9 Many of the affected whānau, survivors and witnesses we met with felt that the process for identifying their deceased or injured loved ones, particularly in hospital, caused them additional and unnecessary grief. Some people said they received conflicting and inconsistent information from New Zealand Police officers and hospital staff in the first 24 hours after the terrorist attack. We were told that whānau members were asked to describe their loved ones over and over again by different New Zealand Police and hospital staff. In one case, a whānau member who had witnessed their loved one being killed was told by New Zealand Police and hospital staff not to lose hope, and that their loved one could be being treated in another hospital. This false hope caused considerable additional grief.
- 10 People we met with were frustrated about how long it took for their deceased loved ones to be moved from the scene and to be formally identified. In one case, a close whānau member read about the death of their loved one in a newspaper article rather than being informed by New Zealand Police.
- 11 People were also frustrated about how long it took for people being treated in hospital to be identified. They questioned whether inexperience and lack of understanding about traditional Muslim naming conventions, and variations in how Muslim names are spelled, may have contributed to these delays. This also led to confusion for whānau members who were trying to find their loved ones and understand what had happened to them.
- 12 Some whānau members were also unable to personally identify and see their loved ones. One submitter told us that they were aware of survivors of the terrorist attack who viewed the individual's video of the terrorist attack repeatedly for at least two days in an effort to identify deceased friends and whānau. This was due to no reliable sources of information following the terrorist attack and a lack of clear communication from Public sector agencies.

I didn't see anything, I don't know nothing. How much you know, that's how much I know. When my son washed his body...he took the photo and showed me the photo... I felt like they killed me not him.

– Whānau member

Changes to firearms legislation after the terrorist attack

- 13 On 21 March 2019, the Government announced it would ban military style semi-automatics and assault rifles. This included related parts used to convert firearms into military style semi-automatics and high-capacity magazines. The Government also put in place an amnesty for such weapons to be handed in and a buy-back scheme to recompense owners.
- 14 Most submissions we received on the changes to the Arms Act were highly critical of the reforms undertaken by the Government in 2019 and the then proposed changes, which were enacted in 2020.
- 15 One submitter commented that it was a “knee-jerk reaction” penalising responsible licenced firearms owners, resulting in increased compliance costs and not impacting on criminals.

On a personal note, I find it really sad that I own a .22 lever action rifle that my wife bought me for my 21st birthday 50 years ago which is now classified as illegal because it holds 15 rounds. The chances of this rifle ever being a threat to New Zealanders is just a nonsense.

– Licensed firearms owner

- 16 We heard further from many others who felt the law change had the effect of blaming the 250,000 legal firearms owners for the actions of one person and that it would not necessarily make New Zealand a safer place. People felt “distressed” that they were no longer considered to be fit and proper enough to own some of their firearms.

[T]he actions of one lunatic does not reflect a community and therefore pause for thought is necessary to ensure that punishment for one man’s actions does not punish everyone.

– Licensed firearms owner

- 17 There were many comments on the speed of the current law change, which a number of submitters considered undemocratic, allowing for little or no public consultation and considered by a select committee for only a week. They felt the rushed nature of the law change did not allow New Zealanders to have their say to make the law more effective.

Of particular concern is that these actions were taken setting long held democratic lawmaking process aside and without waiting for a considered response after examination of the matter by the Royal Commission. There was no consideration yet deliberate haste to disallow opportunity for views against the quickly planned legislation to be expressed. The reach of the changes to the Arms Act, far beyond the issue that is said to have triggered it, has greatly reduced the credibility of all involved.

– Licensed firearms owner

- 18 Some people noted that the illegal trade and importation of firearms was rife in New Zealand and believed banning legally-owned firearms would not change this nor make the general public safer. We received statistics from some submitters, who pointed out that the majority of firearm offences are committed by non-firearms-licence-holders. These submitters thought the focus should be on gangs, burglary and firearms theft with the proposal to increase the penalties for firearms offences.

In recent times firearms have been used to commit crimes. These crimes were not committed by your ordinary family man who goes out in the weekend to get a bit of exercise and meat for the freezer. Clean up the gang problem and I believe most of the firearm crimes will be cleaned up at the same time.

– Licensed firearms owner

- 19 We were advised by a submitter that since 15 March 2019, New Zealand Police have issued a new directive informing vetting staff to take precautions regarding right-wing extremism, including warning signs such as “tattoos, Celtic or Norse symbolism, books on the Third Reich, confederate flags, and references to [an individual who committed a terrorist attack in Oslo and Utøya, Norway on 22 July 2011]”. The submitter believed it could and should have been standard practice prior to the terrorist attack, particularly as there was no impediment under existing legislation for vetting staff to consider these factors when determining whether an applicant is a fit and proper person to hold a licence.

- 20 In relation to the specific changes to firearms legislation introduced by the government following 15 March 2019, we received many views, which we have summarised below.

- 21 Many queried the accuracy and usefulness of firearms registration and were concerned about privacy breaches. A few supported the idea of a register, which might assist New Zealand Police in the recovery of stolen firearms, noting that certain firearms (including pistols, collector’s items and former E Endorsement firearms) were already required to be registered.

I would add that the intention to try to register all firearms is not only futile, because the ones one really needs to know about are the very ones that will never be registered, but it will cost huge amounts that could be much better spent on staffing Police adequately to carry out their duties vis a vis vetting and licensing as was originally intended in the Arms Act. The abject failure of registration schemes in every country in which it has been attempted is ample proof that although the idea looks attractive, as a measure to prevent criminal misuse of firearms, it simply does not work. That is the reason, of course, why it was abandoned in 1983 and the checking systems changed to the person, rather than the gun, because it is the person that does bad things, not the hardware he/she chooses to employ.

– Licensed firearms owner

- 22 A few thought the money spent on the buyback of firearms and new processes such as a register could have been put to better use elsewhere, such as for New Zealand Police's administration of the firearms licensing process, reducing the numbers of illegally owned firearms or on other community-based initiatives.
- 23 Many did not support the ban on military style semi-automatics and assault rifles, with some believing that it will prevent them from carrying out activities such as competitive shooting. One person told us the ban is akin to banning cars because of the reckless driving of one individual. Others consider that they should have been allowed to retain these firearms with restricted ownership and stringent requirements, such as keeping them at gun clubs and requiring them to be signed in and out one at a time. A few supported this ban, however.

Despite the many protests to the contrary from various rifle clubs and associations, [military style semi-automatic] rifles have no legitimate hunting purpose in New Zealand, beyond culling large herds of deer/tahr/goats.

– Member of the public

- 24 A few submitters could not see the benefits from changing the standard firearms licence period from ten to five years, and were concerned about the administration of this process. They advised us that there is already a backlog of licence renewal applications. One submitter advised us that they could have their licence revoked at any time, regardless of the length of the licence period, if they are judged to no longer be a fit and proper person to possess firearms.

New Zealand Police's response to the terrorist attack

- 25 The response to the terrorist attack was commented on by some submitters, including observations on how well responders were equipped to deal with the terrorist attack.
- 26 Some submitters were unhappy about aspects of the response. Some of these concerns centred on the time New Zealand Police took to respond to the terrorist attack, why they did not seek to protect other masjids in Christchurch and across New Zealand once they knew one was under attack and the procedure for moving and identifying the deceased.
- 27 We were informed by one submitter that bystanders and victims were subjected to inappropriate and even aggressive conduct by New Zealand Police in attendance at the masjid immediately following the terrorist attack on 15 March 2019. They said that a whānau member arrived at the masjid searching for her husband but was removed by New Zealand Police and a Police officer pushed her with his firearm, saying that "if you don't leave from here, either I will shoot you or the attacker will".

- 28 One submitter gave us their view on the response to the terrorist attack and told us about their involvement in the response. The submitter made observations and proposed solutions for a future response by New Zealand Police and other agencies should a similar terrorist attack occur in the future. They noted that Public sector agencies were severely lacking in cultural capability, resulting in an absence of leadership at a national level to respond to the terrorist attack. They believed there should be more flexible emergency powers during national crises and under the Burial and Cremation Act 1964 to take account of New Zealand’s diverse ethnic, cultural and religious needs in relation to burial. The submitter considered that the needs of our diverse society in relation to burial needed to be incorporated in the legislation, including allowing for particular burial customs or practices to be recognised and provided for.
- 29 Some submitters shared their concerns following the 15 March 2019 terrorist attack, and their observations on how to assist the affected whānau, survivors and witnesses of the terror attack. A few submitters asked why the terrorist attack was not treated as a civil defence emergency. Some submitters questioned why the individual’s make and model of car and number plate were not broadcast on every frequency so that sightings could be reported to New Zealand Police.
- 30 Some submitters considered our terms of reference were too limited and the response to the terrorist attack should have been investigated by the Royal Commission. A few submitters asked about the review of New Zealand Police’s response that had been announced by the former Police Commissioner and what had happened to it. These submitters felt that New Zealand Police had delayed the release of the review’s findings as they were concerned with what it said.

The individual’s interaction with the criminal justice system

- 31 We were told of the deficiencies in support available to affected whānau, survivors and witnesses in relation to the criminal justice system. A submission made on behalf of some of this group spoke of the “deep widespread trauma in being excluded from the criminal process and being unable to have input into or feel any meaningful participation in this process”.
- 32 We heard of disillusionment and a loss of hope and trust, largely due to the lack of acknowledgement of victims in the criminal justice process and the feeling that they are not being heard. That submission also noted that the issues and concerns that victims have had in this specific case were seen to be a demonstration of the issues that victims face more broadly in New Zealand’s criminal justice system. There were complaints of a disconnect between the principles of victims’ rights as set out in the Victims Code,⁵ and victims’ experiences of the criminal justice system, including re-traumatisation.

⁵ The Victims Code sets out how you can expect to be treated when you are a victim of crime, <http://www.victimsinfo.govt.nz/support-and-services/victims-rights/victims-code-full-text-version/>.

- 33 We were told that the purpose and scope of a victim impact statement was not clearly explained to many affected whānau, survivors and witnesses. We were told this affected what they wrote in their victim impact statement. In many cases this was compounded by a lack of interpreters. Some people said that the narrow and prescriptive format of the victim impact statement template produced by the Ministry of Justice provided to affected whānau, survivors and witnesses was not appropriate given the unique circumstances of this case and was further disempowering. Some people said that the court system should have recognised this and modified its templates.
- 34 A few people we met with suggested New Zealand should have harsher sentences for terrorism. A few people suggested New Zealand should reintroduce the death penalty, with some arguing this would deter terrorist attacks in future. A few people also criticised the significant time it took to conclude the criminal process, noting the impact of the delay on the ability of affected whānau, survivors and witnesses to heal.
- 35 A few people we heard from were concerned that the prison conditions in New Zealand were not harsh enough for the individual. One person expressed distress that the state would pay more each year to imprison the individual than to support those directly affected by the terrorist attack.
- 36 A few people shared concerns and frustration that the individual was able to send correspondence to like-minded people while in prison. They questioned how this could have been allowed to occur and sought accountability from the Department of Corrections.

Other out of scope submissions

- 37 One submitter provided views about the desirable elements of a training package for Explosive Detection Dog support so that the teams that carry out this function are well prepared for their role.
- 38 One submitter considers that parents who turned up at schools in the aftermath of the terrorist attack on 15 March 2019, demanding to take their children from lock-down, stressed and traumatised the children present as well as potentially putting them at risk.

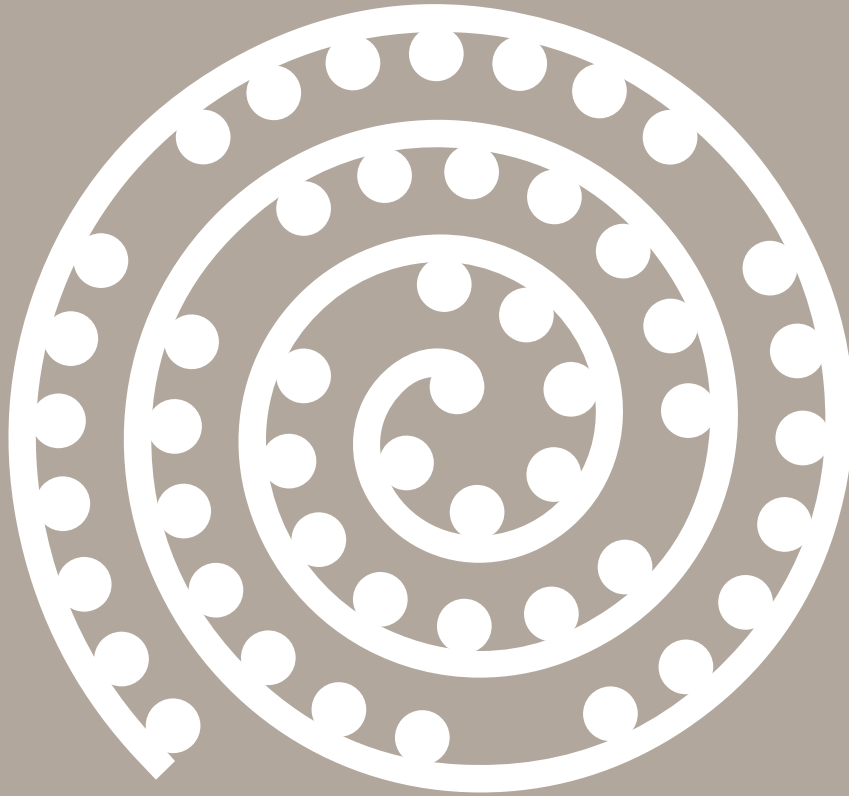
Concluding comments from the Royal Commission

- 1 Once again, we would like to thank all who took the time to share their thoughts with us, in writing, over the phone or meeting with the Royal Commission. These contributions helped us formulate a rich and authoritative report that has echoed the voices of New Zealanders.

Glossary

Term	Definition
4chan	An image-based message board on the internet where anyone can post comments and share images anonymously.
4Rs	New Zealand's integrated approach to national security includes four areas of activity known as the 4Rs – Reduction, Readiness, Response and Recovery.
black swan event	A term coined by Nassim Nicholas Taleb to describe an event that has three characteristics – it is so rare that no one could have anticipated it, its effects are catastrophic and it is regarded as predictable in hindsight.
endorsement	Additional firearms licence privileges to possess and use certain types of firearms.
firearms licensing process	How a firearms licence application is processed by New Zealand Police.
fit and proper person	A person of good character, who can be trusted to use firearms responsibly.
Five Eyes	The intelligence sharing partnership between Australia, Canada, New Zealand, the United Kingdom and the United States of America.
hijab	A head covering worn in public by some Muslim women.
intelligence and security agencies	The Government Communications Security Bureau and the New Zealand Security Intelligence Service. This is a statutory term under the Intelligence and Security Act 2017.
iwi	Te reo Māori (Māori language) term that refers to a tribe – a large group of Māori people bound by descent from a common ancestor and associated with a distinct territory.
magazine	A device that contains ammunition to feed into the chamber of a firearm.
Māori	The indigenous population of New Zealand.
masajid	An Arabic term for more than two masjid.

Term	Definition
masjid	An Arabic term for a mosque, the Muslim place of worship. In Arabic, masjid literally translates to “place of prostration (in prayer)”.
masjidain	An Arabic term for two masjid.
Masjid an-Nur	An Arabic term for the an-Nur Mosque.
military style semi-automatic	A semi-automatic firearm fitted with: <ul style="list-style-type: none"> • a magazine capable of holding more than 15 .22 calibre rimfire cartridges or more than seven cartridges of any other kind; and/or • a military pattern free-standing pistol grip; and/or • a folding or telescopic butt; and/or • bayonet lugs; and/or • a flash suppressor.
New Zealand Intelligence Community	The Government Communications Security Bureau, the New Zealand Security Intelligence Service and the National Security Group of the Department of the Prime Minister and Cabinet (including the National Assessments Bureau).
Pasifika	A collective term for people of Pacific Island descent.
Public sector agency	In general, an organisation that works for the government of New Zealand. In this document, “Public sector agencies” means the 217 organisations listed in the appendix.
shuhada	An Arabic term for the plural “martyr”. The term shuhada is used in this document to refer to people who died as martyrs as a result of the terrorist attack on 15 March 2019.
whānau	Te reo Māori (Māori language) term for family.



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.

