

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

Office of the Minister of Police

Cabinet External Relations and Security Committee

## **Developing a cross-agency Business Case for a public reporting and response system for concerning behaviours and incidents**

### **Proposal**

- 1 This paper seeks approval to draw down \$1.094 million from the tagged operating contingency *Reporting System for Concerning Behaviours and Incidents* established by Cabinet through Budget 2022 to develop a Business Case to progress Recommendation 12 of Ko tō tātou kāinga tēnei: the report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain (Royal Commission) [SWC-21-MIN-0188 refers].
- 2 The paper also seeks to confirm from Cabinet the direction and timing for progressing Recommendation 12, which seeks to develop an accessible reporting and response system for reporting national security behaviours and incidents.

### **Relation to government priorities**

- 3 In the Speech from the Throne, the Government committed to responding to the report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 (the Royal Commission) by working to eradicate violent extremism and foster a truly inclusive society for people from every culture, faith and background. The Government's response to the Royal Commission will also support our wider goals to lay the foundations for the future and create a fairer, more equitable Aotearoa New Zealand.
- 4 Progressing a public reporting and response system for concerning behaviours and incidents aligns with the all-of-government response to the Royal Commission as well as the aim of New Zealand's Countering Terrorism and Violent Extremism Strategy: bringing our nation together to protect all New Zealanders from terrorism and violent extremism of all kinds.

### **Executive Summary**

- 5 Recommendation 12 of the Royal Commission is to: *Develop and promote an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government.*
- 6 For communities, progressing Recommendation 12 is a priority as they face increasing hate and extremist threats and other national security threats. At present, communities are uncertain about where to go for assistance and which government agency has jurisdiction to respond. People who are targeted feel unsafe. At the community level, ongoing and unaddressed concerning incidents and behaviours reduce social cohesion.

- 7 The issues that need to be addressed in response to Recommendation 12 are:
- 7.1 providing a coordinated, effective mechanism for communities and victims to seek help, report regulatory breaches and crimes, and receive follow-up on the outcomes of reports.
  - 7.2 addressing the systemic national security vulnerability inherent in threat information silos that exist within New Zealand government agencies; and
  - 7.3 increasing the public's trust and confidence in government agencies being able to coordinate both a victim response and a national response to threat leads and harmful national security-related behaviours.
- 8 Police is leading the work on the Business Case for a cross-agency reporting, assessment, coordination and referral system for concerning national security incidents and behaviours.
- 9 On 11 April 2022 Cabinet agreed to establish the *Reporting System for Concerning Behaviours and Incidents* Tagged Operating Contingency of **s.9(2)(f)(iv) OIA** in Vote Police and agreed for the inclusion of this in the Budget 2022 package for Vote Police. Further, Cabinet agreed that:
- 9.1 the draw down of \$1.094 million in FY2022/23 is subject to Cabinet approval to develop a system for reporting concerning behaviours and incidents; and
  - 9.2 the draw down of funding from FY2023/24 is subject to Cabinet approval of an Implementation Business Case.
- 10 The processes Police will follow for development of a cross-agency Business Case are:
- 10.1 Treasury's Better Business Case processes for progressing to an implementation stage;
  - 10.2 setting up a Project Team with cross-agency project governance, planning, management and risk assurance functions to refine scope and develop options for design and a preferred approach; and
  - 10.3 the engagement processes set out by the Department of the Prime Minister and Cabinet (DMPC) for the Royal Commission response, including through the Kāpuia Reference Group, community hui, and with Treaty Partners.
- 11 This paper seeks Cabinet agreement to draw down \$1.094 million from the tagged operating contingency *Reporting System for Concerning Behaviours and Incidents* established by Cabinet through Budget 2022 in FY2022/23 to identify a preferred way forward for Recommendation 12. If agreed, we intend to report back by May 2023 with a Business Case setting out options and a preferred approach.

## Background

- 12 In November 2020, the Government received the Royal Commission's report, agreed with the Royal Commission's findings, and accepted in-principle the report's 44 recommendations [CAB-20-MIN-0516 Minute refers]. An update report on the progress of the Royal Commission response was provided to SWC on 24 November 2021 [refer SWC-21-MIN-0188].

- 13 Recommendation 12 of the Royal Commission’s report is to: *Develop and promote an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government.*
- 14 The Royal Commission’s report noted that: *“Success will require public knowledge of current risks and threats and a simple pathway to allow people to report concerning behaviours or incidents to a single point within the Public Sector that is promoted and visible. From there, the information would be passed on to the relevant agency (or agencies) whether it is a public sector agency or non-government agency for assistance.”* The Royal Commission further made clear their expectation that the reporting system should be implemented within 12 months of their report being delivered, seeing this recommendation as key to ensuring New Zealand’s national security system is trusted and works for the communities that it serves.

### Funding history

- 15 In July 2021, funding was received to formally establish *Te Raranga – The Weave* in response to Recommendation 42 from the RCOI. Recommendation 42 is about improving internal systems, practices, and processes so Police can better recognise, record, and respond to hate crime, hate incidents, and hate speech. In addition to improving internal systems, Police sees value in creating a cross-agency online portal to triage and refer people to the right agency for response. This would allow victims to report an event only once, thereby minimising the harm and potential re-victimisation caused when having to recount a single hate crime, hate incident, or hate speech event to multiple agencies. *Te Raranga* is not currently funded to create or manage a cross-agency portal of this nature.
- 16 While a proposal for funding a Recommendation 12 initiative was invited for Budget 2021, it was not progressed. The Minister of Finance was supportive but wanted further development of the proposal so that it could be considered with future Royal Commission funding proposals in Budget 2022, or associated budget contingencies. The Treasury advised undertaking a Better Business Case process. Subsequently, Police submitted a bid for consideration of s.9(2)(f)(iv) OIA of operating funding in December 2021 as part of the Justice Cluster Budget process.
- 17 On 11 April 2022 Cabinet agreed to establish the *Reporting System for Concerning Behaviours and Incidents* tagged operating contingency of s.9(2)(f)(iv) OIA in Vote Police and agreed for the inclusion of this in the Budget 2022 package for Vote Police. Further, Cabinet agreed that:
- 17.1 The draw down of \$1.094 million in FY2022/23 is subject to Cabinet approval to develop a system for reporting concerning behaviours and incidents; and
- 17.2 The draw down of funding from FY2023/24 is subject to Cabinet approval of an Implementation Business Case.
- 18 This paper seeks Cabinet agreement to the draw down of \$1.094 million from the tagged operating contingency *Reporting System for Concerning Behaviours and Incidents* to identify a preferred way forward to implement Recommendation 12.

## Importance of progressing work on a public reporting and response system

19 In extensive public engagement to develop a Preventing and Countering Violent Extremism Strategic Framework, communities have emphasised Recommendation 12 and the establishment of a single reporting entity as key to feeling safer from violent extremism and other national security risks, such as foreign interference and mis/dis-information.

### *Reporting and receiving assistance for online national security incidents and behaviours*

20 Personal threats, direct and online, make people feel unsafe in their daily lives, and targeted hate and mis/disinformation campaigns against identifiable communities reduce social cohesion. The pace and aggression of online threats has escalated dramatically during 2021 and into 2022.

21 Most New Zealand national security agencies have online reporting portals open to the public. However, the roles, functions and response capabilities for national security matters are complex. Many people who are victims of national security incidents and behaviours are unclear about which government agencies have a role in taking actions. The Royal Commission signals a more coordinated cross agency response is needed, one that removes any burden on victims to have to navigate the different agency functions or to have legal knowledge about which agency should appropriately respond. A cross agency triage, assessment, and coordination system that removes the specialist knowledge burden for victims is a key aim for implementation of Recommendation 12.

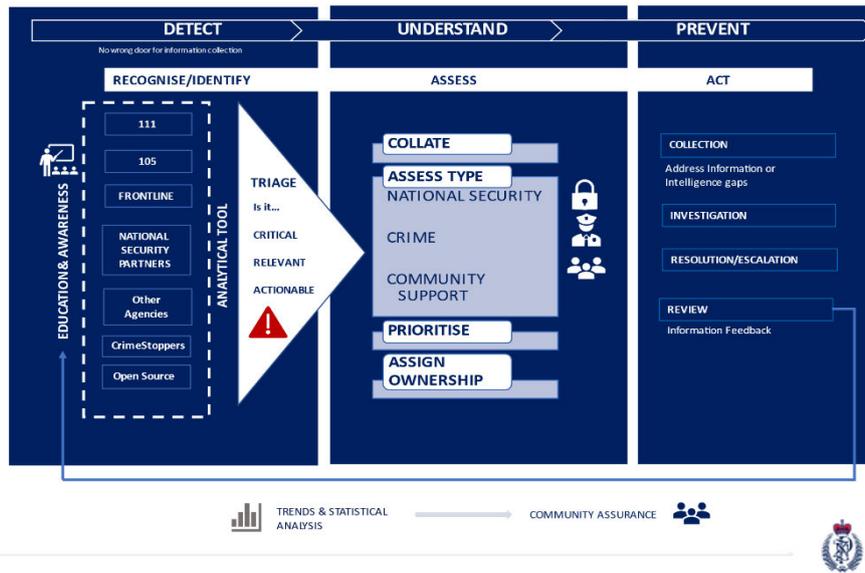
22 We heard from communities that many people who are victims of threatening behaviours and incidents do not receive responses, particularly if the behaviour falls below a national security, criminal or regulatory threshold. While some hate-motivated behaviours and incidents will meet criminal prosecution, civil remedy, or other regulatory intervention thresholds,<sup>1</sup> those that fall below these thresholds nevertheless have a harmful and lasting impact on the targeted individuals and communities. Support for victims of behaviour which falls below the threshold of an offence does not always need to be investigative or require regulatory action. Responses may be advisory in nature, such as counselling or victim support, including providing online or physical security advice. A new system should be able to link victims to the full range of possible support.

23 Communities have also expressed concern that the organisations delivering responses in many instances lack the cultural competence needed to respond appropriately. The Business Case for Recommendation 12 will consider culturally appropriate referral systems and processes.

24 s9(2)(f)(iv)  
[Redacted text]

<sup>1</sup> This would include under the Crimes Act 1961 (for example, threatening to kill), Summary Offences Act 1981 (for example, offensive behaviour or language), Human Rights Act 1993 (inciting racial disharmony), Harmful Digital Communications Act 2015, or Harassment Act 1997.





- 31 The conceptual cross-agency design is set out above. The Project Team will more thoroughly design the model through engagement with communities and agencies.
- 32 The Business Case to be reported in May 2023 will:
- 32.1 Outline and confirm the problem;
  - 32.2 Confirm the need for investment and the case for change;
  - 32.3 Confirm the range of national security harms, incidents and behaviours to be included in a new reporting system, as identified through engagement with communities and with national security agencies;
  - 32.4 Develop, design and cost feasible options that will deliver a place for victims to make reports, and for agencies to coordinate assessment and ensure referral across government;
  - 32.5 Develop, design and cost feasible options that will deliver collective cross-agency information that will help New Zealand to form a coherent national security intelligence picture;
  - 32.6 Identify options and a preferred host agency or new entity for the new reporting, triage, assessment and referral capability;
  - 32.7 Consider, and make recommendations on, cross-agency communications, branding, promotion and marketing solutions for a new reporting system;
  - 32.8 Consider and make recommendations on safe, secure and efficient collection, use, retention and disclosure of information across agencies for the purpose of removing information siloes, in line with prevention objectives;
  - 32.9 Make recommendations on the ongoing involvement of stakeholders in the governance of a new reporting and response system; and
  - 32.10 Make an initial assessment of demand for future services and identify a second phase of response resource needs across agencies;

- 33 To enhance public trust and confidence in New Zealand public agencies, we propose an agency-neutral All-of-Government brand be developed as an option. We expect that such an option will help to signal to stakeholders that a joined-up approach is intended. As well, the option would emphasise the cross-agency coordination needed for successful implementation and that a joined-up approach is intended. We expect this will likely increase agency support and commitment to the project, too.
- 34 Te Puni Kōkiri have emphasised that overseas experience indicates that unless carefully set up, public reporting systems for national security-related behaviours can have the effect of racial profiling against ethnic minorities or profiling against religious and faith-based minorities. As well as considering privacy implications early in the project, the work to develop a Business Case will consider how to ensure that the new public reporting system for national security-related behaviours and incidents embeds non-discriminatory human rights practices and does not result in undue public surveillance and reporting on Māori or any other ethnic or minority groups. We expect that privacy and neutrality will form a core work stream for the project.

### **Process and timing for a Business Case for a public reporting and response system**

- 35 The Treasury's Better Business Case process for significant investment proposals usually involves a two-step process prior to implementation.<sup>2</sup> The Business Case seeking decisions on a preferred approach will be reported to Cabinet no later than May 2023. Implementation of the preferred response s.9(2)(f)(iv), s.9(2)(j) OIA  
[REDACTED]
- 36 Police will set up a Project Team to deliver the Business Case from August 2022. The Project Team will create cross-agency project governance, planning, management and risk assurance processes to refine scope and develop options for the design of a new reporting and response system. Governance structures and oversight will involve senior personnel from key national security agencies. Further agency participation in the cross-agency project (including allocation of resourcing) will be confirmed during the establishment of the project governance group.
- 37 The new reporting and response system is intended to improve national security safety outcomes for New Zealand. The resources and participation of a number of agencies will be required not only for the Business Case in the coming year, but also staff resources for delivery and response. Should the Business Case funding be approved, the Commissioner of Police will seek commitment from national security and other relevant Chief Executives for this work in both the short- and long-term.
- 38 Project success will be dependent on a high level of engagement with affected communities and agencies, particularly at key decision points. The Project Team will design a workshop process that involves regular stakeholder and community engagement using the Government's partnership arrangements for the Royal Commission response and the DPMC Policy Community Engagement Tool. The Project Team will seek advice from Kāpuia and from tangata whenua, ethnic, faith-based, LGBT, and other communities and professions particularly targeted by online harms (e.g. academia and media) as the scoping and design options develop. Police

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<sup>2</sup> Cabinet Office Circular CO (19) 6: "Investment Management and Asset Performance in the State Services".

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has a range of existing relationships with community groups, and the Project Team will draw on agencies' existing community groups, relationships and networks.

- 39 To enhance public trust and confidence in New Zealand public agencies, the Business Case should include proposals for branding the new national security reporting and response system. As well, there should be cross-agency buy-in to staffing and resourcing the new system so that it reflects All-of-Government representation.

### **Financial Implications**

- 40 The draw down of \$1.094 million in FY2022/23 will be used to fund Business Case development. Specifically, funding will be used for:
- 40.1 Project management and business analyst expertise to analyse current and future state information flows and processes.
  - 40.2 A Business Case specialist that will oversee the Business Case process.
  - 40.3 Subject matter expertise in the fields of national security prevention, intelligence, law enforcement, online harms, and victim support and response.
  - 40.4 Stakeholder and community engagement expertise which is to be supported by experienced resource from within Police and which will build on existing stakeholder groups and relationships.
  - 40.5 Scoping and design partners including reference groups and community stakeholders.
  - 40.6 Information and privacy policy expertise to develop preferred options for information sharing.
  - 40.7 A Contingency of \$30,000 for unanticipated changes in the costs of the abovementioned items through volume or price changes; or for unanticipated additional but unavoidable costs.
- 41 Subject to agreement of the Implementation Business Case, Cabinet approval for further release of funds from FY2023/24 will be sought to implement the agreed approach.

### **Legislative implications and impact analysis**

- 42 There are no legislative implications for the proposals in this paper. The Business Case process will determine if any legislative amendments are required to support the reporting and response system.
- 43 A regulatory impact statement is not required to support the proposals in this paper.
- 44 Privacy, population and human rights implications will be further considered in the Business Case process. The privacy considerations will be addressed early in the project given that the new system will be receiving reports from the public that may fall below the threshold of suspected crimes.

- 45 Policy work to assess the privacy impacts of information collection, use and disclosure of a new reporting system will be undertaken. Any proposals involving legislative amendment will be reported in May 2023 as part of the Business Case.

### **Human Rights implications**

- 46 The Human Rights Commission has advised that the proposed reporting system to be explored in the Business Case has implications for rights protected under the New Zealand Bill of Rights Act 1990 and under international human rights treaties to which New Zealand is a party. These human rights implications may include consequential impacts on the rights to freedom of expression. The International Covenant on Civil and Political Rights (ICCPR) provides that the right to freedom of expression can be subject to certain restrictions so long as these are provided by law and necessary to protect the rights and reputation of others or necessary for the protection of national security or public order.
- 47 The ICCPR also provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Hate-motivated violence and extremism leaves affected communities feeling unsafe in their daily lives, which may have a detrimental impact on people's enjoyment of all human rights and fundamental freedoms. These complex human rights considerations will be assessed in and reported on as part of the Business Case process.

### **Population Implications**

- 48 The proposal outlined in this paper draws on significant community engagement with the Muslim community, especially those most affected by the Christchurch attacks. The reporting system that will result from the Business Case will offer benefits for all New Zealanders and in particular those who may be disproportionately affected by incitement of hate, or who may be the target of violent extremism. In order to avoid negative population implications from the proposed new reporting system, it will be essential to ensure that the system is transparent and supports Māori, Pasifika and other minority ethnic groups and faith-based minorities.

### **Consultation**

- 49 The Department of the Prime Minister and Cabinet (National Security Group, and Christchurch Call Unit); The Treasury; Ministries of Business, Innovation and Employment, Health, Social Development, Justice, Youth Development, Pacific Peoples, Ethnic Communities, Defence, and Women; the Department of Internal Affairs; New Zealand Customs Service; Te Puni Kōkiri; the New Zealand Security and Intelligence Service; the Government Communications Security Bureau and the Human Rights Commission have been consulted on this paper.

### **Communications and proactive release**

- 50 Ministers may wish to announce the funding for the Business Case and to communicate with stakeholders about the timing and process for engaging on the scoping and design for the reporting and response system. We recommend proactive release of the Cabinet paper.

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## Recommendations

The Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques and the Minister of Police recommend that the Committee:

- 1 **note** that the Government has accepted, in principle, Recommendation 12 of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019, to: *Develop and promote an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government* [CAB-20-MIN-0516];
- 2 **note** that a Business Case process is required to progress the scoping and design of a public reporting and response system;
- 3 **note** that New Zealand Police has undertaken preliminary scoping with the New Zealand Security Intelligence Service, Department of Internal Affairs, the Department of the Prime Minister and Cabinet and Kāpuia, on the concept of a public reporting system for concerning national security-related behaviours or incidents and that further scoping will be confirmed as part of the Business Case;
- 4 **note** that further scoping and design of a public reporting system requires a cross-agency effort as a number of national security agencies have existing reporting portals for concerning national security-related behaviours or incidents, and stakeholder engagement will also be required to continue a victim-centric approach to design;
- 5 **agree** to develop a Business Case that:
  - 5.1 outlines and confirms the problem;
  - 5.2 confirms the need for investment and the case for change;
  - 5.3 confirms the range of national security harms, incidents and behaviours that are included in a new reporting system through engagement with communities and with national security agencies;
  - 5.4 develops, designs and costs feasible options that will deliver for victims a place to make reports and a coordinated assessment and referral system across government agencies;
  - 5.5 develops, designs and costs feasible options that will deliver collective cross-agency information that will help New Zealand to form a coherent national security intelligence picture;
  - 5.6 identifies options and a preferred host agency for a new reporting, triage, assessment and referral capability;
  - 5.7 considers, and makes recommendations on, cross-agency communications, branding, promotion and marketing solutions for a new reporting system;
  - 5.8 considers and makes recommendations on safe, secure and efficient collection, use, and disclosure of information across agencies for the purpose of removing information siloes in line with prevention objectives;

- 5.9 makes recommendations on the ongoing involvement of stakeholders in the governance of a new reporting and response system; and
- 5.10 makes an initial assessment of future service and demand to identify a second phase of response resource requirements across agencies.
- 5.11 seeks to ensure that the new public reporting system for national security-related behaviours and incidents embeds non-discriminatory human rights practices.
- 6 **agree** that the development of options and a preferred approach for the Business Case will include consideration of an All-of-Government branding for the new reporting and response system.
- 7 **note** the expectation that non-Police agencies are expected to commit resource to this initiative, with precise details to be set out during establishment of the Business Case governance
- 8 **note** that Police will set up a Project Team which will engage with a range of agencies and stakeholders at key engagement, decision and design points for any new reporting and response system, including engagement with Kāpuia, the Ministerial Advisory Group on the government’s response to the Royal Commission;
- 9 **agree** that Police will set up a cross agency project governance group, led by Police and with input and contribution from other agencies, including at least: the Department of the Prime Minister and Cabinet, New Zealand intelligence agencies and the Department of Internal Affairs;
- 10 **note** the Business Case will need to consider any potential increased demands on Police and other agencies for response services as a result of the proposed reporting system, and that consideration will be given in the Business Case to consequent future funding requirements for agencies;
- 11 **note** that on 11 April 2022 Cabinet [CAB-22-MIN-0129 refers recommended that the Minister of Police (as the relevant Appropriation Minister) and the Minister of Finance jointly note that Cabinet:
- 11.1 **approved** the contingency initiative *Reporting System for Concerning Behaviours and Incidents* for Vote Police for inclusion in the 2022 Budget package:

	\$m – increase/(decrease)				
Vote Police	2021/22	2022/23	2023/24	2024/25	2025/26 & Outyears
Reporting System for Concerning Behaviour sand Incidents – Tagged	-	1.094	s.9(2)(f)(iv) OIA		

Operating Contingency					
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- 11.2 **agreed** that the draw down of the FY2022/23 tagged operating contingency to develop a business case will be subject to Cabinet approval to develop a system for reporting concerning behaviours and incidents;
- 11.3 **agreed** that draw down of funding from FY2023/24 is subject to Cabinet approval of an Implementation Business Case; and
- 11.4 **agreed** that the expiry date for the tagged contingency be 1 February 2023.
- 12 **agree** following agreement to recommendation 5 above to draw down \$1.094 million operating funding for the 2022-2023 year from the Reporting System for Concerning Behaviours and Incidents – Tagged Operating Contingency;
- 13 **approve** the following changes to appropriations to provide for the decision in recommendation 11 above, with a corresponding impact on the operating balance and net debt;

	\$m - increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26 & Outyears
<b>Vote Police Multi-Category Expenses and Capital Expenditure:</b>					
Policing Services (MCA)					
<i>Departmental Output Expenses:</i>					
Crime Prevention (funded by revenue Crown)	-	1.094	-	-	-
Total Multi-Category Expenses and Capital Expenditure: Policing Services (MCA)	-	1.094	-	-	-
<b>Total Operating</b>	-	<b>1.094</b>	-	-	-

- 14 **agree** that the proposed changes to appropriations for 2022/23 be included in the 2022/23 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;
- 15 **agree** that expenses incurred under recommendation 11 above be charged against the Reporting System for Concerning Behaviours and Incidents – Tagged Operating Contingency described in recommendation 13 above;

- 16 **note** that following the adjustment approved in recommendation 11 above, the remaining balance and indicative phasing of the operating contingencies described in recommendation 13 will be:

	\$m – increase/(decrease)				
Vote Police	2021/22	2022/23	2023/24	2024/25	2025/26 & Outyears
Reporting System for Concerning Behaviour sand Incidents – Tagged Operating Contingency	-	-	s.9(2)(f)(iv) OIA		

- 17 **agree** that the tagged contingency described in recommendation 11 above expires on 1 May 2023;
- 18 **invite** the Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into the Terrorist Attack on the Christchurch Mosques and the Minister of Police, in consultation with other Ministers as appropriate, to report back to Cabinet on progress on the Business Case by May 2023;
- 19 **agree** to proactively release this Cabinet paper and to communicate the Business Case scope, aims, process and timing to stakeholders and communities.

Authorised for lodgement

Hon Andrew Little  
Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into the Terrorist Attack on the Christchurch Mosques

Hon Chris Hipkins  
Minister of Police