

**In confidence**

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

**Report back on a cross-agency business case for a public reporting system for concerning behaviours and incidents**

**Proposal**

- 1 This paper reports back, as invited by Cabinet, on progress on the cross-agency business case for a public reporting system for concerning behaviours and incidents [ERS-22-MIN-0031]. The business case is being developed in response to Recommendation 12 of Ko tō tātou kāinga tēnei: the report of the Royal Commission of Inquiry (Royal Commission) into the terrorist attack on Christchurch masjidain (the RCOI report).
- 2 The paper seeks your agreement to a further drawdown of \$0.430 million against the *Reporting System for Concerning Behaviours and Incidents* tagged operating contingency, to complete the business case.

**Relation to government priorities**

- 3 In the Speech from the Throne, the Government committed to responding to the RCOI report by working to eradicate violent extremism and foster a truly inclusive society for people from every culture, faith and background.
- 4 The Government's response to the Royal Commission supports our wider goals to lay the foundations for the future and create a fairer, more equitable Aotearoa New Zealand.

**Executive Summary**

- 5 In August 2022, Cabinet approved the drawdown of \$1.094 million against the *Reporting System for Concerning Behaviours and Incidents* Tagged Operating contingency to develop a business case for a new public reporting system, in response to Recommendation 12 of the RCOI report [ERS-22-MIN-0031].
- 6 Recommendation 12 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.*
- 7 There has been considerable progress on the business case, which is a cross-agency initiative led by New Zealand Police (Police). In particular, this paper reports back on two key inputs into the business case where officials

have sought guidance from Ministers: the range of behaviours and incidents to be reported through the new system, and the host agency for the new system.

- 8 Officials have identified a short list of three options for the new system. These options are undergoing detailed economic assessment. Funding in addition to the remaining tagged contingency may be needed to implement the preferred option. If so, we will seek additional funding for implementation when the business case is submitted for approval.
- 9 We seek Cabinet's approval of a further draw down of \$0.430 million against the tagged contingency to complete the business case. Police will then complete the business case by the end of July 2023 (including internal and cross-agency endorsement), in time for consideration by Cabinet in late August 2023.

## Background

- 10 The Royal Commission's view was that everyone has a role to play in keeping New Zealand and New Zealanders safe from terrorism and violent extremism<sup>1</sup>, and that public reporting is critical to understanding the full picture of national security threats and risks, particularly in discovering and preventing issues before they materialise into harmful actions<sup>2</sup>.
- 11 Recommendation 12 of the RCOI 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*. Progressing a public reporting and response system for concerning behaviours and incidents forms part of the all-of-government response to the Royal Commission approved by Cabinet in November 2021 [CAB-21-MIN-0503].
- 12 Success is in part dependent on members of the public knowing what to report, and in October 2022 the New Zealand Security Intelligence Service (NZSIS) published a set of indicators of violent extremism – the Kia mataara ki ngā tohu 'Know the Signs' guide – in response to RCOI Recommendation 13<sup>3</sup>.
- 13 The RCOI report also identified opportunities to enhance New Zealand's counter-terrorism effort, including "improvements to relevant [Public] sector agency systems and/or operational practices to ensure the prevention of such terrorist attacks in the future"<sup>4</sup>.

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<sup>1</sup> RCOI report page 744

<sup>2</sup> RCOI report page 103

<sup>3</sup> RCOI Recommendation 13 was to *Develop and publish indicators and risk factors that illustrate for the public specific behaviours that may demonstrate a person's potential for engaging in violent extremism and terrorism and update them regularly as the threatscape evolves*.

<sup>4</sup> RCOI report page 49

- 14 Since the release of the RCOI Report, Counter-Terrorism Agencies – Police and NZSIS – have amended systems and processes to enhance coordination and prevention efforts, and better manage risk.
- 15 In April 2022, Cabinet approved a **s9(2)(f)(iv)** contingency initiative *Reporting System for Concerning Behaviours and Incidents* for Vote Police, for inclusion in the 2022 Budget package. Cabinet further agreed that:
- drawdown against the tagged contingency for FY2022/23 would be subject to Cabinet approval to develop a system for reporting concerning behaviours and incidents;
  - draw down of funding from FY2023/24 is subject to Cabinet approval of an Implementation Business Case [CAB-22-MIN-0129].
- 16 In August 2022, Cabinet’s External Relations and Security (ERS) Committee made the decision to go forward with investment in the new reporting system when it approved the drawdown of \$1.094 million in operating funding to develop a Business Case for the new system [ERS-22-MIN-0031].

**The business case seeks investment in a system that provides a single point of contact for public reporting of terrorism and violent extremism behaviours and incidents, and addresses systemic national security vulnerabilities**

- 17 The new reporting system will enhance New Zealand’s existing system for the prevention of Terrorism and Violent Extremism (TVE), including the draft Preventing and Countering Violent Extremism Strategic Framework. It will do so by creating an additional channel that will harness public awareness to surface issues otherwise unknown to the system. It will also improve the system across government agencies for joining up, triaging and managing publicly reported TVE information.
- 18 A conceptual overview of how the new reporting system will operate within current national security arrangements can be found in Appendix A.
- 19 Development of the business case is a cross-agency effort which includes a cross-agency advisory group and governance structure<sup>5</sup>. Police is also engaging and consulting with key stakeholders including Kāpuia and at-risk community groups throughout the business case process.

**Considerable progress has been made on the business case**

- 20 When approving the drawdown of funding to develop the business case, Cabinet agreed to 11 components that it must cover. Police has made considerable progress on all components (see Appendix B).

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<sup>5</sup> The cross-agency Advisory Group is made up of representatives from Police, NZSIS, the Department of the Prime Minister and Cabinet (DPMC), the Department of Internal Affairs (DIA), the Ministry for Ethnic Communities (MEC), and the Ministry for Business, Innovation and Employment (MBIE). Agencies represented on the Governance Group are DPMC (Chair), Police, NZSIS, DIA and MEC.

- 21 This section reports back on two key components as inputs into the business case process. These are the range of national security incidents and behaviours that the public will be asked to report through the new system, and the host agency for the system.

*Range of Behaviours and Incidents to be reported*

- 22 Behaviours and incidents linked to TVE can be conceptualised on a spectrum of harm. New Zealand's Countering Terrorism and Violent Extremism Strategy focuses on activities at the extreme end of this spectrum, only where they cross or intend to cross into violence.
- 23 However, as the RCOI report notes, behaviours outside of violent extremism can cause harm to individual and community mental health, and at a societal level can cause increased social division, intolerance and polarisation<sup>6</sup>. These types of behaviours can include micro-aggressions, religiously, ethnically and/or identity motivated harassment and abuse, and hateful extremism.
- 24 Appendix C depicts the spectrum of harm, agency intervention points, and the pathway to radicalisation. It is important to note, however, that the pathways of radicalisation and mobilisation to violence are neither linear nor predictable.

s9(2)(f)(iv)

- 25 Operational agencies – Police, NZSIS and the Department of Internal Affairs (DIA) – function under their respective legislative and policy mandates, which clearly define criminal thresholds and the parameters for operational activity.

26 s9(2)(f)(iv)

27 s9(2)(f)(iv)

s9(2)(f)(iv)

- 28 Officials have heard from Kāpuia and at-risk communities that behaviours further along the spectrum of harm – while not unlawful – are chronic, ubiquitous and persistent. Throughout engagement these communities have consistently asked for a channel to report these issues, as this creates an evidence base for future action.
- 29 Individual incidents and behaviours of the types described in paragraph 23 may not in themselves present a national security concern. However, they are often pre-cursor behaviours, and taken together they could indicate an emerging threat.

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<sup>6</sup> RCOI report page 103

30 The new system provides an opportunity to respond to these community concerns. Acknowledging that the public (and especially affected communities) will likely use the system to report the types of harm that concern them, s9(2)(f)(iv)

31 s9(2)(f)(iv)

32 s9(2)(f)(iv)

33 s9(2)(f)(iv)

s9(2)(f)(iv) *the host agency for the reporting system*

34 Officials have identified a preferred ownership and governance model for the new reporting system. s9(2)(f)(iv)

s9(2)(f)(iv)

35 Officials considered a wide range of options for the host agency of the new system. s9(2)(f)(iv)

36 An initial assessment of these options considered such factors as existing legal and statutory powers, governance arrangements, capability, systems, and stakeholder relationships. This assessment resulted in three options being carried forward for further assessment: s9(2)(f)(iv)

s9(2)(f)(iv)

s9(2)(f)(iv)

37 s9(2)(f)(iv)

38 s9(2)(f)(iv)

39 s9(2)(f)(iv)

40 s9(2)(f)(iv)

### Officials are assessing a short list of options for the new reporting system

41 Officials have identified a short list of three options for the new system.

s9(2)(f)(iv)

s9(2)(f)(iv)

42 Officials are completing further analysis of each of the three options against costs, benefits and risks. They will also assess a counterfactual option as a baseline for comparing the marginal costs and benefits of the short list options.

43 Funding in addition to the remaining tagged contingency may be needed to implement the preferred option, s9(2)(f)(iv). If so, we will seek additional funding for implementation when the business case is submitted for approval.

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<sup>9</sup> s9(2)(f)(iv)

**Timeline to complete the business case and seek funding for implementation**

- 44 As noted in paragraph 15, Cabinet agreed in April 2022 that drawdown for 2023/2024 would be subject to Cabinet approval of an Implementation Business Case (IBC).
- 45 Subsequent to Cabinet's August 2022 approval of a drawdown of funding to develop a business case, Treasury confirmed that Police should develop a Single Stage Business Case (SSBC). An SSBC incorporates the elements of an IBC and means that Police is not required to develop a separate IBC.
- 46 While considerable progress has been made, the timeline indicated in August 2022 to establish a cross-agency project and deliver a business case by May 2023 was overly ambitious.
- 47 Subject to Police internal review, and cross-agency and Ministerial approvals processes, we expect to provide the business case for Cabinet's consideration in late August 2023. s9(2)(f)(iv)

*Table 1: timeline for completion and approvals of Recommendation 12 business case*

Milestone/Activity	Timeframe
Draft SSBC completed	Early July 2023
Police internal and cross-agency review and endorsement of SSBC	End of July 2023
Final consideration of SSBC by Cabinet	Late August 2023

**Financial Implications**

- 48 Police forecasts that current project funding will be fully spent by the end of June 2023. We seek Cabinet approval of a drawdown of \$0.430 million against the tagged contingency to complete the SSBC and shepherd it through the internal and external sign-out processes. Given that Cabinet has already made the decision to go forward with investment in the new reporting system, some of this funding will also be used to begin work on pre-implementation analysis and design.
- 49 Specifically, Police will use this funding for:
- project management and business analyst expertise to analyse current and future state information flows and processes and undertake detailed planning for the next phase;

<sup>10</sup> s9(2)(f)(iv)



- subject matter expertise in the fields of national security prevention, intelligence, law enforcement, online harms, and victim support and response;
- continued stakeholder and community engagement which will build on existing stakeholder groups and relationships;
- solution architect, security analyst and other ICT expertise to complete the required technology solution design artefacts; and
- contingency of \$20,000 for unanticipated changes in the costs of the abovementioned items through volume or price changes; or for unanticipated additional but unavoidable costs.

### **Legislative Implications and impact analysis**

- 50 There are no legislative implications for the proposals in this paper.
- 51 A regulatory impact statement is not required to support the proposals in this paper.
- 52 A Climate Implications of Policy Assessment is not required for the proposals in this paper.

### **Treaty of Waitangi Implications**

- 53 Police recognises Māori both as Treaty partner and as an at-risk community. The new reporting system will contribute to the Crown's delivery on its Treaty responsibilities in a way that supports Tikanga and cultural values, including acknowledgement of the Te Tiriti principles of partnership, participation and protection.
- 54 In addition, He Ara Waiora<sup>11</sup> provides an opportunity to consider more broadly the contribution of the proposed investment to the wellbeing concepts of mana tuku iho (mana deriving from a strong base of identity and belonging) and manu tauutuutu (mana found in knowing and fulfilling one's rights and responsibilities to the community, and in the participation and connectedness of an individual in their community). He Ara Waiora principles will be purposefully incorporated in the Recommendation 12 solution approach.

### **Privacy Implications**

- 55 Police has completed a preliminary Privacy Impact Assessment (PIA) to identify:
- how the collection, use, and disclosure of information differs from current Police systems and processes, and

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<sup>11</sup> He Ara Waiora is a waiora (wellbeing) framework developed by Treasury, built on te ao Māori knowledge and perspectives of wellbeing.




- any additional privacy risks that Police will need to address during the reporting system design phase.

- 56 At this stage, Police anticipates that it will be able to implement the new reporting system under existing legislative and operational requirements. Police will continue to engage with the Office of the Privacy Commissioner to assess how the proposed handling of personal information complies with the Privacy Act and to identify any privacy risks.
- 57 Police will complete a more detailed PIA after confirming the final reporting system design.

#### Population Implications

- 58 The new reporting system will provide a safe, easy and accessible point of contact for members of the public to report concerning incidents and behaviours.
- 59 It will offer benefits for all New Zealanders through improved public safety and reduced risk of harm, by improving the likelihood that agencies will receive timely notification of threat information.
- 60 In particular, the new system will offer benefits to members of religious, ethnic and other 'at-risk' communities across New Zealand who may be disproportionately affected by incitement of hateful extremism, or who may be the target of violent extremism. These communities see the RCOI report as responding to an environment where – due to agencies' tightly defined operating models – there is nowhere for concerning behaviours and incidents that they experience in their everyday lives to be addressed.

- 61 s9(2)(f)(iv)
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- 62 Police will continue to work with stakeholder groups – including those from at-risk communities – to ensure that public concerns and aspirations are consistently understood and considered in the design and implementation phases of the new system.

#### Human Rights

- 63 Police is engaging with the Human Rights Commission (HRC) on the complex human rights implications of the new reporting system. These include balancing the right to freedom of expression protected under the New Zealand Bill of Rights Act 1990 and the protection from over-reporting for certain – especially at-risk – communities.

- 64 Police and HRC will also work together on how they might share information about appropriately responding to advocacy campaigns or vexatious reporting issues, once the new system is operating.

### Consultation

- 65 The Department of the Prime Minister and Cabinet; The Treasury; the New Zealand Security Intelligence Service; the Department of Internal Affairs; the Ministries of Business, Innovation and Employment; Justice and Social Development; the Ministries for Ethnic Affairs and Pacific Peoples; Te Puni Kōkiri; the Human Rights Commission and the Office of the Privacy Commissioner have been consulted on this paper.
- 66 The Privacy Commissioner has commented that: “Any proposal that facilitates the collection of potentially sensitive personal information carries privacy risk and, in this case, there are implications for both the privacy of the reporting individual and the individual that is the subject of the report. Police will need to carefully work through the design of the reporting system to ensure it is appropriately calibrated to minimise privacy concerns and will be an effective tool to identify persons at risk of carrying out terrorism or violent extremism.
- 67 In particular, Police would need to be clear about why they consider that they need to collect information about lower-level types of behaviours, and how this would address the issues identified. My officials are available to work with Police and the cross-agency group as they undertake this work.”

### Communications

- 68 No communications are planned.

### Proactive Release

- 69 We propose to proactively release this paper in whole, subject to redactions as appropriate under the *Official Information Act 1982*, in July 2023.

### 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 in April 2022 Cabinet approved a s9(2)(f)(iv) contingency initiative *Reporting System for Concerning Behaviours and Incidents* for Vote Police, for inclusion in the 2022 Budget package [CAB-22-MIN-0129];
- 2 **note** that in August 2022 the Cabinet External Relations and Security Committee made the decision to go forward with investment in the new reporting system when it approved the drawdown of \$1.094 million in operating funding against the tagged contingency to develop a business case for the new system [ERS-22-MIN-0031];

- 3 **note** that progressing a public reporting system for concerning behaviours and incidents forms part of the all-of-government response to the Royal Commission approved by Cabinet in November 2021 [CAB-20-MIN-0365];
- 4 **direct** 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 to seek Cabinet's consideration of the final business case, and final draw down of funding for implementation, by the end of August 2023;
- 5 **note** that Ministers may seek funding in addition to the remaining tagged contingency for implementation of a preferred option, as part of the approvals process for the business case.

### Financial implications

- 6 **note** that, when approving the tagged contingency in April 2022, Cabinet agreed that drawdown for 2023/2024 would be subject to Cabinet approval of an Implementation Business Case [CAB-22-MIN-0129];
- 7 **note** that, following Treasury advice, New Zealand Police is leading a cross-agency project to develop a Single Stage Business Case, which means that Police is not required to develop a separate Implementation Business Case;
- 8 **agree** to draw down \$0.430 million in operating funding for 2023/24 from the *Reporting System for Concerning Behaviours and Incidents Tagged* Operating contingency to complete the Single Stage Business Case;
- 9 **agree** to the following change to appropriations to give effect to the decision in recommendation 8 above, with the corresponding impact on the operating balance net debt:

	\$m – increase/(decrease)				
Vote Police Minister of Police	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
<b>Multi-Category Expenses and Capital Expenditure</b>					
<b>Policing Services MCA</b>					
<i>Departmental Output Expenses</i>					
- Crime Prevention	-	0.430	-	-	-
(Funded by Revenue Crown)					
<b>Total Operating</b>	-	<b>0.4300</b>	-	-	-

- 10 **agree** that the proposed changes to appropriations for 2023/24 above be included in the 2023/24 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

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- 11 **agree** that the expenses incurred above be charged against the *Reporting System for Concerning Behaviours and Incidents* Tagged Operating Contingency;
- 12 **note** that following the adjustments detailed above, the remaining balance of the *Reporting System for Concerning Behaviours and Incidents* Tagged Operating Contingency will be:

Vote Police	\$m – increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Reporting System for Concerning Behaviours and Incidents – Tagged Operating Contingency	-	s9(2)(f)(iv)			

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 Ginny Andersen  
Minister of Police



**Appendix B: Progress on components of the business case for a new reporting system**

Component of business case as agreed by ERS in August 2022	Status
Problem statement	Investment Logic Map completed
Need for investment and the case for change	Final draft completed
Range of national security harms, incidents and behaviours that are included in a new reporting system	s9(2)(f)(iv)
Recommendations on the ongoing involvement of stakeholders in the governance of a new reporting and response system	Completed – ownership and governance arrangements discussed in this paper
Preferred host agency for a new reporting, triage, assessment and referral capability	s9(2)(f)(iv)
Options that will deliver for victims a place to make reports, and a coordinated assessment and referral system across government agencies	Preferred option will be identified in June 2023
Options that will deliver collective cross-agency information that will help New Zealand to form a coherent national security intelligence picture	
Initial assessment of future service and demand to identify a second phase of response resource requirements across agencies	Under way. Demand analysis will be completed by June 2023
Recommendations on safe, secure and efficient collection, use, and disclosure of information across agencies	Initial Privacy Impact Assessment completed; a more detailed PIA will be completed following final system design
Recommendations on cross-agency communications, branding, promotion and marketing solutions	Final draft completed
Ensure that the new public reporting system for national security-related behaviours and incidents embeds non-discriminatory human rights practices	Under way





## Appendix D: High level assessment of s9(2)(f)(iv) host agency

Element	s9(2)(f)(iv)	s9(2)(f)(iv)
Legal mandate		
Oversight arrangements		
Capability		
Stakeholder relationships		
Systems		

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