



BRIEFING FOR THE MINISTER OF POLICE

Priority	<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> Time-Sensitive <input type="checkbox"/> Routine		
Title	Responsible Ministers' Meeting on 1 May 2024: Government response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019		
Date	29 April 2024	Reference	BR/24/47

Purpose

1. This paper provides information to support your attendance at a meeting on 1 May 2024 of Ministers responsible for delivering the all-of-government response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Masjidain on 15 March 2019 (the Report).

Key messages

- You are the lead responsible Minister for Recommendations 12, 19 – 23 and 42 of the Report. Recommendation 12 is the only outstanding recommendation.
- The Lead Coordination Minister, Minister Collins, is proposing that agencies integrate outstanding responses to recommendations into their core business and fund work from within baseline funding from June 2024.

Recommendation 12 – single reporting system for concerning behaviours

- This recommendation has not been completed and work is currently paused. Further action on Recommendation 12 requires a Cabinet decision and budget allocation. Police's preference is to cease work and for the business case to be declined. This work cannot be undertaken within existing baselines.
- Police led a cross-agency business case that recommended a new cross-agency reporting system be established. A contingency budget was established, but further investment required to deliver the reporting system was not available in Budget 23 or 24.

Trade-offs and financial implications

- Minister Collins' Cabinet paper should clearly set out the financial and resource implications for agencies of integrating ongoing work into core business and within current funding arrangements.
- Police cannot integrate a new reporting system into core business without significant trade-offs with core policing activities. The system is designed to be a cross-agency response and *goes beyond existing Police reporting channels and core business systems and processes.*

IN-CONFIDENCE

BRIEFING FOR THE MINISTER OF POLICE

Recommendation 18 – review all counter-terrorism legislation

- Police supports the Ministry of Justice progressing work on Recommendation 18 (review of counter-terrorism legislation) as a priority.

Appendices:

- 1 – Talking points for your meeting
- 2 – Copy of draft Cabinet paper
- 3 – Further information on Police RCOI recommendations
- 4 – Copy of BR/24/21

Recommendations

Police recommends you:

- note** Recommendation 12, establishment of a single reporting system for concerning behaviours, is the only outstanding recommendation that you are leading
- note** Police provided you with options on progressing Recommendation 12 in BR/24/21
- advise** Responsible Ministers that Police cannot integrate a reporting system into Police's core business without significant trade-offs with core policing activities, even if scaled **Yes/No**
- advise** Responsible Ministers that Police supports the Ministry of Justice progressing work on Recommendation 18 (review of counter-terrorism legislation) as a priority **Yes/No**
- note** Deputy Commissioner Jevon McSkimming is available to attend the Responsible Ministers meeting on 1 May 2024.

Minister's comments and signature

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Hon Mark Mitchell

Minister of Police

Responsible Ministers' Meeting: Government response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019

The Lead Coordination Minister is proposing to formally close the coordinated Government response to the Report

1. Police understands the Lead Coordination Minister for the Government's response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Masjidain on 15 March 2019 (the Report), Hon. Judith Collins, will propose to Cabinet that Government formally closes the Government response to the Report.
2. Minister Collins is aiming to seek Cabinet decisions in June 2024 on progressing or stopping workstreams that have not yet been completed.
3. You are attending a meeting on 1 May 2024 of Ministers responsible for delivering the Government's response to the Royal Commission's report. Subject to consultation with these Ministers, all ongoing work on outstanding recommendations would be fully integrated into agency core business and existing funding arrangements.
4. The Department of the Prime Minister and Cabinet (DPMC) circulated a draft Cabinet paper for agency consultation in early April 2024. We understand that Minister Collins will finalise the paper after discussions with the wider Ministers' group at the 1 May meeting. The draft Cabinet paper is attached to this briefing at Appendix 2.

As Minister of Police, you are responsible for eight recommendations and one funded initiative

5. Police was initially leading the response to eight recommendations in the Royal Commission's report:
 - a) **developing a reporting system for concerning behaviours** and incidents (Recommendation 12)
 - b) **the Arms Transformation Programme** (Recommendations 19 – 23) and **mandatory reporting of firearms injuries** (Recommendation 24)
 - c) **improving responses to hate crime** (Te Raranga | The Weave) (Recommendation 42).
6. The responsibility for Recommendation 24 (mandatory reporting on firearms injuries to Police) has shifted to the Ministry of Justice, following the designation of firearms policy to Hon Nicole McKee as the Associate Minister of Justice (Firearms).
7. Police is also responsible for delivering He Aranga Ake, a multi-agency disengagement framework. He Aranga Ake was not a specific recommendation of the Report, however Police received funding as part of the Government's response to the Report of \$8.44 million over four years from 1 July 2021 to develop

and implement the framework, which supports several of the Report's outcomes. He Aranga Ake was launched in December 2022.

All Police-led recommendations, except Recommendation 12, have been completed or are almost completed (19 – 23, 42 and He Aranga Ake)

8. Police does not anticipate you will need to provide updates on Police-led recommendations that have been completed. Further information on these recommendations is included at Appendix 3 should you need historical context.
9. The Firearms Safety Authority | Te Tari Pūreke (the FSA) sits within Police as a branded business unit. Recommendations 19 – 23 are now integrated into the FSA's core business.
10. From July 2021, Police received \$10.4 million over four years to establish Te Raranga | The Weave to respond to Recommendation 42 (improve recording of hate crime). Te Raranga is a four-year programme to improve Police's response to, and reduce the harm caused by, hate-motivated crimes and incidents.
11. Recommendation 12 has not been completed and work is currently paused. As advised in BR/24/21, Recommendation 12 requires a Cabinet decision and additional funding (attached at Appendix 4). You will be expected to provide Ministers with an update on this recommendation and agree next steps.

A business case for a new reporting system has been completed (Recommendation 12)

12. The Report recommended that an accessible reporting system be developed that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government.
13. Police led the development of a cross-agency single stage business case¹ in 2022 – 2023. Relevant findings from the business case note that:
 - a new service is required to respond to the predicted level of demand (estimated to be between 220 and 275 reports per week), and to share information with other agencies
 - investment is needed for:
 - Police to host the cross-agency, all-of-government branded reporting function

¹ Police was supported by a cross-agency Advisory Group comprising representatives from the Department of the Prime Minister and Cabinet, New Zealand Security Intelligence Service, Department of Internal Affairs, Ministry for Ethnic Communities, and Ministry of Business, Innovation and Employment. The development of the business case was also overseen by a Governance Group. The following stakeholders also informed the development of the cross-agency business case: Kāpuia Ministerial Advisory Group, Iwi Chairs Forum Advisory Panel, Police Commissioner's Muslim Reference Group and Ethnic Focus Forums; impacted cultural, ethnic, and faith-based communities; CERT NZ; Crimestoppers; Netsafe; and victim support and wellbeing providers.

- the establishment of a triage and management system for agencies to coordinate and assess reports of concerning behaviours and incidents and assign threats
 - referral and feedback processes to enable agencies to support people who make reports, as appropriate.
 - the proposed reporting system would uplift capability and capacity beyond existing Police reporting channels, including 105, and core business systems and processes.
14. Implementation of a new reporting system would result in a medium change requirement for Police including:
- service delivery and process changes
 - organisational and operational changes across some existing teams within Police
 - technology development and build
 - changes affecting cross-agency service delivery partners
 - skills and knowledge changes for some teams within Police, and for delivery partners and the New Zealand public.
15. These changes would require the remaining tagged operating contingency of \$11.976 million, additional \$3.954 million in operating expenditure over five years and \$0.923 million per annum in the out years, and additional capital funding of \$3.977 million.

A Cabinet decision is needed on Recommendation 12

16. A Cabinet decision² is required to either:
- a) approve the business case and required funding (full draw down of remaining tagged operating contingency of \$11.976 million; and additional \$3.977 million capital expenditure, \$3.954 million operating expenditure over five years, and \$0.923 million per annum in the out years) or
 - b) cease work and decline the business case.
17. In February 2024, we provided you options for progressing the response to Recommendation 12. Given the Government's fiscal position, Police's preference is to cease work and for the business case to be declined [BR/24/21 refers].

Communities support a new reporting function

18. Engagement with communities in the development of the business case has confirmed that, without appropriate reporting options, individuals may not report issues of potential concern. Without improved reporting systems, there is a

² In August 2023, the cross-agency business case was considered at Cabinet. Decisions were deferred on Recommendation 12 [SWC-23-MIN-0127]. A Cabinet decision is therefore still pending.

continued risk that agencies remain unaware of emerging and/or previously unknown threats and are therefore unable to intervene early to prevent harm.

19. Police understands that Kāpuia, the Ministerial Advisory Group on the Government's Response to the Report, strongly supports the establishment of the Police-led cross-agency single reporting system.
20. Kāpuia has proposed if this business case cannot be implemented now (due to funding constraints), it should be kept on a longer-term work programme and revisited as soon as possible. Kāpuia has also proposed that, in the interim, Police's 105 line is enhanced, and staff are trained to take calls of concern from the public, including those reporting hate-motivated offending.
21. Police already receives reports of concerning behaviour and our staff are well trained to take these calls. In response to Recommendation 42, Police has continued to integrate resources on hate crime and hate-motivated offending into training for frontline Police.

Police cannot integrate a new reporting system into core business without significant trade-offs with core policing activities and impacting Police's Fiscal Sustainability Programme

22. Police anticipates that Minister Collins' preference is that agencies deliver outstanding recommendations within baseline.
23. If this option is raised, you may wish to advise Ministers that:
 - a) a reporting system is not intended to be equivalent to existing reporting channels (such as Police's 105 line) – it requires considerable system development and a cross-agency triage and response system to be developed.
 - b) Police delivery of a reporting system would require significant trade-offs with core policing activities.
24. Existing reporting channels (such as Police's 105 line) do not address the current systemic vulnerabilities of agency information silos, which means agencies cannot easily 'join the dots'. The risks identified by the Royal Commission around information not always being shared appropriately or in a timely manner therefore would remain. In addition, restrictions on the collection and sharing of data³ that currently prevent agencies from taking a more coordinated approach to managing public reports would also remain.
25. Police's Fiscal Sustainability Programme (the Programme) has focused on identifying areas of savings across Police to address current cost pressures. Any additional pressures would likely require the Programme to expand the scope of savings across Police.

³ Data collection and sharing is impacted by available legislative mandates, privacy concerns, security classifications, and technology limitations.

Police recommends the Cabinet paper sets out the financial and resource implications for agencies

26. Police provided detailed feedback to DPMC on the draft Cabinet paper focused on Recommendation 12 funding requirements to progress this workstream.
27. More widely, Police also recommended the draft paper clearly set out the financial and resource implications (trade-offs and opportunity costs) for agencies of integrating ongoing work into core business and within current funding arrangements.

Police supports work progressing on Recommendation 18 (review all counter-terrorism legislation)

28. The Ministry of Justice is responsible for Recommendation 18 to review legislation related to the counter-terrorism effort in New Zealand. Police understands you will be attending the meeting as the acting Minister of Justice and will be asked to provide an update on Recommendation 18.
29. Completion of this recommendation is critical for the authorising and enabling environment for Police to fulfil our national security, public safety, and law enforcement functions. The review is also important to ensure public and Government expectations are met, and that terrorist attacks are prevented.
30. So far, this work has identified that New Zealand's counter-terrorism legislation is outdated in some areas, and there are gaps or ambiguities that present risk for the effective functioning of agencies charged with a role in the counter terrorism / violent extremism system.
31. For example, many offences relate to behaviour in the physical world and have not adapted to respond to the modern and online environment, and our settings do not include offences available in likeminded jurisdictions (such as criminalising membership of a terrorist organisation). New Zealand also does not have an independent reviewer that regularly considers the legislative settings as other jurisdictions do.
32. Police supports a review of counter-terrorism legislation that looks at legislation wider than the Terrorism Suppression Act 2002. Search tools, regulatory prevention and transparency systems, and criminal law currently do not work well together to prevent, disrupt, and hold to account companies/people/foreign actors causing harm. A policy work programme that addresses these issues could be phased.
33. Police supports the statutory review of control orders being included in the counter-terrorism review as a priority, as this provides a tool for Police to manage individuals who pose terrorism risk in the community.
34. Police continues to work alongside the Ministry of Justice to progress this work.

Next steps

35. If relevant, Police can provide you with further advice following the meeting, specifically on any decisions on Recommendation 12.

36. Officials have been invited to attend this meeting. Deputy Commissioner Jevon McSkimming from Police is available to attend with you.

First contact	Jeremy Wood, Executive Director: Policy and Partnerships	s9(2)(a)
Second contact	Tanya Roth, Director: Policy Group	s9(2)(a)

Appendix 2 – Copy of draft Cabinet paper (attached separately)

Appendix 3 – Further information on Police RCOI recommendations

Recommendation 19	Status
<i>Direct New Zealand Police (or other relevant entity) to make policies and operational standards and guidance for the firearms licensing system clear and consistent with legislation.</i>	<i>Near completion – no further work required</i>

Internally

The Firearms Safety Authority | Te Tari Pūreke (the FSA) centralises regulatory functions and creates clear leadership, training, support, and oversight on how regulatory functions are carried out.

The FSA has updated and simplified instructions and guidance for Police staff conducting firearms vetting interviews. The Arms Manual is now the single place for staff to access information on processes, instructions, and supporting material.

Police has established a Regulatory Improvement Service Team that looks at lessons learnt and continues to update our standards and policies.

A centralised Resolution Team is responsible for monitoring the current firearms licence population and, where required, taking appropriate and proportionate regulatory enforcement action.

Externally

The FSA website has been updated to ensure all aspects of licensing, safety and firearms registry are clear and simple to understand, especially following changes to the Arms Act and regulations.

The FSA has engaged with regulated parties regarding compliance obligations and requirements. The Firearms Safety Code has been updated, along with dealer guidance on ammunition storage and display. Updated secure storage and transportation guidance will be released around June 2024. The updated Firearms Safety Code has been incorporated into training courses.

The FSA has a dedicated website to provide comprehensive guidance for regulated parties. The FSA has published materials covering:

- the introduction of Clubs and Ranges regulation
- guidance on security and transportation of firearms and ammunition
- the introduction of the firearms registry on 24 June 2023.

Recommendation 20	Status
<i>Direct New Zealand Police (or other relevant entity) to introduce an electronic system for processing firearms licence applications.</i>	<i>Complete</i>

Police developed an electronic system for firearms licence applications in 2022, with the first release of online forms completed on 30 November 2022.

On 24 June 2023, the FSA launched the first release of the Firearms Registry, requiring all firearms licence holders to register their firearms on an online system (MyFirearms).

As at 10 April, 35,049 licence holders (15% of total licence holders) have registered their details on MyFirearms. We expect to have 20% of all licence holders registered by the end of this year.

Recommendation 21	Status
<i>Direct New Zealand Police (or other relevant entity) to ensure firearms licensing staff have regular training and undertake periodic reviews of the quality of their work.</i>	<i>Complete</i>

New training packages for firearms licensing staff are under development. These training packages will be aligned to the new regulator role requirements.

Dedicated training is embedded into the day-to-day operations of the FSA, and a learning pathway is under development to cater for longer-term needs of the FSA. The FSA has a dedicated operational policy team that continues to update and develop Police Instructions to support staff.

Recommendation 22	Status
<i>Direct New Zealand Police (or other relevant entity) to introduce performance indicators that focus on the effective implementation of the firearms licensing system. Key indicators should include:</i> <ul style="list-style-type: none"> <i>regular performance monitoring of firearms licensing staff to ensure national standards are met</i> <i>public confidence in the firearms licensing system is increased (as measured by New Zealand Police citizens' satisfaction survey reports or similar mechanism).</i> 	<i>In progress as BAU</i>

The FSA continues to develop a range of metrics and tools assist in monitoring the performance of firearms licensing staff.

Since August 2022, a designated team has been set up to lead the design, development and embedding of a comprehensive Firearms Regulatory System Model (the 'Model'), Monitoring and Evaluation Framework, and System Strategy, as well as enable the development of a System Intelligence and Sensemaking function.

The establishment of the new national reporting structure is in place and is focused on further performance improvements while maintaining quality and meeting legislative requirements.

A citizen satisfaction survey is scheduled for roll out by end of 2024.

Recommendation 23	Status
<i>Direct New Zealand Police (or other relevant entity) to require two new processes in the case of applicants who have lived outside of New Zealand for substantial periods of time in the ten years preceding the application.</i>	<i>Complete</i>

New processes are in place for firearms registration applicants who live outside of New Zealand.

Recommendation 24	Status
<i>Introduce mandatory reporting of firearms injuries to New Zealand Police by health professionals.</i>	<i>Transferred to Ministry of Justice</i>

Recommendation 24 is intended to provide another intervention point for Police to consider a firearms licence holder's fit and proper status. If a licence holder has injured themselves or another person with a firearm, whether intentional or accidental, it may be indicative that they may not/no longer be able to use a firearm safely.

Targeted consultation in May 2022 with health sector representative groups indicated a majority preference for a narrow definition of firearms injury (i.e., an identifiable gunshot wound). Key themes surrounded concerns on how a mandatory reporting obligation would affect:

- practitioner workload in an already overloaded environment
- patients' willingness to seek medical treatment for firearms injuries
- practitioner ability to uphold their obligation to maintain confidentiality of patient information
- patient safety (e.g. if victim of family violence) and practitioner safety (if reporting could clearly be linked to the practitioner, e.g. rural doctor in small town)
- confusion around the similar-but-different-threshold for reporting under section 92 of the Arms Act
- secure storage and use of information.

Responsibility for the response to this recommendation has now been transferred to the Ministry of Justice.

Recommendation 42	Status
<p><i>Direct New Zealand Police to revise the ways in which they record complaints of criminal conduct to capture systematically hate-motivations for offending and train frontline staff in:</i></p> <ul style="list-style-type: none"> <i>a) identifying bias indicators so that they can identify potential hate crimes when they perceive that an offence is hate-motivated</i> <i>b) exploring perceptions of victims and witnesses so that they are able to record where an offence is perceived to be hate-motivated</i> <i>c) c) recording such hate-motivations in a way that facilitates the later use of section 9(1)(h) of the Sentencing Act 2002.</i> 	<p><i>Ongoing – funding secured until June 2025</i></p>

Te Raranga | The Weave uses a victim-focused approach to hate crime and is continuing to develop resources to support victims, witnesses, and communities to recognise and report hate crime, align partner agencies to reduce the harm caused by hate crime, and train police staff to recognise, record, respond to and resolve hate crime if it occurs.

To date, hate motivated crime training has been introduced at the Royal New Zealand Police College for new recruits to Senior Leaders and Police recruits are assessed on how to respond to hate-motivated behaviour as part of initial training. Micro-learning resources and evaluation tools are available to all Police staff. Police staff have been appointed nation-wide to champion and support training.

Recording system enhancements are in continuous development to improve understanding of demand and increasingly granular reporting capabilities, such as:

- a Hate Crime Quality Assurance Team was established in July 2021 completing daily quality assurance checks for all hate related reports.
- a training pack has been developed to share resources to support uplift partner agencies to upskill their staff.
- external resources are available to support communities to recognise and report hate-motivated crime and offer or seek support. External educational videos that feature community stories are in development.

Appendix 4 – Copy of BR/24/21 (attached separately)