



## Second Quarterly Report: July – September 2019

### Purpose

1. The purpose of this report is to provide a high-level summary of activities of the Royal Commission of Inquiry into the Attack on Christchurch Mosques over its second quarter of activities July to September 2019. The Royal Commission is required to examine:
  - What relevant State sector agencies knew prior to 15 March 2019, about the activities of the individual charged with offences in relation to the 15 March 2019 attacks on the Al-Noor Mosque and the Linwood Islamic Centre in Christchurch;
  - What actions (if any) relevant State sector agencies took considering that knowledge;
  - Whether there were any additional measures that relevant State sector agencies could have taken to prevent the attack; and
  - What additional measures should be taken by relevant State sector agencies to prevent such attacks in the future.

### Royal Commission Workstreams

2. The Royal Commission's workstreams in this quarter can be summarised under four headings:
  - engagement with affected whānau, survivors and witnesses of the attack and communities;
  - engagement with State sector agencies, and subject experts based in New Zealand, Norway and the United Kingdom;
  - analysis of existing communities feedback from our engagement process, correspondence and submissions received so far; and
  - communications.

### Engagement with affected whānau, survivors and witnesses of the attack and communities

3. At the heart of our work are the 51 shuhada who lost their lives and their whānau, friends and fellow Muslims and New Zealanders that grieve them. Much has been asked of the affected whānau already. We have also been mindful of the need to respect Muslim events and practices including like the 'Iddah grieving period, Ramadhan, Eid al-Fitr, Dhul Hazzah, Eid al-Adha, Hajj pilgrimage and Muharram. In an update in August, Royal Commission Chair Sir William Young said, *"We will give the families and victims all the time and space they need and have invited them to meet with us on their terms and in a way that suits them"*.

4. The Royal Commission started to hold hui with affected whānau of the 51 shuhada of the attack, and the survivors and witnesses and their whānau during this quarter. These hui have been held at times that allow affected whānau to fulfil their religious obligations and practises.
5. The Royal Commission also had its first hui with the Islamic Women's Council of New Zealand and the Federation of Islamic Associations of New Zealand this quarter.
6. The Royal Commission's Muslim Community Reference Group was established this quarter and met twice. This diverse group reflects a wide range of Muslim community perspectives that acknowledges it is an advisory group to the Royal Commission and that it will assist, advise, and provide counsel to the Royal Commission. An independent facilitator was engaged with expertise in bi-cultural and multicultural facilitation, engagement and leadership.
7. The Reference Group has 37 members and several other individuals are considering membership. We accept that some current members may leave during the inquiry process. The Royal Commission determines that Reference Group members will be eligible to receive a koha, if they wish, in recognition of their advice and hui participation.
8. After the second meeting with the Reference Group, the Royal Commission Chair Sir William, said,

*"We have great respect for the members of the Reference Group and their clear commitment to achieving something of ongoing value for Muslim communities through this work."*

*"We acknowledge we have a long way to go and we are trying to build trust with the Reference Group, while we also get significant work underway together."*

*"We're asking a lot of each Reference Group member; their involvement requires a significant commitment of time, energy and responsibility and we don't underestimate that".*

9. During the quarter, the Muslim Community Reference Group and the Royal Commission co-designed its Terms of Reference. The Terms of Reference note that:
  - the relationship of the Reference Group, to the Royal Commission could be described as a consultative relationship; and
  - the Reference Group will actively critique and feedback from diverse perspectives in the group.

The Terms of Reference for the Reference Group have been published on the Royal Commission's website.

10. The Royal Commission's newly formed community engagement team supports the work of the Reference Group and advises on and supports the Royal Commission's wider community engagement process. The community engagement team has a range of skills, languages and experience that cover familiarity and understanding of: Muslim communities, refugees, race relations, social exclusion, dealing with trauma and grief and working with communities.
11. Development of a diverse communities' engagement strategy commenced this quarter, including a strategy to reach a number of communities' umbrella organisations. Initial contact was made with a number of civil society groups, including ethnic and religious community groups this quarter seeking their input into the Royal Commission's process. Underpinning this work is a set of principles that the Royal Commission has agreed will guide its communities' engagement:
- *We will ensure **careful planning and preparation***. This means:
    - Having a clear engagement purpose that meets both the needs of the Royal Commission and community members;
    - Tailoring the engagement to suit the audience (a 'one size fits all' approach is not appropriate for such diverse communities' environment); and
    - Being well-prepared for all meetings, with care taken to ensure good process design, and knowledge of participants attending.
  - *We will be **empathetic** in all our dealings with community members*. This means:
    - Acknowledging, having awareness of, and being sensitive to, the experiences of community members.
  - *We will be **respectful***. This means:
    - Acknowledging and respecting people's cultural differences, religious views and language abilities.
  - *We will demonstrate **active listening and openness***. This means:
    - Designing meetings that encourage community members to share their experience and knowledge; and
    - Being clear about the purpose of engagement, and the ways in which community members' feedback will help inform the Royal Commission's report.
    - Valuing what is being shared.
  - *We will meet people **on their terms***. This means:
    - Prioritising face to face communications;
    - Meeting people at times and at locations that suit them, in private and in confidence; and
    - Removing barriers to attend, to help ensure that meetings do not inadvertently prioritise, or conversely disadvantage, some attendees over others.

## Engagement with State sector agencies and subject experts in New Zealand, Norway and the United Kingdom

12. The Royal Commission met with:
  - Chief Executives of State sector agencies relevant to our Terms of Reference and employees, including the Human Rights Commission;
  - Former State sector agency employees or leaders with interests in the work of the Royal Commission; and
  - New Zealand-based experts on subjects relevant to the Royal Commission's work.
13. During this quarter the Royal Commission sought information relevant to our Terms of Reference, and received replies from, two hundred and six government agencies.
14. Commissioners travelled to Norway and the United Kingdom, countries with comparable experience with extremist activity and counter-terrorism issues. In both countries, the Commissioners met with agency heads and employees, former agency heads, non-government organisations and academics. Their experience provided valuable input to the work of the Royal Commission.

## Analysis of communities feedback, correspondence and submissions so far

15. The work of the Royal Commission has been of intense interest to New Zealanders. This interest is reflected in the wide range of community feedback and correspondence received, including through the formal submission process.
16. The interest in the submissions process has been very high, with almost 1,100 submissions received. The Royal Commission initially extended the opportunity to make submissions from 31 July 2019 to 23 August 2019, and then, because of increasing interest in our work, the final date for submissions was set at 27 September 2019.
17. Themes observed in initial communities feedback, correspondence and submissions received in the early stages were:
  - The importance of the work of the Royal Commission and the potential for positive change to come from this tragic event;
  - What are we willing to accept as free speech versus hate speech in our society;
  - A need for an increase in cultural understanding, inclusiveness and compassion;
  - A need for greater focus on building social cohesion;
  - The capabilities and capacity of State sector agencies to respond to public safety concerns; and
  - Impact of international events on how Muslim individuals and communities are treated by the State agencies.

18. In later submissions received by the Royal Commission the following themes also emerged:
- Concerns about the New Zealand Police firearms vetting process of the accused;
  - Gun reforms affect law abiding citizens but not illegal gun owners;
  - The role of social media as a platform for like-minded extremists to collaborate and the need to monitor these platforms more;
  - The role of mainstream media in creating division, feeding fear, building prejudice and spreading misinformation;
  - Need to prevent extremism and radicalisation with early intervention;
  - Lack of response to complaints of racial attacks or discrimination by agencies, including Police, councils, hospitals; and
  - Alternative theories that question the mainstream understanding of the attacks.

## Communications

19. In August 2019, Commissioner Jacqui Caine spoke to the annual conference of the Islamic Women's Council of New Zealand. Commissioner Caine stressed the Royal Commission's independence, their interest in engaging with Muslim communities on their own terms and the Royal Commission's ability to ensure any submitters or those who wanted to communicate with the Royal Commission could do so in a way which respected their privacy.
20. In the 6<sup>th</sup> monthly update, Royal Commission Chair Sir William Young, took the opportunity to remind those interested in the task the Royal Commission had been given that, *"at the heart of our work are the 51 people who lost their lives and the relatives, friends and fellow Muslims who grieve them. Much has been asked of them already. We are also deeply mindful of the need to respect Muslim events and practices like the iddah grieving period, Ramadan and the hajj. We will give the families and victims all the time and space they need and have invited them to meet with us on their terms and in a way that suits them"*.
21. The Royal Commission published five public updates in this quarter, responded to a number of media enquiries from New Zealand and overseas outlets, published material in multiple languages and responded to correspondence received.

## Other matters – extension of time and addition and clarification to Royal Commission minutes

22. The Royal Commission is carrying out a process that is iterative, with initial meetings, then further meetings, with discussions that focus both forward and backward. These meetings can all establish lines of inquiry that require follow up with other parties. Some meetings are held under oath. This process is time consuming but vital if the Royal Commission is to be thorough in its work.

23. Due to a number of factors including the nature of the inquiry process, that the Royal Commission was awaiting some information from relevant State sector agencies, being conscious of the Government's desire for an authoritative report to be produced that takes a "no stone unturned" approach, the strong public interest in our submission process, and the time needed to allow for a fair and robust natural justice process to be undertaken, the Royal Commission sought an extension from the Minister of Internal Affairs to the reporting deadline from 10 December 2019 to 30 April 2020. The request noted that an extension would also require additional funding to enable this to occur and allow for wind down activities.
24. The Royal Commission also issued a clarification to Minute 2 and an addition to Minute 3. The clarification to Minute 2 relates to how information from agencies is handled as it relates to the Royal Commission and to requests made under the Official Information Act 1982.
25. The addition to Minute 3 adds the Ministry of Business, Innovation and Employment to the list of agencies that are covered if they provide partner-originated confidential information to the Royal Commission.

## Financial Summary

26. As the Royal Commission has developed its plans and preferred procedure, expenditure has begun to vary from the original budget track, with a pattern of underspending so far. Work was completed on developing the Royal Commission's approach to providing participants in its inquiry with legal and financial assistance. The Royal Commission set aside this quarter \$0.500m for the provision of legal and financial assistance applications made under the Inquiries Act 2013. One application for legal assistance and two applications for financial assistance were approved in August.
27. All secretariat staff were engaged with full time equivalent numbers increasing to 27.4 by the end of July, to 28.4 by the end of August and 30.6 FTEs by the end of the quarter.
28. The monthly pattern of spending on Commissioner fees is due to outstanding invoices not yet processed. We anticipate these will be paid in the next quarter.
29. Unspent FY19 Capex has been carried forward to FY20.

Table: 1: Financial precis of life to date Royal Commission expenditure (July to September 2019)

| Output                         | LTD <sup>1</sup> Actual | LTD Budget | LTD Variance | Total Approved Budget |
|--------------------------------|-------------------------|------------|--------------|-----------------------|
| Operating Expenses             | 2.776                   | 3.031      | 0.256        | 6.299                 |
| Legal and Financial Assistance | 0.029                   | 0.039      | 0.009        | 0.500                 |
| Commissioner fees              | 0.341                   | 0.565      | 0.224        | 0.852                 |
| Capital expenditure            | 0.200                   | 0.600      | 0.400        | 0.600                 |

### Next Quarter – expected activity

30. The Royal Commission expects the following activities will begin in the next quarter:
- Further hui with the Muslim Community Reference Group.
  - Analysis of submissions and information and evidence gathered from affected whānau, community meetings and State sector agencies.
  - Taking of evidence under oath from participants, including current and former employees of State sector agencies.

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<sup>1</sup> LTD = Life to date