



Internal Affairs briefing

Hon Tracey Martin
Minister of Internal Affairs

Title: Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019: Extension of report-back date in response to COVID-19

Date: 7 April 2020

Key issues

The Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019 (the Royal Commission) is due to report back to the Governor-General on 30 April 2020. The Royal Commission has advised that it will be unable to meet this reporting date. The current Level 4 COVID-19 response has also created additional uncertainty regarding when the Royal Commission will be able to provide its report.

The attached draft Cabinet paper seeks an amendment to the Royal Commission's terms of reference to amend the reporting date from 30 April 2020 until 31 July 2020, or such earlier or later date as may be determined by the Minister of Internal Affairs, in consultation with the Attorney-General and the Chair of the Royal Commission. This would provide additional time for the Royal Commission to complete its report and provide you with the flexibility to change the reporting date if required should the COVID-19 pandemic response continue to adversely affect the Royal Commission's ability to report.

Action sought

Agree to lodge the attached Cabinet paper on 8 April 2020 for Cabinet Business Committee on 15 April 2020;

Note the changes that have been made to the Cabinet paper following consultation with your Ministerial colleagues and with Central Agencies;

Note the attached talking points to support your discussions with your colleagues at Cabinet Business Committee on 15 April 2020.

Timeframe

By 8 April 2020

By 15 April 2020

Contact for telephone discussions (if required)

Name	Position	Direct phone line	After hours phone	Suggested 1 st contact
Craig Armitage	Acting Director, Inquiries Directorate	s9(2)(a)		✓
Dora Livas	Inquiries System and Establishment Manager	s9(2)(a)		

Return to	Cheryl Chaplin, Level 9, 45 Pipitea St
Cohesion reference	ADXRF2XRTYKY-1112758796-487
Ministerial database reference	IA202000375

s9(2)(a) Official Information Act 1982 - protect the privacy of natural persons

Purpose

1. This paper seeks your agreement to lodge the attached Cabinet paper for the Cabinet Business Committee on 15 April 2020 (**Appendix A**). The Cabinet paper proposes that the terms of reference for the Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019 (the Royal Commission) are amended.
2. The proposed amendment will change the reporting date from 30 April 2020 to 31 July 2020, with the flexibility for an earlier or later date as may be determined by the Minister of Internal Affairs (the Minister), in consultation with the Attorney-General, to be feasible and appropriate after consultation with the Chair of the Royal Commission.
3. This briefing also provides talking points for your discussions with your colleagues at Cabinet Business Committee on 15 April 2020 (**Appendix B**).

Background

4. On 10 November 2019, Cabinet agreed to an extension of time and budget for the Royal Commission. The reporting date was extended from 10 December 2019 to 30 April 2020. The Royal Commission budget was increased by \$3.000 million from \$8.251 million to \$11.251 million. The Royal Commission has advised you that it will be unable to meet this 30 April 2020 reporting date.
5. On 30 March 2020, we provided you with a briefing and draft Cabinet paper to amend the reporting date for the Royal Commission for consultation with your Ministerial colleagues. The Department also consulted on the draft Cabinet paper with Central Agencies on your behalf in parallel with your Ministerial consultation.
6. On 31 March 2020, the Chair of the Royal Commission wrote to you formally seeking an extension to their reporting date (attached as **Appendix C**). It requested an extension until either (a) 12 weeks after the COVID-19 Alert Level drops to Level 2 across Auckland, Wellington and Canterbury regions or (b) 31 July 2020 with some flexibility to change. The Royal Commission considered both the Level 4 COVID-19 response and the natural justice requirements when seeking an extension to 31 July 2020. This letter also provided additional information about the Royal Commission's progress to date.

Cabinet paper changes post consultation

7. The attached Cabinet paper (attached as **Appendix A**) has been amended to reflect the additional information about progress provided by the Royal Commission in its letter of 31 March 2020.

8. s9(2)(g)(i) Official Information Act 1982

9. The Department of Prime Minister and Cabinet (DPMC), the Treasury and Crown Law have all provided feedback on the Cabinet paper. DPMC provided feedback to strengthen the rationale for the extension, which has been incorporated into this version of the paper. The financial implications section and the financial recommendations have been updated to reflect the feedback from the Treasury. The paper also has minor wording changes reflecting feedback from Crown Law.

s9(2)(g)(i)
Official
Information
Act - free and
frank
expression of
opinions

10. The recommendations in the Cabinet paper have also been amended to reflect advice from the Parliamentary Council Office regarding the submission of the Amendment Order in Council.

Talking points

11. Talking points are attached in **Appendix B** for your discussions with your colleagues at Cabinet Business Committee on 15 April 2020.


Next Steps and Cabinet Process

12. The Royal Commission was due to report to the Governor-General on 30 April 2020, therefore the Cabinet paper and subsequent Order in Council amending the terms of reference will need to be actioned prior to that date.
13. We will provide you with a further briefing on 15 April 2020 with talking points for the Cabinet and Executive Council meeting on 20 April 2020. This briefing will include a draft letter to the Royal Commission responding to its letter of 31 March 2020 and notifying it of the change in reporting date. s9(2)(h) Official Information Act 1982
14. Once the Cabinet process is complete, we will provide you with updated appointment letters for the Chair and Member notifying them of any changes in the term of their appointment.

Recommendations

15. We recommend that you:

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| a) note the changes to the Cabinet paper following Ministerial consultation and consultation with Central Agencies; and | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| b) agree to lodge the final Cabinet paper on 9 April 2020, to go to Cabinet Business Committee on 15 April 2020 and Cabinet on 20 April 2020; and | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| c) note the attached draft talking points for your discussions with your colleagues at Cabinet Business Committee on 15 April 2020 | <input checked="" type="radio"/> Yes <input type="radio"/> No |


Craig Armitage
Acting Director, Inquiries Directorate


Hon Tracey Martin
Minister of Internal Affairs

07 / 04 / 2020

**Appendix A: Draft Cabinet Paper: Royal Commission of Inquiry into the Attack on
Christchurch Mosques on 15 March 2019: Extension of report-back date**

Proactively Released

Appendix B: Draft talking points for Cabinet Business Committee on 15 April 2020

- I propose that the reporting date for the Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019 (the Royal Commission) is extended.
- I propose it is extended from 30 April 2020 to 31 July 2020, with the flexibility for an earlier or later date as may be determined by the Minister of Internal Affairs (the Minister), in consultation with the Attorney-General, to be feasible and appropriate after consultation with the Chair of the Royal Commission.
- This is in response to a request for an extension from the Royal Commission to an extension of either: 12 weeks after the COVID-19 Alert Level drops to Level 2 across Auckland, Wellington and Canterbury regions; or 31 July 2020 with some flexibility.
- The Royal Commission advises that it has made significant progress since the last extension was granted by Cabinet in November 2019. It has completed its investigations and natural justice processes and the circulation components of the draft report to agencies and individuals is well advanced.
- It still has material to be distributed but is unable to do this at this time as the material carries a national security classification and it cannot access the sensitive compartmented information facility (SCIF) due to the Level 4 COVID-19 Lockdown.
- Prior to the Level 4 COVID-19 Lockdown, the Royal Commission had indicated it was likely to need another six weeks to finish the report, with a further two – three weeks to finalise and physically prepare the report for the Governor-General. This would have meant a reporting date of 30 June 2020.
- However, the current four-week Level 4 COVID-19 response has caused, and is continuing to cause, delays for the Royal Commission meaning a 30 June 2020 report date would not now be realistic.
- This is due to responding agencies needing to divert resources onto the COVID-19 response, and the inability of the Royal Commission to access its secure containment information facilities during the lockdown period.
- The Royal Commission is therefore unable to complete the parts of its report that relate to material classified above Restricted and held in the SCIF. It therefore asks for a further six weeks in addition to the six additional weeks it would have needed to complete the report.
- Once the Royal Commission has access to the SCIFs again, it will distribute individualised extracts of that material to twenty-one relevant State sector agencies and forty individuals (including current and former State sector employees) to respond to. The Royal Commission will then consider and incorporate these responses into its final report.
- To ensure that the Royal Commission's work is completed, in light of the current uncertainties, I propose that the reporting date is extended to 31 July 2020, with the flexibility to be brought forward or reported later, in consultation with the Attorney-General and the Chair of the Royal Commission.